
HOUSE BILL 2171

State of Washington

68th Legislature

2024 Regular Session

By Representatives Leavitt, Waters, Slatter, Simmons, Reed, Ramel, Doglio, Reeves, and Davis

Prefiled 01/05/24. Read first time 01/08/24. Referred to Committee on Postsecondary Education & Workforce.

1 AN ACT Relating to financial aid grants for incarcerated
2 students; and amending RCW 72.09.460.

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

4 **Sec. 1.** RCW 72.09.460 and 2021 c 200 s 4 are each amended to
5 read as follows:

6 (1) Recognizing that there is a positive correlation between
7 education opportunities and reduced recidivism, it is the intent of
8 the legislature to offer appropriate postsecondary degree or
9 certificate opportunities to incarcerated individuals.

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

1 (3) The legislature recognizes more incarcerated individuals may
2 agree to participate in education and work programs than are
3 available. The department must make every effort to achieve maximum
4 public benefit by placing incarcerated individuals in available and
5 appropriate education and work programs.

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

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

14 (ii) Achievement of vocational skills necessary for purposes of
15 work programs and for an incarcerated individual to qualify for work
16 upon release;

17 (iii) Additional work and education programs necessary for
18 compliance with an incarcerated individual's individual reentry plan
19 under RCW 72.09.270, including special education services and
20 postsecondary degree or certificate education programs; and

21 (iv) Other appropriate vocational, work, or education programs
22 that are not necessary for compliance with an incarcerated
23 individual's individual reentry plan under RCW 72.09.270 including
24 postsecondary degree or certificate education programs.

25 (b) If programming is provided pursuant to (a)(i) through (iii)
26 of this subsection that is eligible for financial aid, the department
27 may not require an incarcerated individual to apply for or utilize
28 financial aid grants available to the incarcerated individual as a
29 condition to participation in such programming. At the incarcerated
30 individual's option, the incarcerated individual may apply for and
31 utilize federal and state financial aid grants for use towards
32 postsecondary education. If the cost of attendance exceeds the grant
33 award, or the incarcerated individual is not eligible for financial
34 aid or chooses not to apply for or utilize financial aid, or if
35 financial aid is not available, the department shall pay the cost of
36 such programming not otherwise covered by third-party funding,
37 including but not limited to books, materials, and supplies.

38 (c)(i) If programming is provided pursuant to (a)(iv) of this
39 subsection, incarcerated individuals shall be required to pay all or
40 a portion of the costs, including books, fees, and tuition, for

1 participation in any vocational, work, or education program as
2 provided in department policies. At the incarcerated individual's
3 option, the incarcerated individual may apply for and utilize federal
4 and state financial aid grants and may receive department-approved
5 donated education materials funded by grants and donations and
6 supplied by education providers. The department may not require an
7 incarcerated individual to apply for or utilize financial aid as a
8 condition of participation in an educational program. Department
9 policies shall include a postaward formula for determining how much
10 an incarcerated individual shall be required to pay after deducting
11 any amount from available financial aid or third-party funding. The
12 postaward formula shall include steps which correlate to an
13 incarcerated individual's average monthly income or average available
14 balance in a personal savings account and which are correlated to a
15 prorated portion or percent of the per credit fee for tuition, books,
16 or other ancillary educational costs. The postaward formula shall be
17 reviewed every two years. A third party, including but not limited to
18 nonprofit entities or community-based postsecondary education
19 programs, may pay directly to the department all or a portion of
20 costs and tuition for any programming provided pursuant to (a)(iv) of
21 this subsection on behalf of an incarcerated individual. Such
22 payments shall not be subject to any of the deductions as provided in
23 this chapter.

24 (ii) For the purposes of this subsection, postaward formula
25 offsets and funds paid by the department for educational programming
26 shall not result in the reduction of any "gift aid," as defined in
27 RCW 28B.145.010.

28 (d) The department may accept any and all donations and grants of
29 money, equipment, supplies, materials, and services from any third
30 party, including but not limited to nonprofit entities and community-
31 based postsecondary education programs, and may receive, utilize, and
32 dispose of same to complete the purposes of this section.

33 (e) Any funds collected by the department under (c) and (d) of
34 this subsection and subsections (11) and (12) of this section shall
35 be used solely for the creation, maintenance, or expansion of
36 incarcerated individual educational and vocational programs.

37 (5) The department shall provide access to a program of education
38 to all incarcerated individuals who are under the age of eighteen and
39 who have not met high school graduation requirements or requirements
40 to earn a high school equivalency certificate as provided in RCW

1 28B.50.536 in accordance with chapter 28A.193 RCW. The program of
2 education established by the department and education provider under
3 RCW 28A.193.020 for incarcerated individuals under the age of
4 eighteen must provide each incarcerated individual a choice of
5 curriculum that will assist the incarcerated individual in achieving
6 a high school diploma or high school equivalency certificate. The
7 program of education may include but not be limited to basic
8 education, prevocational training, work ethic skills, conflict
9 resolution counseling, substance abuse intervention, and anger
10 management counseling. The curriculum may balance these and other
11 rehabilitation, work, and training components.

12 (6) (a) In addition to the policies set forth in this section, the
13 department shall consider the following factors in establishing
14 criteria for assessing the inclusion of education and work programs
15 in an incarcerated individual's individual reentry plan and in
16 placing incarcerated individuals in education and work programs:

17 (i) An incarcerated individual's release date and custody level.
18 An incarcerated individual shall not be precluded from participating
19 in an education or work program solely on the basis of his or her
20 release date, except that incarcerated individuals with a release
21 date of more than one hundred twenty months in the future shall not
22 comprise more than ten percent of incarcerated individuals
23 participating in a new class I correctional industry not in existence
24 on June 10, 2004;

25 (ii) An incarcerated individual's education history and basic
26 academic skills;

27 (iii) An incarcerated individual's work history and vocational or
28 work skills;

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

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

34 (b) The department shall establish, and periodically review,
35 incarcerated individual behavior standards and program outcomes for
36 all education and work programs. Incarcerated individuals shall be
37 notified of applicable behavior standards and program goals prior to
38 placement in an education or work program and shall be removed from
39 the education or work program if they consistently fail to meet the
40 standards or outcomes.

1 (7) Eligible incarcerated individuals who refuse to participate
2 in available education or work programs available at no charge to the
3 incarcerated individuals shall lose privileges according to the
4 system established under RCW 72.09.130. Eligible incarcerated
5 individuals 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 (8) The department shall establish, by rule, a process for
10 identifying and assessing incarcerated individuals with learning
11 disabilities, traumatic brain injuries, and other cognitive
12 impairments to determine whether the person requires accommodations
13 in order to effectively participate in educational programming,
14 including general educational development tests and postsecondary
15 education. The department shall establish a process to provide such
16 accommodations to eligible incarcerated individuals.

17 (9) The department shall establish, and periodically review,
18 goals for expanding access to postsecondary degree and certificate
19 education programs and program completion for all incarcerated
20 individuals, including persons of color. The department may contract
21 and partner with any accredited educational program sponsored by a
22 nonprofit entity, community-based postsecondary education program, or
23 institution with historical evidence of providing education programs
24 to people of color.

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

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

18 (12) Notwithstanding any other provision in this section, an
19 incarcerated individual sentenced to death under chapter 10.95 RCW or
20 subject to the provisions of 8 U.S.C. Sec. 1227:

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

24 (b) May not participate in a postsecondary degree education
25 program offered by the department or its contracted providers, unless
26 the incarcerated individual's participation in the program is paid
27 for by a third party or by the individual;

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

30 (d) Shall be subject to the applicable provisions of this chapter
31 relating to incarcerated individual financial responsibility for
32 programming.

33 (13) If an incarcerated individual has participated in
34 postsecondary education programs, the department shall provide the
35 incarcerated individual with a copy of the incarcerated individual's
36 unofficial transcripts, at no cost to the individual, upon the
37 incarcerated individual's release or transfer to a different
38 facility. Upon the incarcerated individual's completion of a
39 postsecondary education program, the department shall provide to the
40 incarcerated individual, at no cost to the individual, a copy of the

1 incarcerated individual's unofficial transcripts. This requirement
2 applies regardless of whether the incarcerated individual became
3 ineligible to participate in or abandoned a postsecondary education
4 program.

5 (14) For the purposes of this section, "third party" includes a
6 nonprofit entity or community-based postsecondary education program
7 that partners with the department to provide accredited postsecondary
8 education degree and certificate programs at state correctional
9 facilities.

--- END ---