
HOUSE BILL 1044

State of Washington

67th Legislature

2021 Regular Session

By Representatives Leavitt, Simmons, J. Johnson, Eslick, Lovick, Kloba, Lekanoff, Wylie, Bateman, Senn, Goodman, Bronoske, Valdez, Callan, Ramos, Hackney, Morgan, Ormsby, Fey, Frame, Santos, Davis, Pollet, and Bergquist

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1 AN ACT Relating to creating prison to postsecondary education
2 pathways; amending RCW 72.09.270, 72.09.460, 72.09.465, 72.68.010,
3 and 28B.15.067; amending 2019 c 397 s 1 (uncodified); adding a new
4 section to chapter 72.68 RCW; adding a new section to chapter 72.09
5 RCW; creating a new section; and providing an expiration date.

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

7 **Sec. 1.** 2019 c 397 s 1 (uncodified) is amended to read as
8 follows:

9 (1) The legislature finds that incarceration is both a rural and
10 urban issue in the state. According to one recent report, the highest
11 rates of prison admissions are in rural counties. In addition, since
12 1980, the number of women in prison has increased more than eight
13 hundred percent. The legislature finds that studies clearly and
14 consistently demonstrate that postsecondary education in prisons
15 improves safety in facilities, and incarcerated adults who obtain
16 postsecondary education and training are more likely to be employed
17 following release, which leads to a ~~((dramatic))~~ significant
18 reduction in recidivism rates, ~~((significant))~~ improvements in public
19 safety, and a major return on investment. The legislature finds that
20 reducing recidivism ~~((would))~~ decreases the financial burden to
21 taxpayers and the emotional burden of victims.

1 (2) The legislature finds that research indicates that
2 postsecondary education and training is an effective evidence-based
3 practice for reducing recidivism. An analysis commissioned by the
4 United States department of justice determined that adults who
5 received (~~such~~) an education while incarcerated were forty-three
6 percent less likely to recidivate.

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

14 (4) The legislature further finds that correctional education is
15 cost-effective. A 2014 study by the Washington state institute for
16 public policy estimated that (~~the state received~~), based on a
17 review of national research literature and cost benefit analysis,
18 there is a return on investment of twenty dollars for every dollar
19 invested in correctional education.

20 (5) It is the intent of the legislature to enhance public safety,
21 including the safety of prison workers as findings show that violence
22 rates are reduced in institutions where there are educational
23 programs, to reduce crime, and to increase employment rates in a
24 cost-effective manner by exploring benefits and costs associated with
25 providing postsecondary education degree opportunities and training
26 to incarcerated adults through expanded partnerships between (~~the~~
27 ~~community and technical colleges~~) postsecondary institutions and the
28 department of corrections.

29 (6) It is the intent of the legislature to support exploring the
30 use of secure internet connections expressly for the purposes of
31 furthering postsecondary education degree opportunities and training
32 of incarcerated adults, including providing assistance to
33 incarcerated adults with completing financial aid materials. The
34 legislature intends for the department to be able to provide complete
35 assurance that all offender-used internet connections are secure.

36 (7) It is also the intent of the legislature, by requiring the
37 study under section 2 of this act, to examine the effects of
38 enrollment in the postsecondary education system postrelease.

1 NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts
2 appropriated for this specific purpose, the Washington state
3 institute for public policy shall conduct a study on enrollment and
4 completion rates of inmates in the postsecondary education system
5 postrelease, as well as recidivism rates. At a minimum, the
6 Washington state institute for public policy must:

7 (a) Study the effects of postrelease enrollment in the
8 postsecondary education system by individuals who, while
9 incarcerated, completed some coursework but did not earn a degree or
10 certificate;

11 (b) Study postrelease patterns of participation in postsecondary
12 education of individuals who, while incarcerated, participated in
13 postsecondary education programs;

14 (c) Identify differential outcomes for individuals participating
15 in different types of postsecondary education courses and degree and
16 certificate programs; and

17 (d) Examine recidivism outcomes beyond incarceration.

18 (2) The department of corrections, the student achievement
19 council, and the state board for community and technical colleges
20 shall provide data necessary to conduct the study.

21 (3) By October 1, 2024, and in compliance with RCW 43.01.036, the
22 institute must submit a report to the appropriate committees of the
23 legislature.

24 (4) This section expires January 1, 2026.

25 **Sec. 3.** RCW 72.09.270 and 2008 c 231 s 48 are each amended to
26 read as follows:

27 (1) The department of corrections shall develop an individual
28 reentry plan as defined in RCW 72.09.015 for every offender who is
29 committed to the jurisdiction of the department except:

30 (a) Offenders who are sentenced to life without the possibility
31 of release or sentenced to death under chapter 10.95 RCW; and

32 (b) Offenders who are subject to the provisions of 8 U.S.C. Sec.
33 1227.

34 (2) The individual reentry plan may be one document, or may be a
35 series of individual plans that combine to meet the requirements of
36 this section.

37 (3) In developing individual reentry plans, the department shall
38 assess all offenders using standardized and comprehensive tools to
39 identify the criminogenic risks, programmatic needs, and educational

1 and vocational skill levels for each offender. The assessment tool
2 should take into account demographic biases, such as culture, age,
3 and gender, as well as the needs of the offender, including any
4 learning disabilities, substance abuse or mental health issues, and
5 social or behavior (~~deficits~~) challenges.

6 (4) (a) The initial assessment shall be conducted as early as
7 sentencing, but, whenever possible, no later than forty-five days of
8 being sentenced to the jurisdiction of the department of corrections.

9 (b) The offender's individual reentry plan shall be developed as
10 soon as possible after the initial assessment is conducted, but,
11 whenever possible, no later than sixty days after completion of the
12 assessment, and shall be periodically reviewed and updated as
13 appropriate.

14 (5) The individual reentry plan shall, at a minimum, include:

15 (a) A plan to maintain contact with the inmate's children and
16 family, if appropriate. The plan should determine whether parenting
17 classes, or other services, are appropriate to facilitate successful
18 reunification with the offender's children and family;

19 (b) An individualized portfolio for each offender that includes
20 the offender's education achievements, certifications, employment,
21 work experience, skills, and any training received prior to and
22 during incarceration; and

23 (c) A plan for the offender during the period of incarceration
24 through reentry into the community that addresses the needs of the
25 offender including education, employment, substance abuse treatment,
26 mental health treatment, family reunification, and other areas which
27 are needed to facilitate a successful reintegration into the
28 community.

29 (6) (a) Prior to discharge of any offender, the department shall:

30 (i) Evaluate the offender's needs and, to the extent possible,
31 connect the offender with existing services and resources that meet
32 those needs; and

33 (ii) Connect the offender with a community justice center and/or
34 community transition coordination network in the area in which the
35 offender will be residing once released from the correctional system
36 if one exists.

37 (b) If the department recommends partial confinement in an
38 offender's individual reentry plan, the department shall maximize the
39 period of partial confinement for the offender as allowed pursuant to

1 RCW 9.94A.728 to facilitate the offender's transition to the
2 community.

3 (7) The department shall establish mechanisms for sharing
4 information from individual reentry plans to those persons involved
5 with the offender's treatment, programming, and reentry, when deemed
6 appropriate. When feasible, this information shall be shared
7 electronically.

8 (8) (a) (i) In determining the county of discharge for an offender
9 released to community custody, the department may not approve a
10 residence location that is not in the offender's county of origin
11 unless it is determined by the department that the offender's return
12 to his or her county of origin would be inappropriate considering any
13 court-ordered condition of the offender's sentence, victim safety
14 concerns, negative influences on the offender in the community, or
15 the location of family or other sponsoring persons or organizations
16 that will support the offender.

17 (ii) Unless there are victim safety concerns, the department
18 shall consider the offender's return to the offender's county of
19 origin to be inappropriate if the offender is enrolled in an
20 educational program and a return to the offender's county of origin
21 would result in the offender not being able to complete the program.

22 (b) If the offender is not returned to his or her county of
23 origin, the department shall provide the law and justice council of
24 the county in which the offender is placed with a written
25 explanation.

26 (c) For purposes of this section, the offender's county of origin
27 means the county of the offender's first felony conviction in
28 Washington.

29 (9) Nothing in this section creates a vested right in
30 programming, education, or other services.

31 **Sec. 4.** RCW 72.09.460 and 2017 c 120 s 3 are each amended to
32 read as follows:

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

38 (2) The legislature intends that all inmates be required to
39 participate in department-approved education programs, work programs,

1 or both, unless exempted as specifically provided in this section.
2 Eligible inmates who refuse to participate in available education or
3 work programs available at no charge to the inmates shall lose
4 privileges according to the system established under RCW 72.09.130.
5 Eligible inmates 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 (3) The legislature recognizes more inmates may agree to
10 participate in education and work programs than are available. The
11 department must make every effort to achieve maximum public benefit
12 by placing inmates in available and appropriate education and work
13 programs.

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

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

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, including special education services and postsecondary
27 degree or certificate education programs; and

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

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

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

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

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

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

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

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

39 (i) An inmate's release date and custody level. An inmate shall
40 not be precluded from participating in an education or work program

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

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

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

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

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

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

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

26 (8) The department shall establish, by rule, a process for
27 identifying and assessing incarcerated individuals with learning
28 disabilities, traumatic brain injuries, and other cognitive
29 impairments to determine whether the person requires accommodations
30 in order to effectively participate in educational programming,
31 including general educational development tests and postsecondary
32 education. The department shall establish a process to provide such
33 accommodations to eligible incarcerated individuals.

34 (9) The department shall establish, by rule, objective medical
35 standards to determine when an inmate is physically or mentally
36 unable to participate in available education or work programs. When
37 the department determines an inmate is permanently unable to
38 participate in any available education or work program due to a
39 health condition, the inmate is exempt from the requirement under
40 subsection (2) of this section. When the department determines an

1 inmate is temporarily unable to participate in an education or work
2 program due to a medical condition, the inmate is exempt from the
3 requirement of subsection (2) of this section for the period of time
4 he or she is temporarily disabled. The department shall periodically
5 review the medical condition of all inmates with temporary
6 disabilities to ensure the earliest possible entry or reentry by
7 inmates into available programming.

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

24 ~~((10))~~ (11) Notwithstanding any other provision in this
25 section, an inmate sentenced to life without the possibility of
26 release, sentenced to death under chapter 10.95 RCW, or subject to
27 the provisions of 8 U.S.C. Sec. 1227:

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

31 (b) May not participate in ~~((an—associate))~~ a postsecondary
32 degree education program offered by the department or its contracted
33 providers, unless the inmate's participation in the program is paid
34 for by a third party;

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

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

39 (12) If an inmate has participated in postsecondary education
40 programs, the department shall provide the inmate with a copy of the

1 inmate's unofficial transcripts, at no cost to the inmate, upon the
2 inmate's release or transfer to a different facility. Upon the
3 inmate's completion of a postsecondary education program, the
4 department shall provide to the inmate, at no cost to the inmate, a
5 copy of the inmate's unofficial transcripts. This requirement applies
6 regardless of whether the inmate became ineligible to participate in
7 or abandoned a postsecondary education program.

8 **Sec. 5.** RCW 72.09.465 and 2017 c 120 s 4 are each amended to
9 read as follows:

10 (1) (a) The department may implement ~~((associate))~~ postsecondary
11 degree or certificate education programs at state correctional
12 institutions. ~~((During the 2015-2017 fiscal biennium, the department~~
13 ~~may implement postsecondary degree programs within state~~
14 ~~institutions, including the state correctional institution with the~~
15 ~~largest population of females, within its existing funds and under~~
16 ~~the limitations in this section, to include any funding provided~~
17 ~~under subsection (3) of this section.))~~

18 (b) The department may consider for inclusion in any
19 ~~((associate))~~ postsecondary degree or certificate education program,
20 any education program from an accredited community or technical
21 college, college, or university that is ~~((part of an associate~~
22 ~~workforce degree program designed to prepare the inmate to enter the~~
23 ~~workforce))~~ limited to no more than a bachelor's degree.

24 (2) Inmates not meeting the department's priority criteria for
25 the state-funded ~~((associate))~~ postsecondary degree education program
26 shall be required to pay the costs for participation in a
27 postsecondary education degree program if he or she elects to
28 participate through self-pay, including costs of books, fees,
29 tuition, or any other appropriate ancillary costs, by one or more of
30 the following means:

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

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

38 (3) The department may accept any and all donations and grants of
39 money, equipment, supplies, materials, and services from any third

1 party, including but not limited to nonprofit entities, and may
2 receive, utilize, and dispose of same to provide postsecondary
3 education to inmates.

4 (4) An inmate may be selected to participate in a state-funded
5 (~~associate~~) postsecondary degree or certificate education program,
6 based on priority criteria determined by the department, in which the
7 following conditions may be considered:

8 (a) Priority should be given to inmates within (~~five~~) ten years
9 or less of release;

10 (b) The inmate does not already possess a postsecondary education
11 degree; and

12 (c) The inmate's individual reentry plan includes participation
13 in (~~an associate~~) a postsecondary degree or certificate education
14 program that is:

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

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

18 (iii) Limited to (~~an associate workforce~~) a postsecondary
19 degree or certificate program.

20 (~~During the 2015-2017 fiscal biennium, an inmate may be~~
21 ~~selected to participate in a state-funded postsecondary education~~
22 ~~degree program, based on priority criteria determined by the~~
23 ~~department, in which the following conditions may be considered:~~

24 ~~(a) Priority should be given to inmates within five years of~~
25 ~~release;~~

26 ~~(b) The inmate does not already possess a postsecondary education~~
27 ~~degree; and~~

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

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

31 ~~(ii) Approved by the department as an eligible and effective~~
32 ~~postsecondary education degree program.)) The department may assist
33 inmates selected to participate in state-funded postsecondary degree
34 or certificate programs with filing a free application for federal
35 student aid or the Washington application for state financial aid.~~

36 (6) Any funds collected by the department under this section
37 shall be used solely for the creation, maintenance, or expansion of
38 inmate postsecondary education degree programs.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 72.68
2 RCW to read as follows:

3 (1) In determining whether to transfer an offender to a different
4 facility in the state, the department shall consider whether the
5 offender is enrolled in a vocational or educational program,
6 including those operated by approved outside providers, which cannot
7 be continued at the receiving facility. The department shall work
8 with the offender's case manager, counselor, education navigator, or
9 other appropriate person to attempt to meet the needs of the
10 department and the offender regarding transfer.

11 (2) Nothing in this section creates a vested right in
12 programming, education, or other services.

13 **Sec. 7.** RCW 72.68.010 and 2020 c 318 s 4 are each amended to
14 read as follows:

15 (1) Whenever in its judgment the best interests of the state or
16 the welfare of any prisoner confined in any penal institution will be
17 better served by his or her transfer to another institution or to a
18 foreign country of which the prisoner is a citizen or national, the
19 secretary may effect such transfer consistent with applicable federal
20 laws and treaties. The secretary has the authority to transfer
21 offenders between in-state correctional facilities or to out-of-state
22 governmental institutions if the secretary determines that transfer
23 is in the best interest of the state or the offender. The
24 determination of what is in the best interest of the state or
25 offender may include but is not limited to considerations of
26 overcrowding, emergency conditions, or hardship to the offender. In
27 determining whether the transfer will impose a hardship on the
28 offender, the secretary shall consider: (a) The location of the
29 offender's family and whether the offender has maintained contact
30 with members of his or her family; (b) whether, if the offender has
31 maintained contact, the contact will be significantly disrupted by
32 the transfer due to the family's inability to maintain the contact as
33 a result of the transfer; and (c) whether the offender is enrolled in
34 a vocational or educational program that cannot reasonably be resumed
35 or completed if the offender is transferred to another correctional
36 institution or returned to the state.

37 (2) (a) The secretary has the authority to transfer offenders to
38 an out-of-state private correctional entity only if:

1 (i) The governor finds that an emergency exists such that the
2 population of a state correctional facility exceeds its reasonable,
3 maximum capacity, resulting in safety and security concerns;

4 (ii) The governor has considered all other legal options to
5 address capacity, including those pursuant to RCW 9.94A.870;

6 (iii) The secretary determines that transfer is in the best
7 interest of the state or the offender; and

8 (iv) The contract with the out-of-state private correctional
9 entity includes requirements for access to public records to the same
10 extent as if the facility were operated by the department, inmate
11 access to the office of the corrections ombuds, and inspections and
12 visits without notice.

13 (b) Should any of these requirements in this subsection not be
14 met, the contract with the private correctional entity shall be
15 terminated.

16 (3) If directed by the governor, the secretary shall, in carrying
17 out this section and RCW 43.06.350, adopt rules under chapter 34.05
18 RCW to effect the transfer of prisoners requesting transfer to
19 foreign countries.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.09
21 RCW to read as follows:

22 (1) The department, the state board for community and technical
23 colleges, the student achievement council, and the Washington
24 statewide reentry council, in collaboration with an organization
25 representing the presidents of the public four-year institutions of
26 higher education, shall submit a combined report, pursuant to RCW
27 43.01.036, by December 1, 2021, and annually thereafter, to the
28 appropriate committees of the legislature having oversight over
29 higher education issues and correctional matters.

30 (2) At a minimum, the combined report must include:

31 (a) The number of incarcerated individuals served in the
32 department's postsecondary education system, the number of
33 individuals not served, the number of individuals leaving the
34 department's custody without a high school equivalency who were in
35 the department's custody longer than one year, and the number of
36 individuals released without any postsecondary education, each
37 disaggregated by demographics;

38 (b) A review of the department's identification and assessment of
39 incarcerated individuals with learning disabilities, traumatic brain

1 injuries, and other cognitive impairments or disabilities that may
2 limit their ability to participate in educational programming,
3 including general educational development testing and postsecondary
4 education. The report shall identify barriers to the identification
5 and assessment of these individuals and include recommendations that
6 will further facilitate access to educational programming for these
7 inmates;

8 (c) An identification of issues related to ensuring that credits
9 earned in credit-bearing courses are transferable. The report must
10 also include the number of transferable credits awarded and the
11 number of credits awarded that are not transferable;

12 (d) A review of policies on transfer, in order to create
13 recommendations to institutions and the legislature that to ensure
14 postsecondary education credits earned while incarcerated transfer
15 seamlessly upon postrelease enrollment in a postsecondary education
16 institution. The review must identify barriers or challenges on
17 transferring credits experienced by individuals and the number of
18 credits earned while incarcerated that transferred to the receiving
19 colleges postrelease;

20 (e) The number of individuals participating in correspondence
21 courses and completion rates of correspondence courses, disaggregated
22 by demographics;

23 (f) An examination of the collaboration between correctional
24 facilities, the educational programs, and the institutions, with the
25 goal of ensuring that roles and responsibilities are clearly defined,
26 including the roles and responsibilities of each entity in relation
27 to ensuring inmate access to, and accommodations in, educational
28 programming; and

29 (g) A review of the partnerships with nonprofit organizations at
30 state correctional facilities that provide accredited certificate and
31 degree granting programs and those that provide reentry services in
32 support of educational programs and goals.

33 **Sec. 9.** RCW 28B.15.067 and 2020 c 114 s 4 are each amended to
34 read as follows:

35 (1) Tuition fees shall be established under the provisions of
36 this chapter.

37 (2) Tuition operating fees for resident undergraduates at
38 institutions of higher education as defined in RCW 28B.10.016,
39 excluding applied baccalaureate degrees as defined in RCW 28B.50.030,

1 may increase by no more than the average annual percentage growth
2 rate in the median hourly wage for Washington for the previous
3 fourteen years as the wage is determined by the federal bureau of
4 labor statistics.

5 (3) The governing boards of the state universities, regional
6 universities, and The Evergreen State College; and the state board
7 for community and technical colleges may reduce or increase full-time
8 tuition fees for all students other than resident undergraduates,
9 including nonresident students, summer school students, and students
10 in other self-supporting degree programs. Percentage increases in
11 full-time tuition may exceed the fiscal growth factor. Except during
12 the 2013-2015 fiscal biennium, the state board for community and
13 technical colleges may pilot or institute differential tuition
14 models. The board may define scale, scope, and rationale for the
15 models.

16 (4) The tuition fees established under this chapter shall not
17 apply to high school students enrolling in participating institutions
18 of higher education under RCW 28A.600.300 through 28A.600.400.

19 (5) (a) The tuition fees established under this chapter shall not
20 apply to eligible students enrolling in a dropout reengagement
21 program through an interlocal agreement between a school district and
22 a community or technical college under RCW 28A.175.100 through
23 28A.175.110.

24 (b) The tuition fees established under this chapter shall not
25 apply to students incarcerated with the department of corrections who
26 are participating in credit-eligible postsecondary education courses
27 and degree programs when the program expenses are funded by
28 nontuition resources, such as, but not limited to, grants, contracts,
29 and donations.

30 (6) As a result of any changes in tuition under section 3,
31 chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the
32 state universities, the regional universities, and The Evergreen
33 State College shall not reduce resident undergraduate enrollment
34 below the 2014-15 academic year levels.

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