
SENATE BILL 5871

State of Washington

57th Legislature

2001 Regular Session

By Senators Kohl-Welles and Hewitt

Read first time 02/06/2001. Referred to Committee on Human Services & Corrections.

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 The department may not seek a budget reduction to eliminate
7 educational or vocational programs found to be cost-effective in
8 reducing recidivism.

9 The department may not eliminate educational or vocational programs
10 found to be effective in accomplishing penological objectives,
11 including but not limited to inmate management, violence or contraband
12 reduction, production of goods and services for the department or other
13 state agencies, and victim restitution unless the cost of the program
14 exceeds the benefit the program produces. When proposing to eliminate
15 any educational or vocational program that provides direct goods or
16 services to the department or other state agencies, or meets
17 penological objectives, the department must offset the replacement cost
18 of the goods or services and the additional cost to maintain the
19 penological objectives against the savings produced by the reduction in
20 its proposal to eliminate the program.

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

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

1 (2) The department shall provide access to a program of education
2 to all offenders who are under the age of eighteen and who have not met
3 high school graduation or general equivalency diploma requirements in
4 accordance with chapter 28A.193 RCW. The program of education
5 established by the department and education provider under RCW
6 28A.193.020 for offenders under the age of eighteen must provide each
7 offender a choice of curriculum that will assist the inmate in
8 achieving a high school diploma or general equivalency diploma. The
9 program of education may include but not be limited to basic education,
10 prevocational training, work ethic skills, conflict resolution
11 counseling, substance abuse intervention, and anger management
12 counseling. The curriculum may balance these and other rehabilitation,
13 work, and training components.

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

17 (a) Achievement of basic academic skills through obtaining a high
18 school diploma or its equivalent and achievement of vocational skills
19 necessary for purposes of work programs and for an inmate to qualify
20 for work upon release;

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

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

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

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

1 (a) Assessment. The department shall assess all inmates for their
2 basic academic skill levels using a professionally accepted method of
3 scoring reading, math, and language skills as grade level equivalents.
4 The department shall determine an inmate's education history, work
5 history, and vocational or work skills. The initial assessment shall
6 be conducted, whenever possible, within the first thirty days of an
7 inmate's entry into the correctional system, except that initial
8 assessments are not required for inmates who are sentenced to life
9 without the possibility of release, assigned to an intensive management
10 unit within the first thirty days after entry into the correctional
11 system, are returning to the correctional system within one year of a
12 prior release, or whose physical or mental condition renders them
13 unable to complete the assessment process. The department shall track
14 and record changes in the basic academic skill levels of all inmates
15 reflected in any testing or assessment performed as part of their
16 education programming;

17 (b) Placement. The department shall follow the policies set forth
18 in subsection (1) of this section in establishing criteria for placing
19 inmates in education and work programs. The department shall, to the
20 extent possible, place all inmates whose composite grade level score
21 for basic academic skills is below the eighth grade level in a combined
22 education and work program. The placement criteria shall include at
23 least the following factors:

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

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

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

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

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

33 (c) Performance and goals. The department shall establish, and
34 periodically review, inmate behavior standards and program goals for
35 all education and work programs. Inmates shall be notified of
36 applicable behavior standards and program goals prior to placement in
37 an education or work program and shall be removed from the education or
38 work program if they consistently fail to meet the standards or goals;

1 (d) Financial responsibility. (i) The department shall establish
2 a formula by which inmates, based on their ability to pay, shall pay
3 all or a portion of the costs or tuition of certain programs. Inmates
4 shall, based on the formula, pay a portion of the costs or tuition of
5 participation in:

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

8 (B) An associate of arts or baccalaureate degree program when
9 placement in a degree program is the result of a placement made under
10 this subsection;

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

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

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

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

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

23 (i) Shall not be required to participate in education programming;
24 and

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

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

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

38 (7) Before construction of a new correctional institution or
39 expansion of an existing correctional institution, the department shall

1 adopt a plan demonstrating how cable, closed-circuit, and satellite
2 television will be used for education and training purposes in the
3 institution. The plan shall specify how the use of television in the
4 education and training programs will improve inmates' preparedness for
5 available work programs and job opportunities for which inmates may
6 qualify upon release.

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

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

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

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