
HOUSE BILL 1686

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Seaquist, Haler, Roberts, Zeiger, Reykdal, Springer, Pettigrew, Pollet, Dahlquist, McCoy, Maxwell, Fagan, Morrell, and Ryu; by request of State Board for Community and Technical Colleges

Read first time 02/05/13. Referred to Committee on Higher Education.

1 AN ACT Relating to high school equivalency certificates; amending
2 RCW 18.55.040, 28A.150.305, 28A.175.105, 28A.205.040, 28A.305.190,
3 28B.50.536, 28B.116.010, 28B.117.005, 28B.119.010, 28B.145.010,
4 28B.145.060, 28C.10.050, 35.21.333, 36.110.140, 41.04.015, 43.215.510,
5 70.128.120, 72.09.410, 72.09.460, 72.09.670, 74.04.535, 74.08A.250,
6 74.08A.380, 74.12.035, 74.13.540, and 74.15.230; amending 2011 c 330 s
7 1 (uncodified); amending 2010 c 20 s 1 (uncodified); and reenacting and
8 amending RCW 28A.205.030, 28C.18.010, and 72.09.015.

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

10 **Sec. 1.** 2011 c 330 s 1 (uncodified) is amended to read as follows:
11 The Washington state legislature has consistently provided national
12 leadership on safe housing and support to foster youth transitioning
13 out of foster care. Since 2006, the legislature has addressed the
14 needs of foster youth aging out of care with medicaid to twenty-one
15 (2007), foster care to twenty-one (2006), the independent youth housing
16 program (2007), and Washington's alignment with the federal fostering
17 connections act (2009). As a result of this national leadership to
18 provide safe and basic housing to youth aging out of foster care, the

1 programs have demonstrated the significant cost-benefit to providing
2 safe housing to our youth exiting foster care.

3 The United States congress passed the fostering connections to
4 success and increasing adoptions act of 2008 in order to give states
5 another financial tool to continue to provide foster care services to
6 dependent youth who turn eighteen years old while in foster care.
7 However, substantially declining revenues have resulted in markedly
8 decreased funds for states to use to meet the federal requirements
9 necessary to help these youth. Current fiscal realities require that
10 the scope of programs must be narrowed.

11 The Washington state legislature intends to serve, within the
12 resources available, the maximum number of foster youth who are legally
13 dependent on the state and who reach the age of eighteen while still in
14 foster care. The legislature intends to provide these youth continued
15 foster care services to support basic and healthy transition into
16 adulthood. The legislature recognizes the extremely poor outcomes of
17 unsupported foster youth aging out of the foster care system and is
18 committed to ensuring that those foster youth who engage in positive,
19 age-appropriate activities receive support. It is the intent of the
20 legislature to fully engage in the fostering connections act by
21 providing support, including extended court supervision to foster youth
22 pursuing a high school diploma or ((~~GED~~)) high school equivalency
23 certificate as provided in RCW 28B.50.536 to age twenty-one with the
24 goal of increasing support to all children up to age twenty-one who are
25 eligible under the federal fostering connections to success act as
26 resources become available.

27 **Sec. 2.** RCW 18.55.040 and 1996 c 191 s 32 are each amended to read
28 as follows:

29 No applicant shall be licensed under this chapter until the
30 applicant complies with administrative procedures, administrative
31 requirements, and fees determined by the secretary according to RCW
32 43.70.250 and 43.70.280. Qualifications must require that the
33 applicant:

- 34 (1) Is eighteen years or more of age;
- 35 (2) Has graduated from high school or has received a ((~~general~~
36 ~~equivalency degree~~)) high school equivalency certificate as provided in
37 RCW 28B.50.536;

- 1 (3) Is of good moral character; and
2 (4)(a) Had at least ten thousand hours of apprenticeship training
3 under the direct supervision of a licensed ocularist; or
4 (b) Successfully completed a prescribed course in ocularist
5 training programs approved by the secretary; or
6 (c) Has had at least ten thousand hours of apprenticeship training
7 under the direct supervision of a practicing ocularist, or has the
8 equivalent experience as a practicing ocularist, or any combination of
9 training and supervision, not in the state of Washington; and
10 (5) Successfully passes an examination conducted or approved by the
11 secretary.

12 **Sec. 3.** RCW 28A.150.305 and 2002 c 291 s 1 are each amended to
13 read as follows:

14 (1) The board of directors of school districts may contract with
15 alternative educational service providers for eligible students.
16 Alternative educational service providers that the school district may
17 contract with include, but are not limited to:

- 18 (a) Other schools;
19 (b) Alternative education programs not operated by the school
20 district;
21 (c) Education centers;
22 (d) Skills centers;
23 (e) The Washington national guard youth challenge program;
24 (f) Dropout prevention programs; or
25 (g) Other public or private organizations, excluding sectarian or
26 religious organizations.

27 (2) Eligible students include students who are likely to be
28 expelled or who are enrolled in the school district but have been
29 suspended, are academically at risk, or who have been subject to
30 repeated disciplinary actions due to behavioral problems.

31 (3) If a school district board of directors chooses to initiate
32 specialized programs for students at risk of expulsion or who are
33 failing academically by contracting out with alternative educational
34 service providers identified in subsection (1) of this section, the
35 school district board of directors and the organization must specify
36 the specific learning standards that students are expected to achieve.

1 Placement of the student shall be jointly determined by the school
2 district, the student's parent or legal guardian, and the alternative
3 educational service provider.

4 (4) For the purpose of this section, the superintendent of public
5 instruction shall adopt rules for reporting and documenting enrollment.
6 Students may reenter at the grade level appropriate to the student's
7 ability. Students who are sixteen years of age or older may take ((the
8 GED)) a test to earn a high school equivalency certificate as provided
9 in RCW 28B.50.536 in accordance with rules adopted under RCW
10 28A.305.190.

11 (5) The board of directors of school districts may require that
12 students who would otherwise be suspended or expelled attend schools or
13 programs listed in subsection (1) of this section as a condition of
14 continued enrollment in the school district.

15 **Sec. 4.** 2010 c 20 s 1 (uncodified) is amended to read as follows:

16 (1) In every school district there are older youth who have become
17 disengaged with the traditional education program of public high
18 schools. They may have failed multiple classes and are far behind in
19 accumulating credits to graduate. They do not see a high school
20 diploma as an achievable goal. They may have dropped out of school
21 entirely. They are not likely to become reengaged in their education
22 by the prospect of reenrollment in a traditional or even an alternative
23 high school.

24 (2) For many years, school districts, community and technical
25 colleges, and community-based organizations have created partnerships
26 to provide appropriate educational programs for these students.
27 Programs such as career education options and career link have
28 successfully offered individualized academic instruction, case
29 management support, and career-oriented skills in an age-appropriate
30 learning environment to hundreds of disengaged older youth.
31 Preparation for ((the GED)) a test to earn a high school equivalency
32 certificate as provided in RCW 28B.50.536 in accordance with rules
33 adopted under RCW 28A.305.190 is provided but is not the end goal for
34 students.

35 (3) However, in recent years, many of these partnerships have
36 ceased to operate. The laws and rules authorizing school districts to
37 contract using basic education allocations do not provide sufficient

1 guidance and instead present barriers. Program providers are forced to
2 adapt to rules that were not written to address the needs of the
3 students being served. Questions and concerns about liability,
4 responsibility, and administrative burden have caused districts
5 reluctantly to abandon their partnerships, and consequently leave
6 hundreds of students without a viable alternative for continuing their
7 public education.

8 (4) Therefore the legislature intends to provide a statutory
9 framework to support a statewide dropout reengagement system for older
10 youth. The framework clarifies and standardizes funding, programs, and
11 administration by directing the office of the superintendent of public
12 instruction to develop model contracts and interlocal agreements. It
13 is the legislature's intent to encourage school districts, community
14 and technical colleges, and community-based organizations to
15 participate in this system and provide appropriate instruction and
16 services to reengage older students and help them make progress toward
17 a meaningful credential and career skills.

18 **Sec. 5.** RCW 28A.175.105 and 2010 c 20 s 3 are each amended to read
19 as follows:

20 The definitions in this section apply throughout RCW 28A.175.100
21 through 28A.175.110 unless the context clearly requires otherwise:

22 (1) "Dropout reengagement program" means an educational program
23 that offers at least the following instruction and services:

24 (a) Academic instruction, including but not limited to ((GED))
25 preparation to earn a high school equivalency certificate as provided
26 in RCW 28B.50.536 in accordance with rules adopted under RCW
27 28A.305.190, academic skills instruction, and college and work
28 readiness preparation, that generates credits that can be applied to a
29 high school diploma from the student's school district or from a
30 community or technical college under RCW 28B.50.535 and has the goal of
31 enabling the student to obtain the academic and work readiness skills
32 necessary for employment or postsecondary study. A dropout
33 reengagement program is not required to offer instruction in only those
34 subject areas where a student is deficient in accumulated credits.
35 Academic instruction must be provided by teachers certified by the
36 Washington professional educator standards board or by instructors

1 employed by a community or technical college whose required credentials
2 are established by the college;

3 (b) Case management, academic and career counseling, and assistance
4 with accessing services and resources that support at-risk youth and
5 reduce barriers to educational success; and

6 (c) If the program provider is a community or technical college,
7 the opportunity for qualified students to enroll in college courses
8 that lead to a postsecondary degree or certificate. The college may
9 not charge an eligible student tuition for such enrollment.

10 (2) "Eligible student" means a student who:

11 (a) Is at least sixteen but less than twenty-one years of age at
12 the beginning of the school year;

13 (b) Is not accumulating sufficient credits toward a high school
14 diploma to reasonably complete a high school diploma from a public
15 school before the age of twenty-one or is recommended for the program
16 by case managers from the department of social and health services or
17 the juvenile justice system; and

18 (c) Is enrolled or enrolls in the school district in which the
19 student resides, or is enrolled or enrolls in a nonresident school
20 district under RCW 28A.225.220 through 28A.225.230.

21 (3) "Full-time equivalent eligible student" means an eligible
22 student whose enrollment and attendance meet criteria adopted by the
23 office of the superintendent of public instruction specifically for
24 dropout reengagement programs. The criteria shall be:

25 (a) Based on the community or technical college credits generated
26 by the student if the program provider is a community or technical
27 college; and

28 (b) Based on a minimum amount of planned programming or instruction
29 and minimum attendance by the student rather than hours of seat time if
30 the program provider is a community-based organization.

31 **Sec. 6.** RCW 28A.205.030 and 1993 c 218 s 2 and 1993 c 211 s 3 are
32 each reenacted and amended to read as follows:

33 The superintendent of public instruction shall adopt, by rules,
34 policies and procedures to permit a prior common school dropout to
35 reenter at the grade level appropriate to such individual's ability:
36 PROVIDED, That such individual shall be placed with the class he or she
37 would be in had he or she not dropped out and graduate with that class,

1 if the student's ability so permits notwithstanding any loss of credits
2 prior to reentry and if such student earns credits at the normal rate
3 subsequent to reentry.

4 Notwithstanding any other provision of law, any certified education
5 center student sixteen years of age or older, upon completion of an
6 individual student program, (~~shall be~~) is eligible to take (the
7 ~~general educational development)~~ a test to earn a high school
8 equivalency certificate as provided in RCW 28B.50.536 in accordance
9 with rules adopted under RCW 28A.305.190 as given throughout the state.

10 **Sec. 7.** RCW 28A.205.040 and 2006 c 263 s 412 are each amended to
11 read as follows:

12 (1)(a) From funds appropriated for that purpose, the superintendent
13 of public instruction shall pay fees to a certified center on a monthly
14 basis for each student enrolled in compliance with RCW 28A.205.020.
15 The superintendent shall set fees by rule.

16 (b) Revisions in such fees proposed by an education center shall
17 become effective after thirty days notice unless the superintendent
18 finds such a revision is unreasonable in which case the revision shall
19 not take effect. The administration of any (~~general education~~
20 ~~development~~) test to earn a high school equivalency certificate as
21 provided in RCW 28B.50.536 in accordance with rules adopted under RCW
22 28A.305.190 shall not be a part of such initial diagnostic procedure.

23 (c) Reimbursements shall not be made for students who are absent.

24 (d) No center shall make any charge to any student, or the
25 student's parent, guardian or custodian, for whom a fee is being
26 received under the provisions of this section.

27 (2) Payments shall be made from available funds first to those
28 centers that have in the judgment of the superintendent demonstrated
29 superior performance based upon consideration of students' educational
30 gains taking into account such students' backgrounds, and upon
31 consideration of cost effectiveness. In considering the cost
32 effectiveness of nonprofit centers the superintendent shall take into
33 account not only payments made under this section but also factors such
34 as tax exemptions, direct and indirect subsidies or any other cost to
35 taxpayers at any level of government which result from such nonprofit
36 status.

1 (3) To be eligible for such payment, every such center, without
2 prior notice, shall permit a review of its accounting records by
3 personnel of the state auditor during normal business hours.

4 (4) If total funds for this purpose approach depletion, the
5 superintendent shall notify the centers of the date after which further
6 funds for reimbursement of the centers' services will be exhausted.

7 **Sec. 8.** RCW 28A.305.190 and 2010 c 20 s 6 are each amended to read
8 as follows:

9 The state board of education shall adopt rules governing the
10 eligibility of a child sixteen years of age and under nineteen years of
11 age to take ~~((the GED))~~ a test to earn a high school equivalency
12 certificate as provided in RCW 28B.50.536 if the child provides a
13 substantial and warranted reason for leaving the regular high school
14 education program, if the child was home-schooled, or if the child is
15 an eligible student enrolled in a dropout reengagement program under
16 RCW 28A.175.100 through 28A.175.110.

17 **Sec. 9.** RCW 28B.50.536 and 1993 c 218 s 3 are each amended to read
18 as follows:

19 (1) Subject to rules adopted by the state board of education under
20 RCW 28A.305.190, the state board for community and technical colleges
21 shall adopt rules governing the eligibility of persons sixteen years of
22 age and older to take ~~((the general educational development))~~ a test to
23 earn a high school equivalency certificate, rules governing the
24 administration of the test, and rules governing the issuance of a high
25 school equivalency certificate ~~((of educational competence))~~ to persons
26 who successfully complete the test.

27 (2) A high school equivalency certificate is a certificate issued
28 jointly by the college board and the office of the superintendent of
29 public instruction that indicates that the holder has attained standard
30 scores at or above the minimum proficiency level prescribed by the
31 college board on a high school equivalency test.

32 (3) High school equivalency certificates ~~((of educational~~
33 competence)) issued under this section shall be issued in such form and
34 substance as agreed upon by the state board for community and technical
35 colleges and superintendent of public instruction.

1 **Sec. 10.** RCW 28B.116.010 and 2012 c 229 s 568 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Cost of attendance" means the cost associated with the
6 attendance of the institution of higher education as determined by the
7 office of student financial assistance, including but not limited to
8 tuition, room, board, and books.

9 (2) "Eligible student" means a student who:

10 (a) Is between the ages of sixteen and twenty-three;

11 (b) Has been in foster care in the state of Washington for a
12 minimum of six months since his or her fourteenth birthday;

13 (c) Is a financially needy student, as defined in RCW 28B.92.030;

14 (d) Is a resident student, as defined in RCW 28B.15.012(2);

15 (e) Has entered or will enter an institution of higher education in
16 Washington state within three years of high school graduation or having
17 successfully completed his or her ((GED)) high school equivalency
18 certificate as provided in RCW 28B.50.536;

19 (f) Is not pursuing a degree in theology; and

20 (g) Makes satisfactory progress towards the completion of a degree
21 or certificate program.

22 (3) "Institution of higher education" means a college or university
23 in the state of Washington that is accredited by an accrediting
24 association recognized as such by rule of the student achievement
25 council.

26 (4) "Office" means the office of student financial assistance.

27 **Sec. 11.** RCW 28B.117.005 and 2007 c 314 s 1 are each amended to
28 read as follows:

29 (1)(a) The legislature finds that in Washington, there are more
30 than seven thousand three hundred children in foster family or group
31 care. These children face unique obstacles and burdens as they
32 transition to adulthood, including lacking continuity in their
33 elementary and high school educations. As compared to the general
34 population of students, twice as many foster care youth change schools
35 at least once during their elementary and secondary school careers, and
36 three times as many change schools at least three times. Only thirty-
37 four percent of foster care youth graduate from high school within four

1 years, compared to seventy percent for the general population. Of the
2 former foster care youth who earn a high school diploma, more than
3 twenty-eight percent earn a ((GED)) high school equivalency certificate
4 as provided in RCW 28B.50.536 instead of a traditional high school
5 diploma. This is almost six times the rate of the general population.
6 Research indicates that ((GED)) holders of high school equivalency
7 certificates tend not to be as economically successful as the holders
8 of traditional high school diplomas. Only twenty percent of former
9 foster care youth who earn a high school degree enroll in college,
10 compared to over sixty percent of the population generally. Of the
11 former foster care youth who do enroll in college, very few go on to
12 earn a degree. Less than two percent of former foster care youth hold
13 bachelor's degrees, compared to twenty-eight percent of Washington's
14 population generally.

15 (b) Former foster care youth face two critical hurdles to enrolling
16 in college. The first is a lack of information regarding preparation
17 for higher education and their options for enrolling in higher
18 education. The second is finding the financial resources to fund their
19 education. As a result of the unique hurdles and challenges that face
20 former foster care youth, a disproportionate number of them are part of
21 society's large group of marginalized youth and are at increased risk
22 of continuing the cycle of poverty and violence that frequently plagues
23 their families.

24 (c) Former foster care youth suffer from mental health problems at
25 a rate greater than that of the general population. For example, one
26 in four former foster care youth report having suffered from
27 posttraumatic stress disorder within the previous twelve months,
28 compared to only four percent of the general population. Similarly,
29 the incidence of major depression among former foster care youth is
30 twice that of the general population, twenty percent versus ten
31 percent.

32 (d) There are other barriers for former foster care youth to
33 achieving successful adulthood. One-third of former foster care youth
34 live in households that are at or below the poverty level. This is
35 three times the rate for the general population. The percentage of
36 former foster care youth who report being homeless within one year of
37 leaving foster care varies from over ten percent to almost twenty-five
38 percent. By comparison, only one percent of the general population

1 reports having been homeless at sometime during the past year. One in
2 three former foster care youth lack health insurance, compared to less
3 than one in five people in the general population. One in six former
4 foster care youth receive cash public assistance. This is five times
5 the rate of the general population.

6 (e) Approximately twenty-five percent of former foster care youth
7 are incarcerated at sometime after leaving foster care. This is four
8 times the rate of incarceration for the general population. Of the
9 former foster care youth who "age out" of foster care, twenty-seven
10 percent of the males and ten percent of the females are incarcerated
11 within twelve to eighteen months of leaving foster care.

12 (f) Female former foster care youth become sexually active more
13 than seven months earlier than their nonfoster care counterparts, have
14 more sexual partners, and have a mean age of first pregnancy of almost
15 two years earlier than their peers who were not in foster care.

16 (2) The legislature intends to create the passport to college
17 promise pilot program. The pilot program will initially operate for a
18 six-year period, and will have two primary components, as follows:

19 (a) Significantly increasing outreach to foster care youth between
20 the ages of fourteen and eighteen regarding the higher education
21 opportunities available to them, how to apply to college, and how to
22 apply for and obtain financial aid; and

23 (b) Providing financial aid to former foster care youth to assist
24 with the costs of their public undergraduate college education.

25 **Sec. 12.** RCW 28B.119.010 and 2011 1st sp.s. c 11 s 231 are each
26 amended to read as follows:

27 The office of student financial assistance shall design the
28 Washington promise scholarship program based on the following
29 parameters:

30 (1) Scholarships shall be awarded to students graduating from
31 public and approved private high schools under chapter 28A.195 RCW,
32 students participating in home-based instruction as provided in chapter
33 28A.200 RCW, and persons twenty-one years of age or younger receiving
34 a ((~~GED certificate~~)) high school equivalency certificate as provided
35 in RCW 28B.50.536, who meet both an academic and a financial
36 eligibility criteria.

37 (a) Academic eligibility criteria shall be defined as follows:

1 (i) Beginning with the graduating class of 2002, students
2 graduating from public and approved private high schools under chapter
3 28A.195 RCW must be in the top fifteen percent of their graduating
4 class, as identified by each respective high school at the completion
5 of the first term of the student's senior year; or

6 (ii) Students graduating from public high schools, approved private
7 high schools under chapter 28A.195 RCW, students participating in home-
8 based instruction as provided in chapter 28A.200 RCW, and persons
9 twenty-one years of age or younger receiving a (~~GED certificate~~) high
10 school equivalency certificate as provided in RCW 28B.50.536, must
11 equal or exceed a cumulative scholastic assessment test I score of
12 twelve hundred on their first attempt or must equal or exceed a
13 composite American college test score of twenty-seven on their first
14 attempt.

15 (b) To meet the financial eligibility criteria, a student's family
16 income shall not exceed one hundred thirty-five percent of the state
17 median family income adjusted for family size, as determined by the
18 office of student financial assistance for each graduating class.
19 Students not meeting the eligibility requirements for the first year of
20 scholarship benefits may reapply for the second year of benefits, but
21 must still meet the income standard set by the office for the student's
22 graduating class.

23 (2) Promise scholarships are not intended to supplant any grant,
24 scholarship, or tax program related to postsecondary education. If the
25 office of student financial assistance finds that promise scholarships
26 supplant or reduce any grant, scholarship, or tax program for
27 categories of students, then the office shall adjust the financial
28 eligibility criteria or the amount of scholarship to the level
29 necessary to avoid supplanting.

30 (3) Within available funds, each qualifying student shall receive
31 two consecutive annual awards, the value of each not to exceed the
32 full-time annual resident tuition rates charged by Washington's
33 community colleges. The office of student financial assistance shall
34 award scholarships to as many students as possible from among those
35 qualifying under this section.

36 (4) By October 15th of each year, the office of student financial
37 assistance shall determine the award amount of the scholarships, after
38 taking into consideration the availability of funds.

1 (5) The scholarships may only be used for undergraduate coursework
2 at accredited institutions of higher education in the state of
3 Washington.

4 (6) The scholarships may be used for undergraduate coursework at
5 Oregon institutions of higher education that are part of the border
6 county higher education opportunity project in RCW 28B.76.685 when
7 those institutions offer programs not available at accredited
8 institutions of higher education in Washington state.

9 (7) The scholarships may be used for college-related expenses,
10 including but not limited to, tuition, room and board, books, and
11 materials.

12 (8) The scholarships may not be awarded to any student who is
13 pursuing a degree in theology.

14 (9) The office of student financial assistance may establish
15 satisfactory progress standards for the continued receipt of the
16 promise scholarship.

17 (10) The office of student financial assistance shall establish the
18 time frame within which the student must use the scholarship.

19 **Sec. 13.** RCW 28B.145.010 and 2011 1st sp.s. c 13 s 2 are each
20 amended to read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Board" means the higher education coordinating board or its
24 successor.

25 (2) "Eligible education programs" means high employer demand and
26 other programs of study as determined by the opportunity scholarship
27 board.

28 (3) "Eligible expenses" means reasonable expenses associated with
29 the costs of acquiring an education such as tuition, books, equipment,
30 fees, room and board, and other expenses as determined by the program
31 administrator in consultation with the board and the state board for
32 community and technical colleges.

33 (4) "Eligible student" means a resident student who received
34 (~~their~~) his or her high school diploma or ((GED)) high school
35 equivalency certificate as provided in RCW 28B.50.536 in Washington and
36 who:

1 (a)(i) Has been accepted at a four-year institution of higher
2 education into an eligible education program leading to a baccalaureate
3 degree; or

4 (ii) Will attend a two-year institution of higher education and
5 intends to transfer to an eligible education program at a four-year
6 institution of higher education;

7 (b) Declares an intention to obtain a baccalaureate degree; and

8 (c) Has a family income at or below one hundred twenty-five percent
9 of the state median family income at the time the student applies for
10 an opportunity scholarship.

11 (5) "High employer demand program of study" has the same meaning as
12 provided in RCW 28B.50.030.

13 (6) "Participant" means an eligible student who has received a
14 scholarship under the opportunity scholarship program.

15 (7) "Program administrator" means a college scholarship
16 organization that is a private nonprofit corporation registered under
17 Title 24 RCW and qualified as a tax-exempt entity under section
18 501(c)(3) of the federal internal revenue code, with expertise in
19 managing scholarships and college advising.

20 (8) "Resident student" has the same meaning as provided in RCW
21 28B.15.012.

22 **Sec. 14.** RCW 28B.145.060 and 2011 1st sp.s. c 13 s 7 are each
23 amended to read as follows:

24 (1) The opportunity expansion program is established.

25 (2) The opportunity scholarship board shall select institutions of
26 higher education to receive opportunity expansion awards. In so doing,
27 the opportunity scholarship board must:

28 (a) Solicit, receive, and evaluate proposals from institutions of
29 higher education that are designed to directly increase the number of
30 baccalaureate degrees produced in high employer demand and other
31 programs of study, and that include annual numerical targets for the
32 number of such degrees, with a strong emphasis on serving students who
33 received their high school diploma or (~~GED~~) high school equivalency
34 certificate as provided in RCW 28B.50.536 in Washington or are adult
35 Washington residents who are returning to school to gain a
36 baccalaureate degree;

1 (b) Develop criteria for evaluating proposals and awarding funds to
2 the proposals deemed most likely to increase the number of
3 baccalaureate degrees and degrees produced in high employer demand and
4 other programs of study;

5 (c) Give priority to proposals that include a partnership between
6 public and private partnership entities that leverage additional
7 private funds;

8 (d) Give priority to proposals that are innovative, efficient, and
9 cost-effective, given the nature and cost of the particular program of
10 study;

11 (e) Consult and operate in consultation with existing higher
12 education stakeholders, including but not limited to: Faculty, labor,
13 student organizations, and relevant higher education agencies; and

14 (f) Determine which proposals to improve and accelerate the
15 production of baccalaureate degrees in high employer demand and other
16 programs of study will receive opportunity expansion awards for the
17 following state fiscal year, notify the state treasurer, and announce
18 the awards.

19 (3) The state treasurer, at the direction of the opportunity
20 scholarship board, must distribute the funds that have been awarded to
21 the institutions of higher education from the opportunity expansion
22 account.

23 (4) Institutions of higher education receiving awards under this
24 section may not supplant existing general fund state revenues with
25 opportunity expansion awards.

26 (5) Annually, the office of financial management shall report to
27 the opportunity scholarship board, the governor, and the relevant
28 committees of the legislature regarding the percentage of Washington
29 households with incomes in the middle-income bracket or higher. For
30 purposes of this section, "middle-income bracket" means household
31 incomes between two hundred and five hundred percent of the 2010
32 federal poverty level, as determined by the United States department of
33 health and human services for a family of four, adjusted annually for
34 inflation.

35 (6) Annually, the (~~higher education coordinating board~~) student
36 achievement council must report to the opportunity scholarship board,
37 the governor, and the relevant committees of the legislature regarding

1 the increase in the number of degrees in high employer demand and other
2 programs of study awarded by institutions of higher education over the
3 average of the preceding ten academic years.

4 (7) In its comprehensive plan, the workforce training and education
5 coordinating board shall include specific strategies to reach the goal
6 of increasing the percentage of Washington households living in the
7 middle-income bracket or higher, as calculated by the office of
8 financial management and developed by the agency or education
9 institution that will lead the strategy.

10 **Sec. 15.** RCW 28C.10.050 and 2007 c 462 s 2 are each amended to
11 read as follows:

12 (1) The agency shall adopt by rule minimum standards for entities
13 operating private vocational schools. The minimum standards shall
14 include, but not be limited to, requirements to assess whether a
15 private vocational school is eligible to obtain and maintain a license
16 in this state.

17 (2) The requirements adopted by the agency shall, at a minimum,
18 require a private vocational school to:

19 (a) Disclose to the agency information about its ownership and
20 financial position and to demonstrate to the agency that the school is
21 financially viable and responsible and that it has sufficient financial
22 resources to fulfill its commitments to students. Financial
23 disclosures provided to the agency shall not be subject to public
24 disclosure under chapter 42.56 RCW;

25 (b) Follow a uniform statewide cancellation and refund policy as
26 specified by the agency;

27 (c) Disclose through use of a school catalog, brochure, or other
28 written material, necessary information to students so that students
29 may make informed enrollment decisions. The agency shall specify what
30 information is required;

31 (d) Use an enrollment contract or agreement that includes: (i) The
32 school's cancellation and refund policy, (ii) a brief statement that
33 the school is licensed under this chapter and that inquiries may be
34 made to the agency, and (iii) other necessary information as determined
35 by the agency;

36 (e) Describe accurately and completely in writing to students
37 before their enrollment prerequisites and requirements for (i)

1 completing successfully the programs of study in which they are
2 interested and (ii) qualifying for the fields of employment for which
3 their education is designed;

4 (f) Comply with the requirements of RCW 28C.10.084;

5 (g) Assess the basic skills and relevant aptitudes of each
6 potential student to determine that a potential student has the basic
7 skills and relevant aptitudes necessary to complete and benefit from
8 the program in which the student plans to enroll, including but not
9 limited to administering a United States department of education-
10 approved English as a second language exam before enrolling students
11 for whom English is a second language unless the students provide proof
12 of graduation from a United States high school or proof of completion
13 of a ((GED)) high school equivalency certificate as provided in RCW
14 28B.50.536 in English or results of another academic assessment
15 determined appropriate by the agency. Guidelines for such assessments
16 shall be developed by the agency, in consultation with the schools;

17 (h) Discuss with each potential student the potential student's
18 obligations in signing any enrollment contract and/or incurring any
19 debt for educational purposes. The discussion shall include the
20 inadvisability of acquiring an excessive educational debt burden that
21 will be difficult to repay given employment opportunities and average
22 starting salaries in the potential student's chosen occupation;

23 (i) Ensure that any enrollment contract between the private
24 vocational school and its students has an attachment in a format
25 provided by the agency. The attachment shall be signed by both the
26 school and the student. The attachment shall stipulate that the school
27 has complied with (h) of this subsection and that the student
28 understands and accepts his or her responsibilities in signing any
29 enrollment contract or debt application. The attachment shall also
30 stipulate that the enrollment contract shall not be binding for at
31 least five days, excluding Sundays and holidays, following signature of
32 the enrollment contract by both parties; and

33 (j) Comply with the requirements related to qualifications of
34 administrators and instructors.

35 (3) The agency may deny a private vocational school's application
36 for licensure if the school fails to meet the requirements in this
37 section.

1 (4) The agency may determine that a licensed private vocational
2 school or a particular program of a private vocational school is at
3 risk of closure or termination if:

4 (a) There is a pattern or history of substantiated student
5 complaints filed with the agency pursuant to RCW 28C.10.120; or

6 (b) The private vocational school fails to meet minimum licensing
7 requirements and has a pattern or history of failing to meet the
8 minimum requirements.

9 (5) If the agency determines that a private vocational school or a
10 particular program is at risk of closure or termination, the agency
11 shall require the school to take corrective action.

12 **Sec. 16.** RCW 28C.18.010 and 2009 c 151 s 5 are each reenacted and
13 amended to read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this title.

16 (1) "Adult basic education" means instruction designed to achieve
17 mastery of skills in reading, writing, oral communication, and
18 computation at a level sufficient to allow the individual to function
19 effectively as a parent, worker, and citizen in the United States,
20 commensurate with that individual's actual ability level, and includes
21 English as a second language and preparation and testing services for
22 ~~((the general education development exam))~~ a high school equivalency
23 certificate as provided in RCW 28B.50.536.

24 (2) "Board" means the workforce training and education coordinating
25 board.

26 (3) "Director" means the director of the workforce training and
27 education coordinating board.

28 (4) "Industry skill panel" means a regional partnership of
29 business, labor, and education leaders that identifies skill gaps in a
30 key economic cluster and enables the industry and public partners to
31 respond to and be proactive in addressing workforce skill needs.

32 (5) "Training system" means programs and courses of secondary
33 vocational education, technical college programs and courses, community
34 college vocational programs and courses, private career school and
35 college programs and courses, employer-sponsored training, adult basic
36 education programs and courses, programs and courses funded by the
37 federal workforce investment act, programs and courses funded by the

1 federal vocational act, programs and courses funded under the federal
2 adult education act, publicly funded programs and courses for adult
3 literacy education, and apprenticeships, and programs and courses
4 offered by private and public nonprofit organizations that are
5 representative of communities or significant segments of communities
6 and provide job training or adult literacy services.

7 (6) "Vocational education" means organized educational programs
8 offering a sequence of courses which are directly related to the
9 preparation or retraining of individuals in paid or unpaid employment
10 in current or emerging occupations requiring other than a baccalaureate
11 or advanced degree. Such programs shall include competency-based
12 applied learning which contributes to an individual's academic
13 knowledge, higher-order reasoning, and problem-solving skills, work
14 attitudes, general employability skills, and the occupational-specific
15 skills necessary for economic independence as a productive and
16 contributing member of society. Such term also includes applied
17 technology education.

18 (7) "Workforce development council" means a local workforce
19 investment board as established in P.L. 105-220 Sec. 117.

20 (8) "Workforce skills" means skills developed through applied
21 learning that strengthen and reinforce an individual's academic
22 knowledge, critical thinking, problem solving, and work ethic and,
23 thereby, develop the employability, occupational skills, and management
24 of home and work responsibilities necessary for economic independence.

25 **Sec. 17.** RCW 35.21.333 and 1987 c 339 s 4 are each amended to read
26 as follows:

27 (1) A person seeking appointment to the office of chief of police
28 or marshal, of a city or town, including a code city, with a population
29 in excess of one thousand, is ineligible unless that person:

30 (a) Is a citizen of the United States of America;

31 (b) Has obtained a high school diploma or (~~general equivalency~~
32 ~~diploma~~) high school equivalency certificate as provided in RCW
33 28B.50.536;

34 (c) Has not been convicted under the laws of this state, another
35 state, or the United States of a felony;

36 (d) Has not been convicted of a gross misdemeanor or any crime
37 involving moral turpitude within five years of the date of application;

1 (e) Has received at least a general discharge under honorable
2 conditions from any branch of the armed services for any military
3 service if the person was in the military service;

4 (f) Has completed at least two years of regular, uninterrupted,
5 full-time commissioned law enforcement employment involving enforcement
6 responsibilities with a government law enforcement agency; and

7 (g) The person has been certified as a regular and commissioned
8 enforcement officer through compliance with this state's basic training
9 requirement or equivalency.

10 (2) A person seeking appointment to the office of chief of police
11 or marshal, of a city or town, including a code city, with a population
12 of one thousand or less, is ineligible unless that person conforms with
13 the requirements of subsection (1) (a) through (e) of this section. A
14 person so appointed as chief of police or marshal must successfully
15 complete the state's basic training requirement or equivalency within
16 nine months after such appointment, unless an extension has been
17 granted by the criminal justice training commission.

18 (3) A person seeking appointment to the office of chief of police
19 or marshal shall provide a sworn statement under penalty of perjury to
20 the appointing authority stating that the person meets the requirements
21 of this section.

22 **Sec. 18.** RCW 36.110.140 and 1993 c 285 s 14 are each amended to
23 read as follows:

24 To the extent possible, jail industries programs shall be augmented
25 by education and training to improve worker literacy and employability
26 skills. Such education and training may include, but is not limited
27 to, basic adult education, work towards (~~a certificate of educational~~
28 ~~competence following successful completion of the general educational~~
29 ~~development test~~) earning a high school equivalency certificate as
30 provided in RCW 28B.50.536, vocational and preemployment work maturity
31 skills training, and apprenticeship classes.

32 **Sec. 19.** RCW 41.04.015 and 1971 c 43 s 1 are each amended to read
33 as follows:

34 A Washington (~~certificate of educational competence~~) high school
35 equivalency certificate as awarded by the Washington state
36 superintendent of public instruction or (~~an official report of~~

1 ~~equivalent acceptable scores of the general educational development~~
2 ~~test))~~ a high school equivalency certificate as provided in RCW
3 28B.50.536 shall be accepted in lieu of a high school diploma by the
4 state and any local political subdivision when considering applicants
5 for employment or promotion.

6 **Sec. 20.** RCW 43.215.510 and 2006 c 265 s 206 are each amended to
7 read as follows:

8 Child care centers adopting the child care career and wage ladder
9 established pursuant to RCW 43.215.505 shall increase wages for child
10 care workers who have earned a high school diploma or (~~GED~~
11 ~~certificate~~) high school equivalency certificate as provided in RCW
12 28B.50.536, gain additional years of experience, or accept increasing
13 levels of responsibility in providing child care, in accordance with
14 the child care career and wage ladder. The adoption of a child care
15 career and wage ladder shall not prohibit the provision of wage
16 increases based upon merit. The department shall pay wage increments
17 for child care workers employed by child care centers adopting the
18 child care career and wage ladder established pursuant to RCW
19 43.215.505 who earn early childhood education credits or meet relevant
20 requirements in the state training and registry system, in accordance
21 with the child care career and wage ladder.

22 **Sec. 21.** RCW 70.128.120 and 2012 c 164 s 703 are each amended to
23 read as follows:

24 Each adult family home provider, applicant, and each resident
25 manager shall have the following minimum qualifications, except that
26 only applicants are required to meet the provisions of subsections (10)
27 and (11) of this section:

- 28 (1) Twenty-one years of age or older;
- 29 (2) For those applying after September 1, 2001, to be licensed as
30 providers, and for resident managers whose employment begins after
31 September 1, 2001, a United States high school diploma or (~~general~~
32 ~~educational development (GED) certificate~~) high school equivalency
33 certificate as provided in RCW 28B.50.536 or any English or translated
34 government documentation of the following:

- 35 (a) Successful completion of government-approved public or private

1 school education in a foreign country that includes an annual average
2 of one thousand hours of instruction over twelve years or no less than
3 twelve thousand hours of instruction;

4 (b) A foreign college, foreign university, or United States
5 community college two-year diploma;

6 (c) Admission to, or completion of coursework at, a foreign
7 university or college for which credit was granted;

8 (d) Admission to, or completion of coursework at, a United States
9 college or university for which credits were awarded;

10 (e) Admission to, or completion of postgraduate coursework at, a
11 United States college or university for which credits were awarded; or

12 (f) Successful passage of the United States board examination for
13 registered nursing, or any professional medical occupation for which
14 college or university education preparation was required;

15 (3) Good moral and responsible character and reputation;

16 (4) Literacy and the ability to communicate in the English
17 language;

18 (5) Management and administrative ability to carry out the
19 requirements of this chapter;

20 (6) Satisfactory completion of department-approved basic training
21 and continuing education training as required by RCW 74.39A.074, and in
22 rules adopted by the department;

23 (7) Satisfactory completion of department-approved, or equivalent,
24 special care training before a provider may provide special care
25 services to a resident;

26 (8) Not been convicted of any crime that is disqualifying under RCW
27 43.43.830 or 43.43.842, or department rules adopted under this chapter,
28 or been found to have abused, neglected, exploited, or abandoned a
29 minor or vulnerable adult as specified in RCW 74.39A.056(2);

30 (9) For those applying to be licensed as providers, and for
31 resident managers whose employment begins after August 24, 2011, at
32 least one thousand hours in the previous sixty months of successful,
33 direct caregiving experience obtained after age eighteen to vulnerable
34 adults in a licensed or contracted setting prior to operating or
35 managing an adult family home. The applicant or resident manager must
36 have credible evidence of the successful, direct caregiving experience
37 or, currently hold one of the following professional licenses:
38 Physician licensed under chapter 18.71 RCW; osteopathic physician

1 licensed under chapter 18.57 RCW; osteopathic physician assistant
2 licensed under chapter 18.57A RCW; physician assistant licensed under
3 chapter 18.71A RCW; registered nurse, advanced registered nurse
4 practitioner, or licensed practical nurse licensed under chapter 18.79
5 RCW;

6 (10) For applicants, proof of financial solvency, as defined in
7 rule; and

8 (11) Applicants must successfully complete an adult family home
9 administration and business planning class, prior to being granted a
10 license. The class must be a minimum of forty-eight hours of classroom
11 time and approved by the department. The department shall promote and
12 prioritize bilingual capabilities within available resources and when
13 materials are available for this purpose.

14 **Sec. 22.** RCW 72.09.015 and 2011 1st sp.s. c 21 s 38 and 2011 c 282
15 s 1 are each reenacted and amended to read as follows:

16 The definitions in this section apply throughout this chapter.

17 (1) "Adult basic education" means education or instruction designed
18 to achieve general competence of skills in reading, writing, and oral
19 communication, including English as a second language and preparation
20 and testing services for obtaining a high school diploma or a (~~general~~
21 ~~equivalency diploma~~) high school equivalency certificate as provided
22 in RCW 28B.50.536.

23 (2) "Base level of correctional services" means the minimum level
24 of field services the department of corrections is required by statute
25 to provide for the supervision and monitoring of offenders.

26 (3) "Civil judgment for assault" means a civil judgment for
27 monetary damages awarded to a correctional officer or department
28 employee entered by a court of competent jurisdiction against an inmate
29 that is based on, or arises from, injury to the correctional officer or
30 department employee caused by the inmate while the correctional officer
31 or department employee was acting in the course and scope of his or her
32 employment.

33 (4) "Community custody" has the same meaning as that provided in
34 RCW 9.94A.030 and also includes community placement and community
35 supervision as defined in RCW 9.94B.020.

36 (5) "Contraband" means any object or communication the secretary

1 determines shall not be allowed to be: (a) Brought into; (b) possessed
2 while on the grounds of; or (c) sent from any institution under the
3 control of the secretary.

4 (6) "Correctional facility" means a facility or institution
5 operated directly or by contract by the secretary for the purposes of
6 incarcerating adults in total or partial confinement, as defined in RCW
7 9.94A.030.

8 (7) "County" means a county or combination of counties.

9 (8) "Department" means the department of corrections.

10 (9) "Earned early release" means earned release as authorized by
11 RCW 9.94A.729.

12 (10) "Evidence-based" means a program or practice that has had
13 multiple-site random controlled trials across heterogeneous populations
14 demonstrating that the program or practice is effective in reducing
15 recidivism for the population.

16 (11) "Extended family visit" means an authorized visit between an
17 inmate and a member of his or her immediate family that occurs in a
18 private visiting unit located at the correctional facility where the
19 inmate is confined.

20 (12) "Good conduct" means compliance with department rules and
21 policies.

22 (13) "Good performance" means successful completion of a program
23 required by the department, including an education, work, or other
24 program.

25 (14) "Immediate family" means the inmate's children, stepchildren,
26 grandchildren, great grandchildren, parents, stepparents, grandparents,
27 great grandparents, siblings, and a person legally married to or in a
28 state registered domestic partnership with an inmate. "Immediate
29 family" does not include an inmate adopted by another inmate or the
30 immediate family of the adopted or adopting inmate.

31 (15) "Indigent inmate," "indigent," and "indigency" mean an inmate
32 who has less than a ten-dollar balance of disposable income in his or
33 her institutional account on the day a request is made to utilize funds
34 and during the thirty days previous to the request.

35 (16) "Individual reentry plan" means the plan to prepare an
36 offender for release into the community. It should be developed
37 collaboratively between the department and the offender and based on an
38 assessment of the offender using a standardized and comprehensive tool

1 to identify the offender's risks and needs. The individual reentry
2 plan describes actions that should occur to prepare individual
3 offenders for release from prison or jail, specifies the supervision
4 and services they will experience in the community, and describes an
5 offender's eventual discharge to aftercare upon successful completion
6 of supervision. An individual reentry plan is updated throughout the
7 period of an offender's incarceration and supervision to be relevant to
8 the offender's current needs and risks.

9 (17) "Inmate" means a person committed to the custody of the
10 department, including but not limited to persons residing in a
11 correctional institution or facility and persons released from such
12 facility on furlough, work release, or community custody, and persons
13 received from another state, state agency, county, or federal
14 jurisdiction.

15 (18) "Labor" means the period of time before a birth during which
16 contractions are of sufficient frequency, intensity, and duration to
17 bring about effacement and progressive dilation of the cervix.

18 (19) "Physical restraint" means the use of any bodily force or
19 physical intervention to control an offender or limit an offender's
20 freedom of movement in a way that does not involve a mechanical
21 restraint. Physical restraint does not include momentary periods of
22 minimal physical restriction by direct person-to-person contact,
23 without the aid of mechanical restraint, accomplished with limited
24 force and designed to:

25 (a) Prevent an offender from completing an act that would result in
26 potential bodily harm to self or others or damage property;

27 (b) Remove a disruptive offender who is unwilling to leave the area
28 voluntarily; or

29 (c) Guide an offender from one location to another.

30 (20) "Postpartum recovery" means (a) the entire period a woman or
31 youth is in the hospital, birthing center, or clinic after giving birth
32 and (b) an additional time period, if any, a treating physician
33 determines is necessary for healing after the woman or youth leaves the
34 hospital, birthing center, or clinic.

35 (21) "Privilege" means any goods or services, education or work
36 programs, or earned early release days, the receipt of which are
37 directly linked to an inmate's (a) good conduct; and (b) good

1 performance. Privileges do not include any goods or services the
2 department is required to provide under the state or federal
3 Constitution or under state or federal law.

4 (22) "Promising practice" means a practice that presents, based on
5 preliminary information, potential for becoming a research-based or
6 consensus-based practice.

7 (23) "Research-based" means a program or practice that has some
8 research demonstrating effectiveness, but that does not yet meet the
9 standard of evidence-based practices.

10 (24) "Restraints" means anything used to control the movement of a
11 person's body or limbs and includes:

12 (a) Physical restraint; or

13 (b) Mechanical device including but not limited to: Metal
14 handcuffs, plastic ties, ankle restraints, leather cuffs, other
15 hospital-type restraints, tasers, or batons.

16 (25) "Secretary" means the secretary of corrections or his or her
17 designee.

18 (26) "Significant expansion" includes any expansion into a new
19 product line or service to the class I business that results from an
20 increase in benefits provided by the department, including a decrease
21 in labor costs, rent, or utility rates (for water, sewer, electricity,
22 and disposal), an increase in work program space, tax advantages, or
23 other overhead costs.

24 (27) "Superintendent" means the superintendent of a correctional
25 facility under the jurisdiction of the Washington state department of
26 corrections, or his or her designee.

27 (28) "Transportation" means the conveying, by any means, of an
28 incarcerated pregnant woman or youth from the correctional facility to
29 another location from the moment she leaves the correctional facility
30 to the time of arrival at the other location, and includes the
31 escorting of the pregnant incarcerated woman or youth from the
32 correctional facility to a transport vehicle and from the vehicle to
33 the other location.

34 (29) "Unfair competition" means any net competitive advantage that
35 a business may acquire as a result of a correctional industries
36 contract, including labor costs, rent, tax advantages, utility rates
37 (water, sewer, electricity, and disposal), and other overhead costs.

1 To determine net competitive advantage, the department of corrections
2 shall review and quantify any expenses unique to operating a for-profit
3 business inside a prison.

4 (30) "Vocational training" or "vocational education" means
5 "vocational education" as defined in RCW 72.62.020.

6 (31) "Washington business" means an in-state manufacturer or
7 service provider subject to chapter 82.04 RCW existing on June 10,
8 2004.

9 (32) "Work programs" means all classes of correctional industries
10 jobs authorized under RCW 72.09.100.

11 **Sec. 23.** RCW 72.09.410 and 1993 c 338 s 3 are each amended to read
12 as follows:

13 The department of corrections shall establish one work ethic camp.
14 The secretary shall locate the work ethic camp within an already
15 existing department compound or facility, or in a facility that is
16 scheduled to come on line within the initial implementation date
17 outlined in this section. The facility selected for the camp shall
18 appropriately accommodate the logistical and cost-effective objectives
19 contained in RCW 72.09.400 through 72.09.420, 9.94A.690, and section 5,
20 chapter 338, Laws of 1993. The department shall be ready to assign
21 inmates to the camp one hundred twenty days after July 1, 1993. The
22 department shall establish the work ethic camp program cycle to last
23 from one hundred twenty to one hundred eighty days. The department
24 shall develop all aspects of the work ethic camp program including, but
25 not limited to, program standards, conduct standards, educational
26 components including (~~general education development test achievement~~)
27 preparation for a high school equivalency certificate as described in
28 RCW 28B.50.536, offender incentives, drug rehabilitation program
29 parameters, individual and team work goals, techniques for improving
30 the offender's self-esteem, citizenship skills for successful living in
31 the community, measures to hold the offender accountable for his or her
32 behavior, and the successful completion of the work ethic camp program
33 granted to the offender based on successful attendance, participation,
34 and performance as defined by the secretary. The work ethic camp shall
35 be designed and implemented so that offenders are continually engaged
36 in meaningful activities and unstructured time is kept to a minimum.

1 In addition, the department is encouraged to explore the integration
2 and overlay of a military style approach to the work ethic camp.

3 **Sec. 24.** RCW 72.09.460 and 2007 c 483 s 402 are each amended to
4 read as follows:

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

15 (2) The legislature recognizes more inmates may agree to
16 participate in education and work programs than are available. The
17 department must make every effort to achieve maximum public benefit by
18 placing inmates in available and appropriate education and work
19 programs.

20 (3)(a) The department shall, to the extent possible and considering
21 all available funds, prioritize its resources to meet the following
22 goals for inmates in the order listed:

23 (i) Achievement of basic academic skills through obtaining a high
24 school diploma or (~~its equivalent~~) a high school equivalency
25 certificate as provided in RCW 28B.50.536;

26 (ii) Achievement of vocational skills necessary for purposes of
27 work programs and for an inmate to qualify for work upon release;

28 (iii) Additional work and education programs necessary for
29 compliance with an offender's individual reentry plan under RCW
30 72.09.270 with the exception of postsecondary education degree programs
31 as provided in RCW 72.09.465; and

32 (iv) Other appropriate vocational, work, or education programs that
33 are not necessary for compliance with an offender's individual reentry
34 plan under RCW 72.09.270 with the exception of postsecondary education
35 degree programs as provided in RCW 72.09.465.

36 (b) If programming is provided pursuant to (a)(i) through (iii) of

1 this subsection, the department shall pay the cost of such programming,
2 including but not limited to books, materials, supplies, and postage
3 costs related to correspondence courses.

4 (c) If programming is provided pursuant to (a)(iv) of this
5 subsection, inmates shall be required to pay all or a portion of the
6 costs, including books, fees, and tuition, for participation in any
7 vocational, work, or education program as provided in department
8 policies. Department policies shall include a formula for determining
9 how much an offender shall be required to pay. The formula shall
10 include steps which correlate to an offender average monthly income or
11 average available balance in a personal inmate savings account and
12 which are correlated to a prorated portion or percent of the per credit
13 fee for tuition, books, or other ancillary costs. The formula shall be
14 reviewed every two years. A third party may pay directly to the
15 department all or a portion of costs and tuition for any programming
16 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.
17 Such payments shall not be subject to any of the deductions as provided
18 in this chapter.

19 (d) The department may accept any and all donations and grants of
20 money, equipment, supplies, materials, and services from any third
21 party, including but not limited to nonprofit entities, and may
22 receive, utilize, and dispose of same to complete the purposes of this
23 section.

24 (e) Any funds collected by the department under (c) and (d) of this
25 subsection and subsections (8) and (9) of this section shall be used
26 solely for the creation, maintenance, or expansion of inmate
27 educational and vocational programs.

28 (4) The department shall provide access to a program of education
29 to all offenders who are under the age of eighteen and who have not met
30 high school graduation (~~(or general equivalency diploma)~~) requirements
31 or requirements to earn a high school equivalency certificate as
32 provided in RCW 28B.50.536 in accordance with chapter 28A.193 RCW. The
33 program of education established by the department and education
34 provider under RCW 28A.193.020 for offenders under the age of eighteen
35 must provide each offender a choice of curriculum that will assist the
36 inmate in achieving a high school diploma (~~(or general equivalency~~
37 ~~diploma)~~) or high school equivalency certificate. The program of
38 education may include but not be limited to basic education,

1 prevocational training, work ethic skills, conflict resolution
2 counseling, substance abuse intervention, and anger management
3 counseling. The curriculum may balance these and other rehabilitation,
4 work, and training components.

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

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

17 (ii) An inmate's education history and basic academic skills;

18 (iii) An inmate's work history and vocational or work skills;

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

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

23 (b) The department shall establish, and periodically review, inmate
24 behavior standards and program goals for all education and work
25 programs. Inmates shall be notified of applicable behavior standards
26 and program goals prior to placement in an education or work program
27 and shall be removed from the education or work program if they
28 consistently fail to meet the standards or goals.

29 (6) Eligible inmates who refuse to participate in available
30 education or work programs available at no charge to the inmates shall
31 lose privileges according to the system established under RCW
32 72.09.130. Eligible inmates who are required to contribute financially
33 to an education or work program and refuse to contribute shall be
34 placed in another work program. Refusal to contribute shall not result
35 in a loss of privileges.

36 (7) The department shall establish, by rule, objective medical
37 standards to determine when an inmate is physically or mentally unable
38 to participate in available education or work programs. When the

1 department determines an inmate is permanently unable to participate in
2 any available education or work program due to a health condition, the
3 inmate is exempt from the requirement under subsection (1) of this
4 section. When the department determines an inmate is temporarily
5 unable to participate in an education or work program due to a medical
6 condition, the inmate is exempt from the requirement of subsection (1)
7 of this section for the period of time he or she is temporarily
8 disabled. The department shall periodically review the medical
9 condition of all inmates with temporary disabilities to ensure the
10 earliest possible entry or reentry by inmates into available
11 programming.

12 (8) The department shall establish policies requiring an offender
13 to pay all or a portion of the costs and tuition for any vocational
14 training or postsecondary education program if the offender previously
15 abandoned coursework related to education or vocational training
16 without excuse as defined in rule by the department. Department
17 policies shall include a formula for determining how much an offender
18 shall be required to pay. The formula shall include steps which
19 correlate to an offender average monthly income or average available
20 balance in a personal inmate savings account and which are correlated
21 to a prorated portion or percent of the per credit fee for tuition,
22 books, or other ancillary costs. The formula shall be reviewed every
23 two years. A third party may pay directly to the department all or a
24 portion of costs and tuition for any program on behalf of an inmate
25 under this subsection. Such payments shall not be subject to any of
26 the deductions as provided in this chapter.

27 (9) Notwithstanding any other provision in this section, an inmate
28 sentenced to life without the possibility of release, sentenced to
29 death under chapter 10.95 RCW, or subject to the provisions of 8 U.S.C.
30 Sec. 1227:

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

34 (b) May receive not more than one postsecondary academic degree in
35 a program offered by the department or its contracted providers;

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

1 (d) Shall be subject to the applicable provisions of this chapter
2 relating to inmate financial responsibility for programming.

3 **Sec. 25.** RCW 72.09.670 and 2008 c 276 s 601 are each amended to
4 read as follows:

5 (1) The department shall study and establish best practices to
6 reduce gang involvement and recruitment among incarcerated offenders.
7 The department shall study and make recommendations regarding the
8 establishment of:

9 (a) Intervention programs within the institutions of the department
10 for offenders who are seeking to opt out of gangs. The intervention
11 programs shall include, but are not limited to, tattoo removal, anger
12 management, ~~((GED))~~ preparation to obtain a high school equivalency
13 certificate as described in RCW 28B.50.536, and other interventions;
14 and

15 (b) An intervention program to assist gang members with successful
16 reentry into the community.

17 (2) The department shall report to the legislature on its findings
18 and recommendations by January 1, 2009.

19 **Sec. 26.** RCW 74.04.535 and 2010 1st sp.s. c 8 s 3 are each amended
20 to read as follows:

21 (1) The department, the employment security department, and the
22 state board for community and technical colleges shall work in
23 partnership to expand the food stamp employment and training program.
24 Subject to federal approval, the program shall be expanded to three
25 additional community colleges or other community-based locations in
26 2010 and shall expand capacity at participating colleges. To the
27 greatest extent possible, expansion shall be geographically diverse.
28 The agencies shall:

29 (a) Identify and seek out partnerships with community-based
30 organizations that can provide support services and case management to
31 participants through performance-based contracts in the food stamp
32 employment and training program, and do not replace the positions or
33 work of department employees;

34 (b) Identify eligible nonfederal matching funds to draw down the
35 federal match for food stamp employment and training services.

1 Matching funds may include: Local funds, foundation grants, employer-
2 paid costs, and the state allocation to community and technical
3 colleges.

4 (2) Employment and training funds may be allocated for:
5 Educational programs to develop skills for employability, vocational
6 education, English as a second language courses, adult basic education,
7 ((GED)) courses to assist persons to obtain a high school equivalency
8 certificate as described in RCW 28B.50.536, remedial programs, job
9 readiness training, case management, intake, assessment, evaluation,
10 and barrier removal and support services such as tuition, books, child
11 care, transportation, housing, and counseling services.

12 (3) The department shall annually track and report outcomes
13 including those achieved through performance-based contracts as
14 follows: Federal funding received, the number of participants served,
15 achievement points, the number of participants who enter employment
16 during or after participation in the food stamp employment and training
17 program, and the average wage of jobs attained. The report shall be
18 submitted to the governor and appropriate committees of the legislature
19 on November 1st of each year, beginning in 2010.

20 (4) For purposes of this section, "food stamp employment and
21 training program" refers to a program established and administered
22 through the employment security department and the department of social
23 and health services.

24 **Sec. 27.** RCW 74.08A.250 and 2011 1st sp.s. c 42 s 8 are each
25 amended to read as follows:

26 Unless the context clearly requires otherwise, as used in this
27 chapter, "work activity" means:

28 (1) Unsubsidized paid employment in the private or public sector;
29 (2) Subsidized paid employment in the private or public sector,
30 including employment through the state or federal work-study program
31 for a period not to exceed twenty-four months;

32 (3) Work experience, including:

33 (a) An internship or practicum, that is paid or unpaid and is
34 required to complete a course of vocational training or to obtain a
35 license or certificate in a high-demand occupation, as determined by
36 the employment security department. No internship or practicum shall
37 exceed twelve months; or

1 (b) Work associated with the refurbishing of publicly assisted
2 housing, if sufficient paid employment is not available;

3 (4) On-the-job training;

4 (5) Job search and job readiness assistance;

5 (6) Community service programs, including a recipient's voluntary
6 service at a child care or preschool facility licensed under chapter
7 43.215 RCW or an elementary school in which his or her child is
8 enrolled;

9 (7) Vocational educational training, not to exceed twelve months
10 with respect to any individual;

11 (8) Job skills training directly related to employment;

12 (9) Education directly related to employment, in the case of a
13 recipient who has not received a high school diploma or a ((GED)) high
14 school equivalency certificate as provided in RCW 28B.50.536;

15 (10) Satisfactory attendance at secondary school or in a course of
16 study leading to a ((GED)) high school equivalency certificate as
17 provided in RCW 28B.50.536, in the case of a recipient who has not
18 completed secondary school or received such a certificate;

19 (11) The provision of child care services to an individual who is
20 participating in a community service program;

21 (12) Internships, that shall be paid or unpaid work experience
22 performed by an intern in a business, industry, or government or
23 nongovernmental agency setting;

24 (13) Practicums, which include any educational program in which a
25 student is working under the close supervision of a professional in an
26 agency, clinic, or other professional practice setting for purposes of
27 advancing their skills and knowledge;

28 (14) Services required by the recipient under RCW 74.08.025(3) and
29 74.08A.010(4) to become employable;

30 (15) Financial literacy activities designed to be effective in
31 assisting a recipient in becoming self-sufficient and financially
32 stable; and

33 (16) Parent education services or programs that support development
34 of appropriate parenting skills, life skills, and employment-related
35 competencies.

36 **Sec. 28.** RCW 74.08A.380 and 1997 c 58 s 503 are each amended to
37 read as follows:

1 All applicants under the age of eighteen years who are approved for
2 assistance and, within one hundred eighty days after the date of
3 federal certification of the Washington temporary assistance for needy
4 families program, all unmarried minor parents or pregnant minor
5 applicants shall, as a condition of receiving benefits, actively
6 progress toward the completion of a high school diploma or a ((GED))
7 high school equivalency certificate as provided in RCW 28B.50.536.

8 **Sec. 29.** RCW 74.12.035 and 1999 c 120 s 2 are each amended to read
9 as follows:

10 (1) Children over eighteen years of age and under nineteen years of
11 age who are full-time students reasonably expected to complete a
12 program of secondary school, or the equivalent level of vocational or
13 technical training, before reaching nineteen years of age are eligible
14 to receive temporary assistance for needy families: PROVIDED HOWEVER,
15 That if such students do not successfully complete such program before
16 reaching nineteen years of age, the assistance rendered under this
17 subsection during such period shall not be a debt due the state.

18 (2) Children with disabilities who are eighteen years of age and
19 under twenty-one years of age and who are full-time students whose
20 education is being provided in accordance with RCW 28A.155.020 are
21 eligible to receive temporary assistance for needy families benefits.

22 (3) The department is authorized to grant exceptions to the
23 eligibility restrictions for children eighteen years of age and under
24 twenty-one years of age under subsections (1) and (2) of this section
25 only when it determines by reasonable, objective criteria that such
26 exceptions are likely to enable the children to complete their high
27 school education, ((~~general equivalency diploma~~)) high school
28 equivalency certificate as provided in RCW 28B.50.536, or vocational
29 education.

30 **Sec. 30.** RCW 74.13.540 and 2001 c 192 s 2 are each amended to read
31 as follows:

32 Independent living services include assistance in achieving basic
33 educational requirements such as a ((GED)) high school equivalency
34 certificate as provided in RCW 28B.50.536, enrollment in vocational and
35 technical training programs offered at the community and vocational
36 colleges, and obtaining and maintaining employment; and accomplishing

1 basic life skills such as money management, nutrition, preparing meals,
2 and cleaning house. A baseline skill level in ability to function
3 productively and independently shall be determined at entry.
4 Performance shall be measured and must demonstrate improvement from
5 involvement in the program. Each recipient shall have a plan for
6 achieving independent living skills by the time the recipient reaches
7 age twenty-one. The plan shall be written within the first thirty days
8 of placement and reviewed every ninety days. A recipient who fails to
9 consistently adhere to the elements of the plan shall be subject to
10 reassessment by the professional staff of the program and may be
11 declared ineligible to receive services.

12 **Sec. 31.** RCW 74.15.230 and 1999 c 267 s 13 are each amended to
13 read as follows:

14 The secretary shall establish responsible living skills programs
15 that provide no more than seventy-five beds across the state and may
16 establish responsible living skills programs by contract, within funds
17 appropriated by the legislature specifically for this purpose.
18 Responsible living skills programs shall have the following:

19 (1) A license issued by the secretary;

20 (2) A professional with a master's degree in counseling, social
21 work, or related field and at least one year of experience working with
22 street youth available to serve residents or a bachelor of arts degree
23 in social work or a related field and five years of experience working
24 with street youth. The professional shall provide counseling services
25 and interface with other relevant resources and systems to prepare the
26 minor for adult living. Preference shall be given to those
27 professionals cross-credentialed in mental health and chemical
28 dependency;

29 (3) Staff trained in development needs of older adolescents
30 eligible to participate in responsible living skills programs as
31 determined by the secretary;

32 (4) Transitional living services and a therapeutic model of service
33 delivery that provides necessary program supervision of residents and
34 at the same time includes a philosophy, program structure, and
35 treatment planning that emphasizes achievement of competency in
36 independent living skills. Independent living skills include achieving
37 basic educational requirements such as a ((GED)) high school

1 equivalency certificate as provided in RCW 28B.50.536, enrollment in
2 vocational and technical training programs offered at the community and
3 vocational colleges, obtaining and maintaining employment;
4 accomplishing basic life skills such as money management, nutrition,
5 preparing meals, and cleaning house. A baseline skill level in ability
6 to function productively and independently shall be determined at
7 entry. Performance shall be measured and must demonstrate improvement
8 from involvement in the program. Each resident shall have a plan for
9 achieving independent living skills by the time the resident leaves the
10 placement. The plan shall be written within the first thirty days of
11 placement and reviewed every ninety days. A resident who fails to
12 consistently adhere to the elements of the plan shall be subject to
13 reassessment by the professional staff of the program and may be placed
14 outside the program; and

15 (5) A data collection system that measures outcomes for the
16 population served, and enables research and evaluation that can be used
17 for future program development and service delivery. Data collection
18 systems must have confidentiality rules and protocols developed by the
19 secretary.

20 (6) The department shall not award contracts for the operation of
21 responsible living skills programs until HOPE center beds are
22 operational.

--- END ---