

# HOUSE BILL REPORT

## HB 2171

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**As Reported by House Committee On:**  
Postsecondary Education & Workforce

**Title:** An act relating to financial aid grants for incarcerated students.

**Brief Description:** Addressing financial aid grants for incarcerated students.

**Sponsors:** Representatives Leavitt, Waters, Slatter, Simmons, Reed, Ramel, Doglio, Reeves and Davis.

**Brief History:**

**Committee Activity:**

Postsecondary Education & Workforce: 1/10/24, 1/16/24 [DPS].

**Brief Summary of Substitute Bill**

- Allows the Department of Corrections to require incarcerated individuals to apply for, but not utilize, federal and state financial aid grants for the cost of attendance in certain educational programming, if such programming is eligible for financial aid.
- Allows incarcerated individuals to utilize federal and state financial aid for certain programming, if such programming is eligible for financial aid.
- Requires the annual state agency report to the Legislature on postsecondary degree education programs and incarcerated individuals to add a complete list of postsecondary degree and certificate education programs offered at each state correctional facility, including enrollment and completion rates for each program.

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**HOUSE COMMITTEE ON POSTSECONDARY EDUCATION & WORKFORCE**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass.

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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 part of the legislation nor does it constitute a statement of legislative intent.*

Signed by 15 members: Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler, Jacobsen, Klicker, Leavitt, McEntire, Nance, Paul, Pollet, Schmidt and Timmons.

**Staff:** Saranda Ross (786-7068).

**Background:**

The Department of Corrections (DOC) offers certain education and work programs to incarcerated individuals at state correctional institutions based on available funding and with the following goals, prioritized in the order listed:

1. the achievement of basic skills by obtaining a high school diploma or the equivalent;
2. the achievement of vocational skills necessary for work programs and to qualify for work upon release;
3. participation in additional work and education programs necessary to comply with an individual reentry plan, including special education services and postsecondary degree or certificate education programs; and
4. participation in other appropriate vocational, work, or educational programs not necessary for compliance with an individual reentry plan, including postsecondary degree or certificate education programs.

If programming is provided for goals 1, 2, or 3, the DOC pays the cost, including books, materials, and supplies. If programming is provided for goal 4, the incarcerated individual is required to pay all or a portion of the cost, including books, fees, and tuition based on a DOC formula that correlates to the incarcerated individual's average monthly income or available savings, and a prorated portion or percent of the per-credit fee. A third party may pay the DOC directly for all or a portion of the programming costs aligned with the fourth goal.

The 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 institutions of higher education, submit an annual report on postsecondary education programs and incarcerated individuals to the committees of the Legislature with oversight over higher education and correctional matters.

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**Summary of Substitute Bill:**

If programming provided for goals 2, 3, and 4 is eligible for financial aid grants:

- the DOC may require incarcerated individuals to apply for, but not utilize, financial aid grants;
- incarcerated individuals may choose to utilize financial aid grants;
- incarcerated individuals may receive education grants, scholarships, or third-party

- funding to cover the cost of attendance; and
- upon approval from the DOC, incarcerated individuals may receive donated educational materials funded by grants and donations and supplied by education providers or third parties.

Where possible and not otherwise covered by third-party funding, the DOC must pay the cost of programming provided for goals 2 and 3, including books, materials, and supplies, if:

- the cost of attendance exceeds eligibility for grants;
- the incarcerated individual is not eligible for financial aid;
- the incarcerated individual chooses not to apply for or utilize financial aid; or
- financial aid is not available.

The DOC must adjust its postaward formula for determining how much an incarcerated individual must pay for programming under goal 4 to deduct amounts from utilized financial aid or third-party funding. The adjusted postaward formula offsets and funds paid by the DOC for educational programming under goal 4 shall not result in the reduction of gift aid. Gift aid is financial aid received from the Federal Pell Grant, the Washington College Grant, the College Bound Scholarship Program, the Opportunity Grant program, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment.

A complete list of postsecondary degree and certificate education programs offered at each state correctional facility, including enrollment and completion rates for each program is added to the annual state agency report on postsecondary education programs and incarcerated individuals.

#### **Substitute Bill Compared to Original Bill:**

The substitute bill clarifies that programs offering basic academic skills through obtaining a high school diploma or a high school equivalency certificate, and special education services pursuant to state or federal law, are not eligible for financial aid. The substitute bill allows the DOC to: (1) require incarcerated individuals to apply for financial aid for programming provided for goals 2, 3, and 4; (2) alters the postaward formula to include a deduction of any utilized financial aid or third-party funding; and (3) requires the addition of a complete list of postsecondary degree and certificate education programs offered at each state correctional facility, including enrollment and completion rates for each program, be included in the annual state agency report on postsecondary education programs and incarcerated individuals. The substitute bill only requires the DOC to pay the cost of programming provided for goals 2 and 3 where possible and if the cost of attendance exceeds eligibility for grants, in addition to other potential factors listed in the original bill.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Incarcerated individuals who participate in educational programming gain access and opportunity to transform their lives. Data and studies demonstrate that the best way to ensure transformation and that incarcerated individuals are able to be successful when no longer incarcerated is by providing educational opportunities for them to develop skills and knowledge. Ensuring education to incarcerated individuals is also a safety issue, as it benefits those working with incarcerated individuals. Extending resources to our incarcerated individuals is important because the state receives federal dollars. This bill saves taxpayer funds—every dollar invested in educational programming and access to resources is over \$21 returned. This bill breaks the chain of intergenerational poverty by allowing incarcerated individuals to continue on a better pathway upon release. Allowing incarcerated individuals access to financial aid is essential in ensuring equitable access to education and equipping students with tools for success.

Washington is a national leader in increasing education to reduce recidivism. It is not in a student's best interest to be required to dip into their limited Pell benefits. There are 11 correctional facilities in the state, each offering different educational opportunities. Incarcerated individuals do not get a choice of which prison they are sent to, so therefore they do not get an option for which educational opportunities they have access to. A 2022 study found that completing any educational program or vocational training reduced recidivism by over 15 percent and increased the chance of gaining employment post incarceration by over 7 percent. The number one factor in someone not recommitting when released is being employed. Programs offered in prisons need to be relevant to the outside world.

(Opposed) None.

**Persons Testifying:** Representative Mari Leavitt, prime sponsor; Sandy Kaiser, The Evergreen State College; Noreen Light, Information For A Change; Dirk van Velzen, Prison Scholar Fund; David Moore; Hanan Al-Zubaidy, Washington State Board for Community and Technical Colleges; Rose Gundersen, Washington Retail Association; Jacob Vigdor; and Vicki Christophersen, Justice Action Network .

**Persons Signed In To Testify But Not Testifying:** None.