
SUBSTITUTE SENATE BILL 5871

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles and Hewitt)

READ FIRST TIME 02/26/01.

1 AN ACT Relating to offender education in department of corrections'
2 facilities; amending RCW 72.09.460; adding a new section to chapter
3 72.09 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that vocational
6 training in the prisons directly contributes to the reduction of
7 offender recidivism. The legislature finds that the cost of vocational
8 programs is offset by more than double the savings to the state in
9 avoided criminal prosecutions and incarceration. It further finds that
10 the savings to the criminal justice system are only a fraction of the
11 social and victim costs avoided when a person released from prison does
12 not reoffend. Therefore, the legislature finds that the interest of
13 public safety is best served by a comprehensive approach to offender
14 basic and vocational education. Therefore, the legislature intends to
15 secure the position of the existing offender education programs in the
16 department of corrections while seeking appropriate means to achieve
17 cost savings.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09 RCW
2 to read as follows:

3 The department shall maintain a continuum of work and educational
4 programs to include basic education, vocational education, and other
5 appropriate work and education programs, within available funds.

6 When seeking a reduction in an educational or vocational program
7 that is cost-effective in reducing recidivism or effective in meeting
8 penological objectives, the department must present, in addition to the
9 amount of the reduction requested, the cost of replacing any goods or
10 services produced by the program, the cost to the department in
11 increased offender management or other penological objectives, and the
12 estimated state cost of increased recidivism attributable to the
13 reduction.

14 **Sec. 3.** RCW 72.09.460 and 1998 c 244 s 10 are each amended to read
15 as follows:

16 (1) The legislature intends that all inmates be required to
17 participate in department-approved education programs, work programs,
18 or both, unless exempted under subsection (4) of this section.
19 Eligible inmates who refuse to participate in available education or
20 work programs available at no charge to the inmates shall lose
21 privileges according to the system established under RCW 72.09.130.
22 Eligible inmates who are required to contribute financially to an
23 education or work program and refuse to contribute shall be placed in
24 another work program. Refusal to contribute shall not result in a loss
25 of privileges. The legislature recognizes more inmates may agree to
26 participate in education and work programs than are available. The
27 department must make every effort to achieve maximum public benefit by
28 placing inmates in available and appropriate education and work
29 programs and may not eliminate entire program categories in which
30 inmates are required to participate by this section.

31 (2) The department shall provide access to a program of education
32 to all offenders who are under the age of eighteen and who have not met
33 high school graduation or general equivalency diploma requirements in
34 accordance with chapter 28A.193 RCW. The program of education
35 established by the department and education provider under RCW
36 28A.193.020 for offenders under the age of eighteen must provide each
37 offender a choice of curriculum that will assist the inmate in
38 achieving a high school diploma or general equivalency diploma. The

1 program of education may include but not be limited to basic education,
2 prevocational training, work ethic skills, conflict resolution
3 counseling, substance abuse intervention, and anger management
4 counseling. The curriculum may balance these and other rehabilitation,
5 work, and training components.

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

9 (a) Achievement of basic academic skills through obtaining a high
10 school diploma or its equivalent and achievement of vocational skills
11 necessary for purposes of work programs and for an inmate to qualify
12 for work upon release;

13 (b) Additional work and education programs based on assessments and
14 placements under subsection (5) of this section; and

15 (c) Other work and education programs as appropriate.

16 (4) The department shall establish, by rule, objective medical
17 standards to determine when an inmate is physically or mentally unable
18 to participate in available education or work programs. When the
19 department determines an inmate is permanently unable to participate in
20 any available education or work program due to a medical condition, the
21 inmate is exempt from the requirement under subsection (1) of this
22 section. When the department determines an inmate is temporarily
23 unable to participate in an education or work program due to a medical
24 condition, the inmate is exempt from the requirement of subsection (1)
25 of this section for the period of time he or she is temporarily
26 disabled. The department shall periodically review the medical
27 condition of all temporarily disabled inmates to ensure the earliest
28 possible entry or reentry by inmates into available programming.

29 (5) The department shall establish, by rule, standards for
30 participation in department-approved education and work programs. The
31 standards shall address the following areas:

32 (a) Assessment. The department shall assess all inmates for their
33 basic academic skill levels using a professionally accepted method of
34 scoring reading, math, and language skills as grade level equivalents.
35 The department shall determine an inmate's education history, work
36 history, and vocational or work skills. The initial assessment shall
37 be conducted, whenever possible, within the first thirty days of an
38 inmate's entry into the correctional system, except that initial
39 assessments are not required for inmates who are sentenced to life

1 without the possibility of release, assigned to an intensive management
2 unit within the first thirty days after entry into the correctional
3 system, are returning to the correctional system within one year of a
4 prior release, or whose physical or mental condition renders them
5 unable to complete the assessment process. The department shall track
6 and record changes in the basic academic skill levels of all inmates
7 reflected in any testing or assessment performed as part of their
8 education programming;

9 (b) Placement. The department shall follow the policies set forth
10 in subsection (1) of this section in establishing criteria for placing
11 inmates in education and work programs. The department shall, to the
12 extent possible, place all inmates whose composite grade level score
13 for basic academic skills is below the eighth grade level in a combined
14 education and work program. The placement criteria shall include at
15 least the following factors:

16 (i) An inmate's release date and custody level, except an inmate
17 shall not be precluded from participating in an education or work
18 program solely on the basis of his or her release date;

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

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

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

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

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

31 (d) Financial responsibility. (i) The department shall establish
32 a formula by which inmates, based on their ability to pay, shall pay
33 all or a portion of the costs or tuition of certain programs. Inmates
34 shall, based on the formula, pay a portion of the costs or tuition of
35 participation in:

36 (A) Second and subsequent vocational programs associated with an
37 inmate's work programs; and

1 (B) An associate of arts or baccalaureate degree program when
2 placement in a degree program is the result of a placement made under
3 this subsection;

4 (ii) Inmates shall pay all costs and tuition for participation in:

5 (A) Any postsecondary academic degree program which is entered
6 independently of a placement decision made under this subsection; and

7 (B) Second and subsequent vocational programs not associated with
8 an inmate's work program.

9 Enrollment in any program specified in (d)(ii) of this subsection
10 shall only be allowed by correspondence or if there is an opening in an
11 education or work program at the institution where an inmate is
12 incarcerated and no other inmate who is placed in a program under this
13 subsection will be displaced; and

14 (e) Notwithstanding any other provision in this section, an inmate
15 sentenced to life without the possibility of release:

16 (i) Shall not be required to participate in education programming;
17 and

18 (ii) May receive not more than one postsecondary academic degree in
19 a program offered by the department or its contracted providers.

20 If an inmate sentenced to life without the possibility of release
21 requires prevocational or vocational training for a work program, he or
22 she may participate in the training subject to this section.

23 (6) The department shall coordinate education and work programs
24 among its institutions, to the greatest extent possible, to facilitate
25 continuity of programming among inmates transferred between
26 institutions. Before transferring an inmate enrolled in a program, the
27 department shall consider the effect the transfer will have on the
28 inmate's ability to continue or complete a program. This subsection
29 shall not be used to delay or prohibit a transfer necessary for
30 legitimate safety or security concerns.

31 (7) Before construction of a new correctional institution or
32 expansion of an existing correctional institution, the department shall
33 adopt a plan demonstrating how cable, closed-circuit, and satellite
34 television will be used for education and training purposes in the
35 institution. The plan shall specify how the use of television in the
36 education and training programs will improve inmates' preparedness for
37 available work programs and job opportunities for which inmates may
38 qualify upon release.

1 (8) The department shall adopt a plan to reduce the per-pupil cost
2 of instruction by, among other methods, increasing the use of volunteer
3 instructors and implementing technological efficiencies. The plan
4 shall be adopted by December 1996 and shall be transmitted to the
5 legislature upon adoption. The department shall, in adoption of the
6 plan, consider distance learning, satellite instruction, video tape
7 usage, computer-aided instruction, and flexible scheduling of offender
8 instruction.

9 (9) Following completion of the review required by section 27(3),
10 chapter 19, Laws of 1995 1st sp. sess. the department shall take all
11 necessary steps to assure the vocation and education programs are
12 relevant to work programs and skills necessary to enhance the
13 employability of inmates upon release.

14 NEW SECTION. **Sec. 4.** The department of corrections and the
15 Washington state board for community and technical colleges shall
16 collaborate to find ways to implement distance learning programs and
17 distance learning courses within programs, including the appropriate
18 use of intranets, in the prisons. The department and the board shall
19 consider ways to overcome traditional and technical barriers to
20 distance learning and whether implementation of distance learning
21 programs is cost-effective and shall report to the legislature by
22 December 1, 2001.

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