

SENATE BILL REPORT

SB 6576

As of February 4, 2020

Title: An act relating to creating prison to postsecondary education pathways.

Brief Description: Creating prison to postsecondary education pathways.

Sponsors: Senators Darneille, Wilson, C., Nguyen, Hasegawa, Cleveland, Das, Hunt, Lovelett and Saldaña.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 2/06/20.

Brief Summary of Bill

- Expands the authority of the Department of Corrections (DOC) to implement postsecondary degree and certificate programs at state correctional institutions.
- Alters DOC's educational goals for incarcerated persons to include special education services and postsecondary degrees and certificates.
- Requires DOC to establish a process for identifying and providing accommodations to incarcerated persons with learning disabilities, traumatic brain injuries, and cognitive impairments.
- Requires DOC to provide free unofficial transcripts to incarcerated persons who participated in postsecondary education programs upon release a transfer to another facility, or completion a postsecondary education program.
- Requires DOC to consider an incarcerated person's educational programming when considering transfers to other facilities and when releasing a person to their county of origin.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

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This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: Individual Reentry Plans. DOC must develop individual reentry plans for each person incarcerated under its jurisdiction except for persons sentenced to life without the possibility of release, sentenced to death, and those subject to deportation. Individual reentry plans include plans to maintain contact with family; a portfolio of the person's educational achievements, previous employment, work experience, and any training received; and a plan for the person to facilitate reentry into the community that addresses education, employment, substance abuse treatment, mental health treatment, family reunification, and other needs.

An individual must be released to their county of origin unless DOC determines that an individual's return to the county of origin would be inappropriate based on victim safety concerns, negative influences, location of family or sponsoring persons, and court-ordered sentence conditions.

Educational Goals for Incarcerated Persons. DOC must offer certain education and work programs to persons incarcerated at a state correctional institution based on available funding and the following goals in the order listed:

- achievement of basic skills through obtaining a high school diploma or the equivalent.
- achievement of vocational skills necessary for work programs and to qualify for work upon release.
- additional work and education programs necessary to comply with an individual reentry plan.
- other appropriate vocational, work, or educational programs not necessary for compliance with an individual reentry plan, including associate degree programs.

If programming is provided for any of the first three items above, DOC must pay for the cost, including books, materials, and supplies. If programming is provided for the last item, the incarcerated person must pay all or a portion of the cost, including books, fees, and tuition based on a formula that correlates to the incarcerated person's average monthly income and available savings and a prorated percent of the per credit fee. A third party may pay DOC directly for all or a portion of the programming costs aligned with the last goal.

Incarcerated persons sentenced to life without the possibility of release, sentenced to death, or subject to deportation under federal law are not allowed to participate in a state-funded associate degree program.

Associate Degree Programs. In 2017, the Legislature authorized DOC to implement associate degree programs at state correctional institutions. The associate degree programs may include any education program from an accredited community or technical college, college, or university that is part of an associate program designed to prepare incarcerated persons to enter the workforce. Priority for participation in a state-funded associate degree program is based on the following:

- persons within five years or less of release;
- the person does not already possess a postsecondary education degree; and
- the person's individual reentry plan includes participation in an associate degree program that is offered at their state correctional institution; approved by DOC as an

eligible and effective postsecondary education degree program; and is limited to an associate workforce degree.

Incarcerated persons who do not meet the priority criteria for state-funded associate degree programs must pay for the program themselves, if they elect to participate.

Transfers. The secretary of DOC is authorized to transfer an individual to a private or governmental institution outside the state if the secretary determines is in the best interest of the state or individual. Factors to consider include overcrowding, emergency conditions, and hardship to the individual. When determining whether transfer would impose a hardship, the secretary must consider location and contact with the individual's family and whether the individual is enrolled in a vocational or educational program that cannot reasonably be resumed if the individual is returned to the state.

Summary of Bill: Postsecondary Education Programs at State Correctional Institutions. DOC's authority to implement associate degree programs at state correctional institutions is expanded to postsecondary degree or certificate programs. Priority consideration may be given to incarcerated persons within ten years or less of release. Incarcerated persons sentenced to life without the possibility of release, sentenced to death, or subject to deportation may participate in a postsecondary education degree program if it is paid for by a third party.

Educational Goals for Incarcerated Persons. DOC's educational goals for incarcerated persons are modified as follows:

- achievement of basic skills through obtaining a high school diploma or the equivalent, including achievement of persons eligible for special education services pursuant to federal or state law;
- achievement of vocational skills necessary for work programs and to qualify for work upon release;
- additional work and education programs necessary to comply with an individual reentry plan, including special education services and postsecondary certificate or degree programs; and
- other appropriate vocational, work, or educational programs not necessary for compliance with an individual reentry plan, including postsecondary certificate or degree programs.

DOC must establish a process for identifying and assessing incarcerated persons with learning disabilities, traumatic brain injuries, and other cognitive impairments to determine whether the person requires accommodations in order to effectively participate in educational programming, including GED tests and postsecondary education. DOC must establish a process to provide accommodations to these persons.

Transfers. When determining whether to transfer an individual to another in-state facility, DOC must consider whether the person is enrolled in a vocational or educational program, including those operated by approved outside providers, which cannot be continued at the receiving facility. DOC must work with the person's case manager, counselor, education navigator, or other appropriate person.

County of Origin. Unless there are victim safety concerns, DOC must consider the person's return to their county of origin to be inappropriate if the individual is enrolled in an educational program that cannot be completed in their county of origin.

Transcripts. DOC must provide a person who participated in postsecondary education programs a copy of the individual's unofficial transcripts, at no cost to the individual, upon the person's release or transfer to another facility, or upon completion of a postsecondary education program.

Tuition Fees. Tuitions fees charged at public higher education institutions do not apply to incarcerated students participating in credit-eligible postsecondary education courses and degree programs when the program expenses are funded by nontuition resources such as grants, contracts, and donations.

Washington State Institute for Public Policy Study. Subject to appropriations, the Washington State Institute for Public Policy must conduct a study on enrollment and completion rates of inmates in the postsecondary education system post release. The study, which is due to the Legislature by October 1, 2023, must identify and examine:

- effects of post release enrollment in the postsecondary education system by individuals who, while incarcerated, completed some course work but did not earn a degree or certificate;
- post release patterns of participation in postsecondary education of individuals who, while incarcerated, participated in postsecondary education programs;
- differential outcomes for individuals participating in different types of postsecondary education courses and degree and certificate programs; and
- recidivism outcomes beyond incarceration.

State Agency Report. DOC, the State Board for Community and Technical Colleges, the Washington Student Achievement Council, and the Washington Statewide Reentry Council, in collaboration with an organization representing the presidents of the public four-year higher education institutions, must report to the Legislature by December 1, 2020, and annually thereafter, on specified issues including the number of incarcerated persons served and not served in DOC's postsecondary education system; identification of issues related to transferring credits; and an examination of the collaboration between correctional facilities, educational programs, and the postsecondary educational institutions.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.