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**SUBSTITUTE SENATE BILL 6445**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senators Dhingra, O'Ban, Darneille, Saldaña, Wellman, Cleveland, Billig, Fain, Hasegawa, Keiser, Kuderer, and Palumbo)

READ FIRST TIME 02/01/18.

1 AN ACT Relating to providing postsecondary education to enhance  
2 education opportunities and public safety; amending RCW 28B.50.815,  
3 72.09.460, and 72.09.465; and amending 2017 c 120 s 1 (uncodified).

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

5 **Sec. 1.** 2017 c 120 s 1 (uncodified) is amended to read as  
6 follows:

7 (1) The legislature finds that studies clearly and consistently  
8 demonstrate that incarcerated adults who obtain (~~associate degree~~)  
9 postsecondary education and training are more likely to be employed  
10 following release, which leads to a dramatic reduction in recidivism  
11 rates, significant improvements in public safety, and a major return  
12 on investment. The legislature finds that reducing recidivism would  
13 decrease the financial burden to taxpayers and the emotional burden  
14 of victims.

15 (2) The legislature finds that research indicates that  
16 (~~associate degree~~) postsecondary education and training is an  
17 effective evidence-based practice for reducing recidivism. An  
18 analysis commissioned by the United States department of justice  
19 determined that adults who received such education while incarcerated  
20 were forty-three percent less likely to recidivate.

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

8 (4) The legislature further finds that correctional education is  
9 cost-effective. A 2014 study by the Washington state institute for  
10 public policy estimated that the state received a return on  
11 investment of twenty dollars for every dollar invested in  
12 correctional education.

13 (5) It is the intent of the legislature to enhance public safety  
14 by reducing crime and increasing employment rates in a cost-effective  
15 manner by authorizing (~~associate degree~~) postsecondary  
16 degree opportunities and training of incarcerated adults through  
17 expanded partnerships between the community and technical colleges  
18 and the department of corrections.

19 (~~(6) The legislature does not intend to provide additional  
20 funding to the department of corrections with chapter 120, Laws of  
21 2017 and intends that the department of corrections incorporate  
22 associate degree education into its available educational and  
23 vocational opportunities for offenders within existing funds set  
24 aside for this purpose.~~)

25 **Sec. 2.** RCW 28B.50.815 and 2017 c 120 s 2 are each amended to  
26 read as follows:

27 The college board may authorize any board of trustees within the  
28 system to promote and conduct (~~associate degree~~) postsecondary  
29 education degree opportunities and training of incarcerated adults  
30 through new or expanded partnerships between the community and  
31 technical colleges and the department of corrections.

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

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

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

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

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

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

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; and

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

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

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

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

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

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

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

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

38 (i) An inmate's release date and custody level. An inmate shall  
39 not be precluded from participating in an education or work program  
40 solely on the basis of his or her release date or sentence, except

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

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

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

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

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

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

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

24 (8) The department shall establish, by rule, objective medical  
25 standards to determine when an inmate is physically or mentally  
26 unable to participate in available education or work programs. When  
27 the department determines an inmate is permanently unable to  
28 participate in any available education or work program due to a  
29 health condition, the inmate is exempt from the requirement under  
30 subsection (2) of this section. When the department determines an  
31 inmate is temporarily unable to participate in an education or work  
32 program due to a medical condition, the inmate is exempt from the  
33 requirement of subsection (2) of this section for the period of time  
34 he or she is temporarily disabled. The department shall periodically  
35 review the medical condition of all inmates with temporary  
36 disabilities to ensure the earliest possible entry or reentry by  
37 inmates into available programming.

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

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

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

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

21 (b) May (~~not participate in an associate~~) receive a  
22 postsecondary degree in an education program offered by the  
23 department or its contracted providers;

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

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

28 **Sec. 4.** RCW 72.09.465 and 2017 c 120 s 4 are each amended to  
29 read as follows:

30 (1) The department may implement (~~associate degree~~)  
31 postsecondary education degree programs at state correctional  
32 institutions. (~~During the 2015-2017 fiscal biennium, the department~~  
33 ~~may implement postsecondary degree programs within state~~  
34 ~~institutions, including the state correctional institution with the~~  
35 ~~largest population of females, within its existing funds and under~~  
36 ~~the limitations in this section, to include any funding provided~~  
37 ~~under subsection (3) of this section.)) The department may consider  
38 for inclusion in any (~~associate degree~~) postsecondary education  
39 degree program, any education program from an accredited community or~~

1 technical college, college, or university that is part of an  
2 associate (~~workforce~~) or baccalaureate degree program (~~designed to~~  
3 ~~prepare the inmate to enter the workforce~~).

4 (2) Inmates not meeting the department's priority criteria for  
5 the state-funded (~~associate degree~~) postsecondary education degree  
6 program shall be required to pay the costs for participation in a  
7 postsecondary education degree program if he or she elects to  
8 participate through self-pay, including costs of books, fees,  
9 tuition, or any other appropriate ancillary costs, by one or more of  
10 the following means:

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

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

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

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

27 (a) Priority should be given to inmates within five years or less  
28 of release;

29 (b) The inmate does not already possess a postsecondary education  
30 degree; and

31 (c) The inmate's individual reentry plan includes participation  
32 in (~~an associate degree~~) a postsecondary education program that is:

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

34 (ii) Approved by the department as an eligible and effective  
35 postsecondary education degree program(~~;~~~~and~~

36 ~~(iii) Limited to an associate workforce degree.~~

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

1       ~~(a) Priority should be given to inmates within five years of~~  
2 ~~release;~~  
3       ~~(b) The inmate does not already possess a postsecondary education~~  
4 ~~degree; and~~  
5       ~~(c) The inmate's individual reentry plan includes participation~~  
6 ~~in a postsecondary education degree program that is:~~  
7       ~~(i) Offered at the inmate's state correctional institution; and~~  
8       ~~(ii) Approved by the department as an eligible and effective~~  
9 ~~postsecondary education degree program).~~  
10       ~~((+6))~~ (5) Any funds collected by the department under this  
11 section shall be used solely for the creation, maintenance, or  
12 expansion of inmate postsecondary education degree programs.

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