

SHB 1129 - S COMM AMD

By Committee on Law & Justice

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

24 (4) The legislature further finds that correctional education is
25 cost-effective. A 2014 study by the Washington state institute for
26 public policy estimated that the state received a return on
27 investment of twenty dollars for every dollar invested in
28 correctional education.

29 (5) It is the intent of the legislature to enhance public safety
30 by reducing crime and increasing employment rates in a cost-effective
31 manner by authorizing associate degree education and training of

1 incarcerated adults through expanded partnerships between the
2 community and technical colleges and the department of corrections.

3 (6) The legislature does not intend to provide additional funding
4 to the department of corrections with chapter . . ., Laws of 2017
5 (this act) and intends that the department of corrections incorporate
6 associate degree education into its available educational and
7 vocational opportunities for offenders within existing funds set
8 aside for this purpose.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.50
10 RCW to read as follows:

11 The college board may authorize any board of trustees within the
12 system to promote and conduct associate degree education and training
13 of incarcerated adults through new or expanded partnerships between
14 the community and technical colleges and the department of
15 corrections.

16 **Sec. 3.** RCW 72.09.460 and 2013 c 39 s 24 are each amended to
17 read as follows:

18 (1) Recognizing that there is a positive correlation between
19 education opportunities and reduced recidivism, it is the intent of
20 the legislature to offer appropriate associate degree opportunities
21 to inmates designed to prepare the inmate to enter the workforce.

22 (2) The legislature intends that all inmates be required to
23 participate in department-approved education programs, work programs,
24 or both, unless exempted as specifically provided in this section.
25 Eligible inmates who refuse to participate in available education or
26 work programs available at no charge to the inmates shall lose
27 privileges according to the system established under RCW 72.09.130.
28 Eligible inmates who are required to contribute financially to an
29 education or work program and refuse to contribute shall be placed in
30 another work program. Refusal to contribute shall not result in a
31 loss of privileges.

32 ((+2)) (3) The legislature recognizes more inmates may agree to
33 participate in education and work programs than are available. The
34 department must make every effort to achieve maximum public benefit
35 by placing inmates in available and appropriate education and work
36 programs.

1 (~~(3)~~) (4)(a) The department shall, to the extent possible and
2 considering all available funds, prioritize its resources to meet the
3 following goals for inmates in the order listed:

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

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

9 (iii) Additional work and education programs necessary for
10 compliance with an offender's individual reentry plan under RCW
11 72.09.270 (~~(with the exception of postsecondary education degree~~
12 ~~programs as provided in RCW 72.09.465)~~); and

13 (iv) Other appropriate vocational, work, or education programs
14 that are not necessary for compliance with an offender's individual
15 reentry plan under RCW 72.09.270 (~~(with the exception of~~
16 ~~postsecondary)~~) including associate degree education (~~(degree)~~)
17 programs (~~(as provided in RCW 72.09.465)~~).

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

22 (c) If programming is provided pursuant to (a)(iv) of this
23 subsection, inmates shall be required to pay all or a portion of the
24 costs, including books, fees, and tuition, for participation in any
25 vocational, work, or education program as provided in department
26 policies. Department policies shall include a formula for determining
27 how much an offender shall be required to pay. The formula shall
28 include steps which correlate to an offender average monthly income
29 or average available balance in a personal inmate savings account and
30 which are correlated to a prorated portion or percent of the per
31 credit fee for tuition, books, or other ancillary costs. The formula
32 shall be reviewed every two years. A third party may pay directly to
33 the department all or a portion of costs and tuition for any
34 programming provided pursuant to (a)(iv) of this subsection on behalf
35 of an inmate. Such payments shall not be subject to any of the
36 deductions as provided in this chapter.

37 (d) The department may accept any and all donations and grants of
38 money, equipment, supplies, materials, and services from any third
39 party, including but not limited to nonprofit entities, and may

1 receive, utilize, and dispose of same to complete the purposes of
2 this section.

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

7 (~~((4))~~) (5) The department shall provide access to a program of
8 education to all offenders who are under the age of eighteen and who
9 have not met high school graduation requirements or requirements to
10 earn a high school equivalency certificate as provided in RCW
11 28B.50.536 in accordance with chapter 28A.193 RCW. The program of
12 education established by the department and education provider under
13 RCW 28A.193.020 for offenders under the age of eighteen must provide
14 each offender a choice of curriculum that will assist the inmate in
15 achieving a high school diploma or high school equivalency
16 certificate. The program of education may include but not be limited
17 to basic education, prevocational training, work ethic skills,
18 conflict resolution counseling, substance abuse intervention, and
19 anger management counseling. The curriculum may balance these and
20 other rehabilitation, work, and training components.

21 (~~((5))~~) (6)(a) In addition to the policies set forth in this
22 section, the department shall consider the following factors in
23 establishing criteria for assessing the inclusion of education and
24 work programs in an inmate's individual reentry plan and in placing
25 inmates in education and work programs:

26 (i) An inmate's release date and custody level. An inmate shall
27 not be precluded from participating in an education or work program
28 solely on the basis of his or her release date, except that inmates
29 with a release date of more than one hundred twenty months in the
30 future shall not comprise more than ten percent of inmates
31 participating in a new class I correctional industry not in existence
32 on June 10, 2004;

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

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

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

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

39 (b) The department shall establish, and periodically review,
40 inmate behavior standards and program goals for all education and

1 work programs. Inmates shall be notified of applicable behavior
2 standards and program goals prior to placement in an education or
3 work program and shall be removed from the education or work program
4 if they consistently fail to meet the standards or goals.

5 ~~((+6))~~ (7) Eligible inmates who refuse to participate in
6 available education or work programs available at no charge to the
7 inmates shall lose privileges according to the system established
8 under RCW 72.09.130. Eligible inmates who are required to contribute
9 financially to an education or work program and refuse to contribute
10 shall be placed in another work program. Refusal to contribute shall
11 not result in a loss of privileges.

12 ~~((+7))~~ (8) The department shall establish, by rule, objective
13 medical standards to determine when an inmate is physically or
14 mentally unable to participate in available education or work
15 programs. When the department determines an inmate is permanently
16 unable to participate in any available education or work program due
17 to a health condition, the inmate is exempt from the requirement
18 under subsection ~~((+1))~~ (2) of this section. When the department
19 determines an inmate is temporarily unable to participate in an
20 education or work program due to a medical condition, the inmate is
21 exempt from the requirement of subsection ~~((+1))~~ (2) of this section
22 for the period of time he or she is temporarily disabled. The
23 department shall periodically review the medical condition of all
24 inmates with temporary disabilities to ensure the earliest possible
25 entry or reentry by inmates into available programming.

26 ~~((+8))~~ (9) The department shall establish policies requiring an
27 offender to pay all or a portion of the costs and tuition for any
28 vocational training or postsecondary education program if the
29 offender previously abandoned coursework related to associate degree
30 education or vocational training without excuse as defined in rule by
31 the department. Department policies shall include a formula for
32 determining how much an offender shall be required to pay. The
33 formula shall include steps which correlate to an offender average
34 monthly income or average available balance in a personal inmate
35 savings account and which are correlated to a prorated portion or
36 percent of the per credit fee for tuition, books, or other ancillary
37 costs. The formula shall be reviewed every two years. A third party
38 may pay directly to the department all or a portion of costs and
39 tuition for any program on behalf of an inmate under this subsection.

1 Such payments shall not be subject to any of the deductions as
2 provided in this chapter.

3 ~~((9))~~ (10) Notwithstanding any other provision in this section,
4 an inmate sentenced to life without the possibility of release,
5 sentenced to death under chapter 10.95 RCW, or subject to the
6 provisions of 8 U.S.C. Sec. 1227:

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

10 (b) May ~~((receive not more than one postsecondary academic))~~ not
11 participate in an associate degree ~~((in a))~~ education program offered
12 by the department or its contracted providers;

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

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

17 **Sec. 4.** RCW 72.09.465 and 2016 sp.s. c 36 s 946 are each amended
18 to read as follows:

19 (1) The department ~~((shall, if funds are appropriated for the~~
20 ~~specific purpose,))~~ may implement ~~((postsecondary))~~ associate degree
21 education ~~((degree))~~ programs ~~((within))~~ at state correctional
22 institutions~~((, including the state correctional institution with the~~
23 ~~largest population of female inmates))~~. During the 2015-2017 fiscal
24 biennium, the department may implement postsecondary degree programs
25 within state institutions, including the state correctional
26 institution with the largest population of females, within its
27 existing funds and under the limitations in this section, to include
28 any funding provided under subsection (3) of this section. The
29 department ~~((shall))~~ may consider for inclusion in any
30 ~~((postsecondary))~~ associate degree education ~~((degree))~~ program, any
31 ~~((postsecondary))~~ education ~~((degree))~~ program from an accredited
32 community or technical college, college, or university that is part
33 of an associate ~~((of arts, baccalaureate, masters of arts, or other~~
34 ~~graduate))~~ workforce degree program designed to prepare the inmate to
35 enter the workforce.

36 (2) ~~((Except as provided in subsection (3) of this section,))~~
37 Inmates not meeting the department's priority criteria for the state-
38 funded associate degree education program shall be required to pay
39 the costs for participation in ~~((any))~~ a postsecondary education

1 degree program(~~s established under this subsection [section]~~) if he
2 or she elects to participate through self-pay, including costs of
3 books, fees, tuition, or any other appropriate ancillary costs, by
4 one or more of the following means:

5 (a) The inmate who is participating in the postsecondary
6 education degree program (~~shall~~) may, during confinement, provide
7 the required payment or payments to the department; or

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

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

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

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

23 (b) The inmate does not already possess a postsecondary education
24 degree; and

25 (c) The inmate's individual reentry plan includes participation
26 in an associate degree education program that is:

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

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

30 (iii) Limited to an associate workforce degree.

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

35 (a) Priority should be given to inmates within five years of
36 release;

37 (b) The inmate does not already possess a postsecondary education
38 degree; and

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

1 (i) Offered at the inmate's state correctional institution; and
2 (ii) Approved by the department as an eligible and effective
3 postsecondary education degree program.
4 (~~(5)~~) (6) Any funds collected by the department under this
5 section shall be used solely for the creation, maintenance, or
6 expansion of inmate postsecondary education degree programs."

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7 On page 1, line 2 of the title, after "safety;" strike the
8 remainder of the title and insert "amending RCW 72.09.460 and
9 72.09.465; adding a new section to chapter 28B.50 RCW; and creating a
10 new section."

EFFECT: Adds language to the intent section to clarify that no additional funding will be provided to DOC for associate degree education and DOC must incorporate associate degree education into its available educational and vocational opportunities for inmates within existing funds set aside for that purpose. Limits associate degrees provided to inmates to associate workforce degrees designed to prepare the inmate to enter the workforce.

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