
HOUSE BILL 2299

State of Washington

66th Legislature

2020 Regular Session

By Representatives Leavitt, Klippert, Lovick, Eslick, Davis, Orwall, Sells, Shewmake, Tarleton, Frame, Bergquist, Tharinger, Fey, Ormsby, Harris, Irwin, Doglio, Goodman, and Appleton

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1 AN ACT Relating to creating prison to postsecondary education
2 pathways; amending RCW 72.09.270, 72.09.460, 72.09.465, 72.68.010,
3 and 28B.15.067; amending 2019 c 397 s 1 (uncodified); adding a new
4 section to chapter 72.68 RCW; adding a new section to chapter 72.09
5 RCW; creating a new section; and providing an expiration date.

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

7 **Sec. 1.** 2019 c 397 s 1 (uncodified) is amended to read as
8 follows:

9 (1) The legislature finds that incarceration is both a rural and
10 urban issue in the state. According to one recent report, the highest
11 rates of prison admissions are in rural counties. In addition, since
12 1980, the number of women in prison has increased more than eight
13 hundred percent. The legislature finds that studies clearly and
14 consistently demonstrate that postsecondary education in prisons
15 improves safety in facilities, and incarcerated adults who obtain
16 postsecondary education and training are more likely to be employed
17 following release, which leads to a ~~((dramatic))~~ significant
18 reduction in recidivism rates, ~~((significant))~~ improvements in public
19 safety in communities, and a major return on investment. The
20 legislature finds that reducing recidivism ~~((would))~~ decreases the
21 financial burden to taxpayers and the emotional burden of victims.

1 (2) The legislature finds that research indicates that
2 postsecondary education and training is an effective evidence-based
3 practice for reducing recidivism. An analysis commissioned by the
4 United States department of justice determined that adults who
5 received (~~such~~) education while incarcerated were forty-three
6 percent less likely to recidivate.

7 (3) Ninety-five percent of incarcerated adults ultimately return
8 to their communities to obtain employment and contribute to society.
9 The legislature finds that according to the bureau of labor
10 statistics, unemployment rates for people with only a high school
11 education are twice that of those with an associate degree. Research
12 has shown that adults who participated in (~~such~~) education programs
13 while incarcerated were thirteen percent more likely to be employed.

14 (4) The legislature further finds that correctional education is
15 cost-effective. A 2014 study by the Washington state institute for
16 public policy estimated that (~~the state received~~), based on a
17 review of national research literature and cost benefit analysis,
18 there is a return on investment of twenty dollars for every dollar
19 invested in correctional education.

20 (5) It is the intent of the legislature to enhance public safety,
21 impact the safety environment for workers in prison as findings show
22 that violence rates are reduced in institutions where there are
23 educational programs, reduce crime, and increase employment rates in
24 a cost-effective manner by exploring benefits and costs associated
25 with providing postsecondary education degree opportunities and
26 training to incarcerated adults through expanded partnerships between
27 (~~the community and technical colleges~~) postsecondary institutions
28 and the department of corrections.

29 (6) It is the intent of the legislature to support exploring the
30 use of secure internet connections expressly for the purposes of
31 furthering postsecondary education degree opportunities and training
32 of incarcerated adults, including providing assistance to
33 incarcerated adults with completing financial aid materials. The
34 legislature intends for the department to be able to provide complete
35 assurance that all offender-used internet connections are secure.

36 (7) It is also the intent of the legislature, by requiring the
37 study under section 2 of this act, to examine the effects of
38 enrollment in the postsecondary education system post release.

1 NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts
2 appropriated for this specific purpose, the Washington state
3 institute for public policy shall conduct a study on enrollment and
4 completion rates of inmates in the postsecondary education system
5 post release, as well as recidivism rates. At a minimum, the
6 Washington state institute for public policy must:

7 (a) Study the effects of post release enrollment in the
8 postsecondary education system by individuals who, while
9 incarcerated, completed some course work but did not earn a degree or
10 certificate;

11 (b) Study post release patterns of participation in postsecondary
12 education of individuals who, while incarcerated, participated in
13 postsecondary education programs;

14 (c) Identify differential outcomes for individuals participating
15 in different types of postsecondary education courses and degree and
16 certificate programs; and

17 (d) Examine recidivism outcomes beyond incarceration.

18 (2) The department of corrections, the student achievement
19 council, and the state board for community and technical colleges
20 shall provide data necessary to conduct the study.

21 (3) By October 1, 2023, and in compliance with RCW 43.01.036, the
22 institute must submit a report to the appropriate committees of the
23 legislature.

24 (4) This section expires January 1, 2025.

25 **Sec. 3.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to
26 read as follows:

27 (1) The department of corrections shall develop an individual
28 reentry plan as defined in RCW 72.09.015 for every offender who is
29 committed to the jurisdiction of the department except:

30 (a) Offenders who are sentenced to life without the possibility
31 of release or sentenced to death under chapter 10.95 RCW; and

32 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.
33 1227.

34 (2) The individual reentry plan may be one document, or may be a
35 series of individual plans that combine to meet the requirements of
36 this section.

37 (3) In developing individual reentry plans, the department shall
38 assess all offenders using standardized and comprehensive tools to
39 identify the criminogenic risks, programmatic needs, and educational

1 and vocational skill levels for each offender. The assessment tool
2 should take into account demographic biases, such as culture, age,
3 and gender, as well as the needs of the offender, including any
4 learning disabilities, substance abuse or mental health issues, and
5 social or behavior (~~deficits~~) challenges.

6 (4)(a) The initial assessment shall be conducted as early as
7 sentencing, but, whenever possible, no later than forty-five days of
8 being sentenced to the jurisdiction of the department of corrections.

9 (b) The offender's individual reentry plan shall be developed as
10 soon as possible after the initial assessment is conducted, but,
11 whenever possible, no later than sixty days after completion of the
12 assessment, and shall be periodically reviewed and updated as
13 appropriate.

14 (5) The individual reentry plan shall, at a minimum, include:

15 (a) A plan to maintain contact with the inmate's children and
16 family, if appropriate. The plan should determine whether parenting
17 classes, or other services, are appropriate to facilitate successful
18 reunification with the offender's children and family;

19 (b) An individualized portfolio for each offender that includes
20 the offender's education achievements, certifications, employment,
21 work experience, skills, and any training received prior to and
22 during incarceration; and

23 (c) A plan for the offender during the period of incarceration
24 through reentry into the community that addresses the needs of the
25 offender including education, employment, substance abuse treatment,
26 mental health treatment, family reunification, and other areas which
27 are needed to facilitate a successful reintegration into the
28 community.

29 (6)(a) Prior to discharge of any offender, the department shall:

30 (i) Evaluate the offender's needs and, to the extent possible,
31 connect the offender with existing services and resources that meet
32 those needs; and

33 (ii) Connect the offender with a community justice center and/or
34 community transition coordination network in the area in which the
35 offender will be residing once released from the correctional system
36 if one exists.

37 (b) If the department recommends partial confinement in an
38 offender's individual reentry plan, the department shall maximize the
39 period of partial confinement for the offender as allowed pursuant to

1 RCW 9.94A.728 to facilitate the offender's transition to the
2 community.

3 (7) The department shall establish mechanisms for sharing
4 information from individual reentry plans to those persons involved
5 with the offender's treatment, programming, and reentry, when deemed
6 appropriate. When feasible, this information shall be shared
7 electronically.

8 (8) (a) (i) In determining the county of discharge for an offender
9 released to community custody, the department may not approve a
10 residence location that is not in the offender's county of origin
11 unless it is determined by the department that the offender's return
12 to his or her county of origin would be inappropriate considering any
13 court-ordered condition of the offender's sentence, victim safety
14 concerns, negative influences on the offender in the community, or
15 the location of family or other sponsoring persons or organizations
16 that will support the offender.

17 (ii) Unless there are victim safety concerns, the department
18 shall consider the offender's return to the offender's county of
19 origin to be inappropriate if the offender is enrolled in an
20 educational program and a return to the offender's county of origin
21 would result in the offender not being able to complete the program.

22 (b) If the offender is not returned to his or her county of
23 origin, the department shall provide the law and justice council of
24 the county in which the offender is placed with a written
25 explanation.

26 (c) For purposes of this section, the offender's county of origin
27 means the county of the offender's first felony conviction in
28 Washington.

29 (9) Nothing in this section creates a vested right in
30 programming, education, or other services.

31 **Sec. 4.** RCW 72.09.460 and 2017 c 120 s 3 are each amended to
32 read as follows:

33 (1) Recognizing that there is a positive correlation between
34 education opportunities and reduced recidivism, it is the intent of
35 the legislature to offer appropriate (~~associate~~) postsecondary
36 degree or certificate opportunities to inmates (~~designed to prepare~~
37 ~~the inmate to enter the workforce~~)).

38 (2) The legislature intends that all inmates be required to
39 participate in department-approved education programs, work programs,

1 or both, unless exempted as specifically provided in this section.
2 Eligible inmates who refuse to participate in available education or
3 work programs available at no charge to the inmates shall lose
4 privileges according to the system established under RCW 72.09.130.
5 Eligible inmates who are required to contribute financially to an
6 education or work program and refuse to contribute shall be placed in
7 another work program. Refusal to contribute shall not result in a
8 loss of privileges.

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

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

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

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

24 (iii) Additional work and education programs necessary for
25 compliance with an offender's individual reentry plan under RCW
26 72.09.270, including special education services and postsecondary
27 degree or certificate education programs; and

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

32 (b) If programming is provided pursuant to (a)(i) through (iii)
33 of this subsection, the department shall pay the cost of such
34 programming, including but not limited to books, materials, and
35 supplies.

36 (c) If programming is provided pursuant to (a)(iv) of this
37 subsection, inmates shall be required to pay all or a portion of the
38 costs, including books, fees, and tuition, for participation in any
39 vocational, work, or education program as provided in department
40 policies. Department policies shall include a formula for determining

1 how much an offender shall be required to pay. The formula shall
2 include steps which correlate to an offender average monthly income
3 or average available balance in a personal inmate savings account and
4 which are correlated to a prorated portion or percent of the per
5 credit fee for tuition, books, or other ancillary educational costs.
6 The formula shall be reviewed every two years. A third party may pay
7 directly to the department all or a portion of costs and tuition for
8 any programming provided pursuant to (a)(iv) of this subsection on
9 behalf of an inmate. Such payments shall not be subject to any of the
10 deductions as provided in this chapter.

11 (d) The department may accept any and all donations and grants of
12 money, equipment, supplies, materials, and services from any third
13 party, including but not limited to nonprofit entities, and may
14 receive, utilize, and dispose of same to complete the purposes of
15 this section.

16 (e) Any funds collected by the department under (c) and (d) of
17 this subsection and subsections (~~((9) and~~) (10) and (11) of this
18 section shall be used solely for the creation, maintenance, or
19 expansion of inmate educational and vocational programs.

20 (5) The department shall provide access to a program of education
21 to all offenders who are under the age of eighteen and who have not
22 met high school graduation requirements or requirements to earn a
23 high school equivalency certificate as provided in RCW 28B.50.536 in
24 accordance with chapter 28A.193 RCW. The program of education
25 established by the department and education provider under RCW
26 28A.193.020 for offenders under the age of eighteen must provide each
27 offender a choice of curriculum that will assist the inmate in
28 achieving a high school diploma or high school equivalency
29 certificate. The program of education may include but not be limited
30 to basic education, prevocational training, work ethic skills,
31 conflict resolution counseling, substance abuse intervention, and
32 anger management counseling. The curriculum may balance these and
33 other rehabilitation, work, and training components.

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

39 (i) An inmate's release date and custody level. An inmate shall
40 not be precluded from participating in an education or work program

1 solely on the basis of his or her release date, except that inmates
2 with a release date of more than one hundred twenty months in the
3 future shall not comprise more than ten percent of inmates
4 participating in a new class I correctional industry not in existence
5 on June 10, 2004;

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

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

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

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

12 (b) The department shall establish, and periodically review,
13 inmate behavior standards and program ~~((goals))~~ outcomes for all
14 education and work programs. Inmates shall be notified of applicable
15 behavior standards and program goals prior to placement in an
16 education or work program and shall be removed from the education or
17 work program if they consistently fail to meet the standards or
18 ~~((goals))~~ outcomes.

19 (7) Eligible inmates who refuse to participate in available
20 education or work programs available at no charge to the inmates
21 shall lose privileges according to the system established under RCW
22 72.09.130. Eligible inmates who are required to contribute
23 financially to an education or work program and refuse to contribute
24 shall be placed in another work program. Refusal to contribute shall
25 not result in a loss of privileges.

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

34 (9) The department shall establish, by rule, objective medical
35 standards to determine when an inmate is physically or mentally
36 unable to participate in available education or work programs. When
37 the department determines an inmate is permanently unable to
38 participate in any available education or work program due to a
39 health condition, the inmate is exempt from the requirement under
40 subsection (2) of this section. When the department determines an

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

8 ~~((9))~~ (10) The department shall establish policies requiring an
9 offender to pay all or a portion of the costs and tuition for any
10 vocational training or postsecondary education program if the
11 offender previously abandoned coursework related to ~~((associate))~~
12 postsecondary degree or certificate education or vocational training
13 without excuse as defined in rule by the department. Department
14 policies shall include a formula for determining how much an offender
15 shall be required to pay. The formula shall include steps which
16 correlate to an offender average monthly income or average available
17 balance in a personal inmate savings account and which are correlated
18 to a prorated portion or percent of the per credit fee for tuition,
19 books, or other ancillary costs. The formula shall be reviewed every
20 two years. A third party may pay directly to the department all or a
21 portion of costs and tuition for any program on behalf of an inmate
22 under this subsection. Such payments shall not be subject to any of
23 the deductions as provided in this chapter.

24 ~~((10))~~ (11) Notwithstanding any other provision in this
25 section, an inmate sentenced to life without the possibility of
26 release, sentenced to death under chapter 10.95 RCW, or subject to
27 the provisions of 8 U.S.C. Sec. 1227:

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

31 (b) May not participate in ~~((an—associate))~~ a postsecondary
32 degree education program offered by the department or its contracted
33 providers, unless the inmate's participation in the program is paid
34 for by a third party;

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

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

39 (12) If an inmate has participated in postsecondary education
40 programs, the department shall provide the inmate with a copy of the

1 inmate's unofficial transcripts, at no cost to the inmate, upon the
2 inmate's release or transfer to a different facility. Upon the
3 inmate's completion of a postsecondary education program, the
4 department shall provide to the inmate, at no cost to the inmate, a
5 copy of the inmate's unofficial transcripts. This requirement applies
6 regardless of whether the inmate became ineligible to participate in
7 or abandoned a postsecondary education program.

8 **Sec. 5.** RCW 72.09.465 and 2017 c 120 s 4 are each amended to
9 read as follows:

10 (1) (a) The department may implement ~~((associate))~~ postsecondary
11 degree or certificate education programs at state correctional
12 institutions. ~~((During the 2015-2017 fiscal biennium, the department~~
13 ~~may implement postsecondary degree programs within state~~
14 ~~institutions, including the state correctional institution with the~~
15 ~~largest population of females, within its existing funds and under~~
16 ~~the limitations in this section, to include any funding provided~~
17 ~~under subsection (3) of this section.))~~

18 (b) The department may consider for inclusion in any
19 ~~((associate))~~ postsecondary degree or certificate education program,
20 any education program from an accredited community or technical
21 college, college, or university that is part of ~~((an associate~~
22 ~~workforce))~~ a postsecondary degree or certificate program ~~((designed~~
23 ~~to prepare the inmate to enter the workforce)).~~

24 (2) Inmates not meeting the department's priority criteria for
25 the state-funded ~~((associate))~~ postsecondary degree education program
26 shall be required to pay the costs for participation in a
27 postsecondary education degree program if he or she elects to
28 participate through self-pay, including costs of books, fees,
29 tuition, or any other appropriate ancillary costs, by one or more of
30 the following means:

31 (a) The inmate who is participating in the postsecondary
32 education degree program may, during confinement, provide the
33 required payment or payments to the department; or

34 (b) A third party shall provide the required payment or payments
35 directly to the department on behalf of an inmate, and such payments
36 shall not be subject to any of the deductions as provided in this
37 chapter.

38 (3) The department may accept any and all donations and grants of
39 money, equipment, supplies, materials, and services from any third

1 party, including but not limited to nonprofit entities, and may
2 receive, utilize, and dispose of same to provide postsecondary
3 education to inmates.

4 (4) An inmate may be selected to participate in a state-funded
5 ((associate)) postsecondary degree education program, based on
6 priority criteria determined by the department, in which the
7 following conditions may be considered:

8 (a) Priority should be given to inmates within ((five)) ten years
9 or less of release;

10 (b) The inmate does not already possess a postsecondary education
11 degree; and

12 (c) The inmate's individual reentry plan includes participation
13 in ((an associate)) a postsecondary degree or certificate education
14 program that is:

15 (i) Offered at the inmate's state correctional institution;

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

18 (iii) Limited to ((an associate workforce)) a postsecondary
19 degree or certificate program.

20 (5) ((During the 2015-2017 fiscal biennium, an inmate may be
21 selected to participate in a state-funded postsecondary education
22 degree program, based on priority criteria determined by the
23 department, in which the following conditions may be considered:

24 (a) Priority should be given to inmates within five years of
25 release;

26 (b) The inmate does not already possess a postsecondary education
27 degree; and

28 (c) The inmate's individual reentry plan includes participation
29 in a postsecondary education degree program that is:

30 (i) Offered at the inmate's state correctional institution; and

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

33 (6)) Any funds collected by the department under this section
34 shall be used solely for the creation, maintenance, or expansion of
35 inmate postsecondary education degree programs.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.68
37 RCW to read as follows:

38 (1) In determining whether to transfer an offender to a different
39 facility in state, the department shall consider whether the offender

1 is enrolled in a vocational or educational program, including those
2 operated by approved outside providers, which cannot be continued at
3 the receiving facility. The department shall work with the offender's
4 case manager, counselor, education navigator or other appropriate
5 person to attempt to meet the needs of the department and the
6 offender regarding transfer.

7 (2) Nothing in this section creates a vested right in
8 programming, education, or other services.

9 **Sec. 7.** RCW 72.68.010 and 2000 c 62 s 2 are each amended to read
10 as follows:

11 (1) Whenever in its judgment the best interests of the state or
12 the welfare of any prisoner confined in any penal institution will be
13 better served by his or her transfer to another institution or to a
14 foreign country of which the prisoner is a citizen or national, the
15 secretary may effect such transfer consistent with applicable federal
16 laws and treaties. The secretary has the authority to transfer
17 offenders out-of-state to private or governmental institutions if the
18 secretary determines that transfer is in the best interest of the
19 state or the offender. The determination of what is in the best
20 interest of the state or offender may include but is not limited to
21 considerations of overcrowding, emergency conditions, or hardship to
22 the offender. In determining whether the transfer will impose a
23 hardship on the offender, the secretary shall consider: (a) The
24 location of the offender's family and whether the offender has
25 maintained contact with members of his or her family; (b) whether, if
26 the offender has maintained contact, the contact will be
27 significantly disrupted by the transfer due to the family's inability
28 to maintain the contact as a result of the transfer; and (c) whether
29 the offender is enrolled in a vocational or educational program that
30 cannot reasonably be resumed or completed if the offender is
31 transferred to another penal institution or returned to the state.

32 (2) If directed by the governor, the secretary shall, in carrying
33 out this section and RCW 43.06.350, adopt rules under chapter 34.05
34 RCW to effect the transfer of prisoners requesting transfer to
35 foreign countries.

36 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.09
37 RCW to read as follows:

1 (1) The department, the state board for community and technical
2 colleges, the student achievement council, and the Washington
3 statewide reentry council, in collaboration with an organization
4 representing the presidents of the public four-year institutions of
5 higher education, shall submit a combined report, pursuant to RCW
6 43.01.036, by December 1, 2020, and annually thereafter, to the
7 appropriate committees of the legislature having oversight over
8 higher education issues and correctional matters.

9 (2) At a minimum, the combined report must include:

10 (a) The number of incarcerated individuals served in the
11 department's postsecondary education system, the number of
12 individuals not served, the number of individuals leaving the
13 department's custody without a high school equivalency who were in
14 the department's custody longer than one year, and the number of
15 individuals released without any postsecondary education;

16 (b) A review of the department's identification and assessment of
17 incarcerated individuals with learning disabilities, traumatic brain
18 injuries, and other cognitive impairments or disabilities that may
19 limit their ability to participate in educational programming,
20 including general educational development testing and postsecondary
21 education. The report shall identify barriers to the identification
22 and assessment of these individuals and include recommendations that
23 will further facilitate access to educational programming for these
24 inmates;

25 (c) An identification of issues related to ensuring that credits
26 earned in credit-bearing courses are transferable. The report must
27 also include the number of transferable credits awarded and the
28 number of credits awarded that are not transferable;

29 (d) A review of policies on transfer, in order to create
30 recommendations to institutions and the legislature that to ensure
31 postsecondary education credits earned while incarcerated transfer
32 seamlessly upon post release enrollment in a postsecondary education
33 institution. The review must identify barriers or challenges on
34 transferring credits experienced by individuals and the number of
35 credits earned while incarcerated that transferred to the receiving
36 colleges post release;

37 (e) The number of individuals participating in correspondence
38 courses and completion rates of correspondence courses; and

39 (f) An examination of the collaboration between correctional
40 facilities, the educational programs, and the institutions, with the

1 goal of ensuring that roles and responsibilities are clearly defined,
2 including the roles and responsibilities of each entity in relation
3 to ensuring inmate access to, and accommodations in, educational
4 programming.

5 **Sec. 9.** RCW 28B.15.067 and 2015 3rd sp.s. c 36 s 3 are each
6 amended to read as follows:

7 (1) Tuition fees shall be established under the provisions of
8 this chapter.

9 (2) Beginning in the 2011-12 academic year and through the
10 2014-15 academic year, reductions or increases in full-time tuition
11 fees shall be as provided in the omnibus appropriations act for
12 resident undergraduate students at community and technical colleges.

13 (3)(a) In the 2015-16 and 2016-17 academic years, tuition
14 operating fees for resident undergraduates at community and technical
15 colleges excluding applied baccalaureate degrees as defined in RCW
16 28B.50.030, shall be five percent less than the 2014-15 academic year
17 tuition operating fee.

18 (b) Beginning in the 2017-18 academic year, tuition operating
19 fees for resident undergraduates at community and technical colleges
20 excluding applied baccalaureate degrees as defined in RCW 28B.50.030,
21 may increase by no more than the average annual percentage growth
22 rate in the median hourly wage for Washington for the previous
23 fourteen years as the wage is determined by the federal bureau of
24 labor statistics.

25 (4) The governing boards of the state universities, regional
26 universities, and The Evergreen State College; and the state board
27 for community and technical colleges may reduce or increase full-time
28 tuition fees for all students other than resident undergraduates,
29 including nonresident students, summer school students, and students
30 in other self-supporting degree programs. Percentage increases in
31 full-time tuition may exceed the fiscal growth factor. Except during
32 the 2013-2015 fiscal biennium, the state board for community and
33 technical colleges may pilot or institute differential tuition
34 models. The board may define scale, scope, and rationale for the
35 models.

36 (5)(a) Beginning with the 2011-12 academic year and through the
37 end of the 2014-15 academic year, the governing boards of the state
38 universities, the regional universities, and The Evergreen State
39 College may reduce or increase full-time tuition fees for all

1 students, including summer school students and students in other
2 self-supporting degree programs. Percentage increases in full-time
3 tuition fees may exceed the fiscal growth factor. Reductions or
4 increases may be made for all or portions of an institution's
5 programs, campuses, courses, or students; however, during the
6 2013-2015 fiscal biennium, reductions or increases in tuition must be
7 uniform among resident undergraduate students.

8 (b) Prior to reducing or increasing tuition for each academic
9 year, the governing boards of the state universities, the regional
10 universities, and The Evergreen State College shall consult with
11 existing student associations or organizations with student
12 undergraduate and graduate representatives regarding the impacts of
13 potential tuition increases. Each governing board shall make public
14 its proposal for tuition and fee increases twenty-one days before the
15 governing board of the institution considers adoption and allow
16 opportunity for public comment. However, the requirement to make
17 public a proposal for tuition and fee increases twenty-one days
18 before the governing board considers adoption shall not apply if the
19 omnibus appropriations act has not passed the legislature by May
20 15th. Governing boards shall be required to provide data regarding
21 the percentage of students receiving financial aid, the sources of
22 aid, and the percentage of total costs of attendance paid for by aid.

23 (c) Prior to reducing or increasing tuition for each academic
24 year, the state board for community and technical college system
25 shall consult with existing student associations or organizations
26 with undergraduate student representation regarding the impacts of
27 potential tuition increases. The state board for community and
28 technical colleges shall provide data regarding the percentage of
29 students receiving financial aid, the sources of aid, and the
30 percentage of total costs of attendance paid for by aid.

31 (6) (a) In the 2015-16 academic year, full-time tuition operating
32 fees for resident undergraduates for state universities, regional
33 universities, The Evergreen State College, and applied baccalaureate
34 degrees as defined in RCW 28B.50.030 shall be five percent less than
35 the 2014-15 academic year tuition operating fee.

36 (b) Beginning with the 2016-17 academic year, full-time tuition
37 operating fees for resident undergraduates for:

38 (i) State universities shall be fifteen percent less than the
39 2014-15 academic year tuition operating fee; and

1 (ii) Regional universities, The Evergreen State College, and
2 applied baccalaureate degrees as defined in RCW 28B.50.030 shall be
3 twenty percent less than the 2014-15 academic year tuition operating
4 fee.

5 (c) Beginning with the 2017-18 academic year, full-time tuition
6 operating fees for resident undergraduates in (b) of this subsection
7 may increase by no more than the average annual percentage growth
8 rate in the median hourly wage for Washington for the previous
9 fourteen years as the wage is determined by the federal bureau of
10 labor statistics.

11 (7) The tuition fees established under this chapter shall not
12 apply to high school students enrolling in participating institutions
13 of higher education under RCW 28A.600.300 through 28A.600.400.

14 (8) (a) The tuition fees established under this chapter shall not
15 apply to eligible students enrolling in a dropout reengagement
16 program through an interlocal agreement between a school district and
17 a community or technical college under RCW 28A.175.100 through
18 28A.175.110.

19 (b) The tuition fees established under this chapter shall not
20 apply to students incarcerated with the department of corrections who
21 are participating in credit-eligible postsecondary education courses
22 and degree programs when the program expenses are funded by
23 nontuition resources, such as, but not limited to, grants, contracts,
24 and donations.

25 (9) The legislative advisory committee to the committee on
26 advanced tuition payment established in RCW 28B.95.170 shall:

27 (a) Review the impact of differential tuition rates on the funded
28 status and future unit price of the Washington advanced college
29 tuition payment program; and

30 (b) No later than January 14, 2013, make a recommendation to the
31 appropriate policy and fiscal committees of the legislature regarding
32 how differential tuition should be addressed in order to maintain the
33 ongoing solvency of the Washington advanced college tuition payment
34 program.

35 (10) As a result of any changes in tuition under section 3,
36 chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the
37 state universities, the regional universities, and The Evergreen

1 State College shall not reduce resident undergraduate enrollment
2 below the 2014-15 academic year levels.

--- **END** ---