
**College & Workforce Development
Committee**

HB 2299

Brief Description: Creating prison to postsecondary education pathways.

Sponsors: Representatives Leavitt, Klippert, Lovick, Eslick, Davis, Orwall, Sells and Shewmake.

Brief Summary of Bill

- Permits the Department of Corrections (DOC) to implement postsecondary certificate and degree programs at state correctional institutions.
- Modifies the DOC's educational goals for incarcerated persons to include special education services and postsecondary education certificates or degrees.
- Requires the DOC to establish a process for identifying and assessing incarcerated persons with learning disabilities, traumatic brain injuries, and cognitive impairments, in addition to providing accommodations for these persons.
- Requires the DOC to provide unofficial transcripts to incarcerated persons who participated in postsecondary education programs any time the person completes a program, is transferred to another facility, or is released.
- Requires the DOC to consider an incarcerated person's educational programming when considering transfers to other facilities and when releasing a person to their county of origin.
- Requires the Washington State Institute for Public Policy to study and report on enrollment and completion rates of incarcerated persons in the postsecondary education system post release, in addition to recidivism rates, by October 1, 2023.
- Requires an annual report from the DOC and other state agencies that includes a variety of data and information on incarcerated persons and postsecondary education.

Hearing Date: 1/15/20

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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Background:

Individual Reentry Plans.

The Department of Corrections (DOC) is required to develop individual reentry plans for each person incarcerated under its jurisdiction except for those persons sentenced to life without the possibility of release, sentenced to death, and those subject to deportation. Individual reentry plans include plans to maintain contact with family; a portfolio of the person's educational achievements, previous employment and work experience, and any training received; and a plan for the person to facilitate reentry into the community that addresses education, employment, substance abuse treatment, mental health treatment, family reunification, and other needs.

The Department of Correction's Educational Goals for Incarcerated Persons.

The DOC is required to offer certain education and work programs to persons incarcerated at a state correctional institution based on available funding and the following goals in the order listed:

1. Achievement of basic skills through obtaining a high school diploma or the equivalent.
2. Achievement of vocational skills necessary for work programs and to qualify for work upon release.
3. Additional work and education programs necessary to comply with an individual reentry plan.
4. Other appropriate vocational, work, or educational programs not necessary for compliance with an individual reentry plan, including associate degree programs.

If programming is provided for 1, 2, or 3, the DOC is responsible for the cost, including books, materials, and supplies. If programming is provided for 4, the incarcerated person is required to pay all or a portion of the cost, including books, fees, and tuition based on a DOC formula that correlates to the incarcerated person's average monthly income and available savings and a prorated percent of the per credit fee. A third party may pay the DOC directly for all or a portion of the programming costs aligned with the fourth goal.

Associate Workforce Degree Programs at State Correctional Institutions.

In 2017 the DOC was authorized to implement associate workforce degree programs at state correctional institutions without specific funds being appropriated for that purpose. The associate workforce degree programs have to be from an accredited community or technical college, college, or university designed to prepare incarcerated persons to enter the workforce. The DOC may select an incarcerated person to participate in a state-funded associate degree program based on priority criteria, including consideration of the following:

- priority given to persons within five years or less of release;
- the person does not already possess a postsecondary education degree; and
- the person's individual reentry plan includes participation in an associate degree program that is: (1) offered at their state correctional institution; (2) approved by the DOC as an eligible and effective postsecondary education degree program; and (3) is limited to an associate workforce degree.

Incarcerated persons who do not meet the priority criteria for state-funded associate degree programs must pay for the program themselves, if he or she elects to participate. Incarcerated

persons sentenced to life without the possibility of release, sentenced to death, or subject to deportation under federal law are not allowed to participate in a state-funded associate degree program.

County of Origin Discharge Considerations.

When the DOC discharges a person released to community custody, it must determine the appropriate county to release the person to. The DOC is prohibited from approving a residence location that is not in the person's county of origin unless the DOC determines that a return to the county of origin would be inappropriate due to any court-ordered condition of the person's sentence, victim safety concerns, negative influences on the person in the community, or the location of family or other sponsoring persons or organizations supporting the person.

Summary of Bill:

The Department of Correction's Educational Goals for Incarcerated Persons.

The DOC's educational goals for incarcerated persons is modified as follows:

1. Achievement of basic skills through obtaining a high school diploma or the equivalent, including achievement of persons eligible for special education services pursuant to federal or state law.
2. Achievement of vocational skills necessary for work programs and to qualify for work upon release.
3. Additional work and education programs necessary to comply with an individual reentry plan, including special education services and postsecondary certificate or degree programs.
4. Other appropriate vocational, work, or educational programs not necessary for compliance with an individual reentry plan, including postsecondary certificate or degree programs.

The DOC must establish a process for identifying and assessing incarcerated persons with learning disabilities, traumatic brain injuries, and other cognitive impairments to determine whether the person requires accommodations in order to effectively participate in educational programming, including GED tests and postsecondary education. The DOC must establish a process to provide accommodations to these persons.

Postsecondary Education Programs at State Correctional Institutions.

The DOC's authority to implement associate workforce degree programs at state correctional institutions is expanded to postsecondary certificate or degree programs. In addition, priority consideration may be given to incarcerated persons within 10 years or less of release.

Incarcerated persons sentenced to life without the possibility of release, sentenced to death, or subject to deportation may participate in a postsecondary education degree program if it is paid for by a third party.

The DOC is required to provide an incarcerated person that participated in postsecondary education programs with a copy of their unofficial transcript, at no cost to the person, any time the person completes a postsecondary education program, is transferred to a different facility, or is released.

Tuition Fees.

Standard tuition fees charged at the public institutions of higher education do not apply to persons incarcerated under the DOC who participate in credit-eligible postsecondary education courses and degree programs if the program expenses are funded by nontuition resources, such as grants, contracts, and donations.

County of Origin Discharge Considerations.

The DOC must also consider the incarcerated person's return to their county of origin to be inappropriate if the person is enrolled in an educational program that can not be completed in their county of origin, unless there are victim safety concerns.

Transfers of Persons Incarcerated at Correctional Facilities.

When determining whether to transfer an incarcerated person to a different in-state facility, the DOC is required to consider whether the person is enrolled in a vocational or educational program, including programs operated by approved outside providers, which cannot be continued at the receiving facility.

Washington State Institute for Public Policy Study.

The Washington State Institute for Public Policy (WSIPP) must study recidivism rates and enrollment and completion rates of incarcerated persons in the postsecondary education system post release. The DOC, the Washington Student Achievement Council (WSAC), and the State Board for Community and Technical Colleges (SBCTC) must provide the data necessary to complete the study. The study, which is due October 1, 2023, must include:

- the effects of post release enrollment in the postsecondary education system by persons who, while incarcerated, completed some course work but did not earn a certificate or degree;
- post release patterns of participation in postsecondary education of persons who, while incarcerated, participated in postsecondary education;
- differential outcomes for persons participating in different types of postsecondary education courses and certificate and degree programs; and
- an examination of recidivism outcomes after incarceration.

State Agency Report on Postsecondary Education Programs and Incarcerated Persons.

The DOC, SBCTC, WSAC, and Washington Statewide Reentry Council, in collaboration with an organization representing the presidents of the public four-year institutions of higher education, must report to the committees of the Legislature with oversight over higher education and correctional matters, by December 1, 2020, and annually thereafter, on the following:

- the number of incarcerated persons served in the DOC's postsecondary education system, the number of persons not served, the number of persons leaving the DOC's custody after a minimum of one year without a high school equivalency certificate, and the number of persons released without any postsecondary education;
- a review of the DOC's identification and assessment of incarcerated persons with learning disabilities, traumatic brain injuries, and other cognitive impairments or disabilities that affect their ability to participate in educational programming, and an identification of the barriers to the identification and assessment of these persons with recommendations to improve;
- identification of issues related to ensuring that credits earned in credit-bearing courses are transferable, including the number of transferable credits awarded and nontransferable credits awarded;

- a review of transfer policies, including identifying barriers or challenges, in order to create recommendations to ensure seamless transfer of incarcerated persons to postsecondary educational institutions;
- the number of persons participating in correspondence courses and the completion rates; and
- an examination of the collaboration between correctional facilities, educational programs, and the postsecondary educational institutions, with the goal of clearly defining roles and responsibilities.

Appropriation: None.

Fiscal Note: Requested on January 9, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.