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SENATE BILL 6344

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Hargrove, Kohl-Welles, Mullet, Schoesler, and Kline

Read first time 01/22/14. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to inmate postsecondary education degree programs  
2 to reduce recidivism; and amending RCW 72.09.460 and 72.09.465.

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

4 **Sec. 1.** RCW 72.09.460 and 2013 c 39 s 24 are each amended to read  
5 as follows:

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

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

1 placing inmates in available and appropriate education and work  
2 programs.

3 (3) Recognizing that there is a positive correlation between  
4 education opportunities and reduced recidivism, it is the intent of the  
5 legislature to offer appropriate postsecondary opportunities to  
6 inmates.

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

10 (i) Achievement of basic academic skills through obtaining a high  
11 school diploma or a high school equivalency certificate as provided in  
12 RCW 28B.50.536;

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

15 (iii) Additional work and education programs necessary for  
16 compliance with an offender's individual reentry plan under RCW  
17 72.09.270 (~~with the exception of postsecondary education degree~~  
18 ~~programs as provided in RCW 72.09.465)); and~~

19 (iv) Other appropriate vocational, work, or education programs that  
20 are not necessary for compliance with an offender's individual reentry  
21 plan under RCW 72.09.270 (~~with the exception of~~) including  
22 postsecondary education degree programs (~~as provided in RCW~~  
23 ~~72.09.465)).~~

24 (b) If programming is provided pursuant to (a)(i) through (iii) of  
25 this subsection, the department shall pay the cost of such programming,  
26 including but not limited to books, materials, supplies, and postage  
27 costs related to correspondence courses.

28 (c) If programming is provided pursuant to (a)(iv) of this  
29 subsection, inmates shall be required to pay all or a portion of the  
30 costs, including books, fees, and tuition, for participation in any  
31 vocational, work, or education program as provided in department  
32 policies. Department policies shall include a formula for determining  
33 how much an offender shall be required to pay. The formula shall  
34 include steps which correlate to an offender average monthly income or  
35 average available balance in a personal inmate savings account and  
36 which are correlated to a prorated portion or percent of the per credit  
37 fee for tuition, books, or other ancillary costs. The formula shall be  
38 reviewed every two years. A third party may pay directly to the

1 department all or a portion of costs and tuition for any programming  
2 provided pursuant to (a)(iv) of this subsection on behalf of an inmate.  
3 Such payments shall not be subject to any of the deductions as provided  
4 in this chapter.

5 (d) The department may accept any and all donations and grants of  
6 money, equipment, supplies, materials, and services from any third  
7 party, including but not limited to nonprofit entities, and may  
8 receive, utilize, and dispose of same to complete the purposes of this  
9 section.

10 (e) Any funds collected by the department under (c) and (d) of this  
11 subsection and subsections ~~((+8) and))~~ (9) and (10) of this section  
12 shall be used solely for the creation, maintenance, or expansion of  
13 inmate educational and vocational programs.

14 ~~((+4))~~ (5) The department shall provide access to a program of  
15 education to all offenders who are under the age of eighteen and who  
16 have not met high school graduation requirements or requirements to  
17 earn a high school equivalency certificate as provided in RCW  
18 28B.50.536 in accordance with chapter 28A.193 RCW. The program of  
19 education established by the department and education provider under  
20 RCW 28A.193.020 for offenders under the age of eighteen must provide  
21 each offender a choice of curriculum that will assist the inmate in  
22 achieving a high school diploma or high school equivalency certificate.  
23 The program of education may include but not be limited to basic  
24 education, prevocational training, work ethic skills, conflict  
25 resolution counseling, substance abuse intervention, and anger  
26 management counseling. The curriculum may balance these and other  
27 rehabilitation, work, and training components.

28 ~~((+5))~~ (6)(a) In addition to the policies set forth in this  
29 section, the department shall consider the following factors in  
30 establishing criteria for assessing the inclusion of education and work  
31 programs in an inmate's individual reentry plan and in placing inmates  
32 in education and work programs:

33 (i) An inmate's release date and custody level. An inmate shall  
34 not be precluded from participating in an education or work program  
35 solely on the basis of his or her release date, except that inmates  
36 with a release date of more than one hundred twenty months in the  
37 future shall not comprise more than ten percent of inmates

1 participating in a new class I correctional industry not in existence  
2 on June 10, 2004;

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

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

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

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

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

15 ~~((+6))~~ (7) Eligible inmates who refuse to participate in available  
16 education or work programs available at no charge to the inmates shall  
17 lose privileges according to the system established under RCW  
18 72.09.130. Eligible inmates who are required to contribute financially  
19 to an education or work program and refuse to contribute shall be  
20 placed in another work program. Refusal to contribute shall not result  
21 in a loss of privileges.

22 ~~((+7))~~ (8) The department shall establish, by rule, objective  
23 medical standards to determine when an inmate is physically or mentally  
24 unable to participate in available education or work programs. When  
25 the department determines an inmate is permanently unable to  
26 participate in any available education or work program due to a health  
27 condition, the inmate is exempt from the requirement under subsection  
28 (1) of this section. When the department determines an inmate is  
29 temporarily unable to participate in an education or work program due  
30 to a medical condition, the inmate is exempt from the requirement of  
31 subsection (1) of this section for the period of time he or she is  
32 temporarily disabled. The department shall periodically review the  
33 medical condition of all inmates with temporary disabilities to ensure  
34 the earliest possible entry or reentry by inmates into available  
35 programming.

36 ~~((+8))~~ (9) The department shall establish policies requiring an  
37 offender to pay all or a portion of the costs and tuition for any  
38 vocational training or postsecondary education program if the offender

1 previously abandoned coursework related to education or vocational  
2 training without excuse as defined in rule by the department.  
3 Department policies shall include a formula for determining how much an  
4 offender shall be required to pay. The formula shall include steps  
5 which correlate to an offender average monthly income or average  
6 available balance in a personal inmate savings account and which are  
7 correlated to a prorated portion or percent of the per credit fee for  
8 tuition, books, or other ancillary costs. The formula shall be  
9 reviewed every two years. A third party may pay directly to the  
10 department all or a portion of costs and tuition for any program on  
11 behalf of an inmate under this subsection. Such payments shall not be  
12 subject to any of the deductions as provided in this chapter.

13 ~~((+9))~~ (10) Notwithstanding any other provision in this section,  
14 an inmate sentenced to life without the possibility of release,  
15 sentenced to death under chapter 10.95 RCW, or subject to the  
16 provisions of 8 U.S.C. Sec. 1227:

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

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

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

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

26 **Sec. 2.** RCW 72.09.465 and 2007 c 483 s 403 are each amended to  
27 read as follows:

28 (1) The department (~~shall, if funds are appropriated for the~~  
29 ~~specific purpose,~~) may implement postsecondary education degree  
30 programs (~~within~~) at state correctional institutions(~~, including the~~  
31 ~~state correctional institution with the largest population of female~~  
32 ~~inmates~~) within available resources. The department shall consider  
33 for inclusion in any postsecondary education degree program, any  
34 postsecondary education degree program from an accredited community  
35 college, college, or university that is part of an associate of arts,  
36 baccalaureate, masters of arts, or other graduate degree program.

1           (2) (~~Except as provided in subsection (3) of this section,~~)  
2 Inmates ((shall)) not meeting the department's priority criteria for  
3 the state-funded postsecondary education degree program shall be  
4 required to pay the costs for participation in ((any)) a postsecondary  
5 education degree program((s—established—under—this—subsection  
6 [section])) if he or she elects to participate through self-pay,  
7 including costs of books, fees, tuition, or any other appropriate  
8 ancillary costs, by one or more of the following means:

9           (a) The inmate who is participating in the postsecondary education  
10 degree program ((shall)) may, during confinement, provide the required  
11 payment or payments to the department; or

12           (b) A third party ((shall)) may provide the required payment or  
13 payments directly to the department on behalf of an inmate, and such  
14 payments shall not be subject to any of the deductions as provided in  
15 this chapter.

16           (3) The department may accept any and all donations and grants of  
17 money, equipment, supplies, materials, and services from any third  
18 party, including but not limited to nonprofit entities, and may  
19 receive, utilize, and dispose of same to provide postsecondary  
20 education to inmates.

21           (4) An inmate may be selected to participate in a state-funded  
22 postsecondary education degree program, based on priority determined by  
23 the department.

24           (5) Any funds collected by the department under this section ((and  
25 ~~RCW 72.09.450(4)~~)) shall be used solely for the creation, maintenance,  
26 or expansion of inmate postsecondary education degree programs.

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