

# FINAL BILL REPORT

## SSB 5953

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Synopsis as Enacted

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

**Sponsors:** Senate Committee on Human Services (originally sponsored by Senators Wilson, C., Frame, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles, Salomon, Trudeau and Valdez).

**Senate Committee on Human Services**

**Senate Committee on Ways & Means**

**House Committee on Postsecondary Education & Workforce**

**House Committee on Appropriations**

**Background:** Postsecondary Education Programs in State Correctional Facilities. According to the Department of Corrections (DOC), every correctional facility offers adult basic education programs which provide a foundation education in reading, writing, math, and English language acquisition. Facilities also offer pre-college preparation courses, trade pre-apprenticeship programs, vocational certificates, and two-year associate degrees and four-year bachelor degrees. DOC contracts with the State Board of Community and Technical Colleges (SBCTC) to operate correctional education programs in state correctional facilities.

DOC selects incarcerated individuals to participate in its postsecondary education program based on priority criteria determined by DOC. Priority should be given to incarcerated individuals who:

- do not already possess a postsecondary education degree; and
- have a reentry plan that includes participation in a postsecondary degree or certificate program that is offered at the individual's correctional facility, approved by DOC as eligible and effective, and limited to a postsecondary degree or certificate program.

DOC must, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for incarcerated individuals in the following order:

- one—achievement of a high school diploma or high school equivalency certificate;
- two—achievement of vocational skills necessary for work programs or to qualify for

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- work upon release,
- three—additional work and education programs necessary for compliance with an incarcerated individual's reentry plan, including special education services and postsecondary degree and certificate education programs; and
  - four—other appropriate vocational, work, or education programs that are not necessary for compliance with an incarcerated individual's reentry plan, including postsecondary degree or certificate programs.

If programming is provided for goal one, two, or three, DOC pays for the cost of educational programming, including books, materials, and supplies.

If programming is provided for goal four, the incarcerated individual is responsible for paying all or part of the costs, including books, fees, and tuition, based on a formula that correlates to the individual's average monthly income or available savings and a prorated portion or percent of the per credit fee. A third party, including nonprofit entities or community-based postsecondary education programs, may pay for costs and tuition on the incarcerated individual's behalf.

Incarcerated individuals who do not meet the priority criteria for DOC's postsecondary degree education program must pay for the costs to participate, including books, fees, or tuition, or a third party can provide payments to DOC on the individual's behalf.

Federal Pell Grants for Incarcerated Students. Under Title IV of the federal Higher Education Act of 1965, incarcerated individuals were eligible to receive a Pell Grant to pay for college courses. The Violent Crime Control and Law Enforcement Act of 1994 banned incarcerated individuals from receiving federal Pell aid.

The Second Chance Pell experiment began in 2015 as a pilot program that allowed incarcerated students to access Pell Grants in their postsecondary education programs. DOC has three active Second Chance Pell Grant Experimental Sites: Cedar Creek Corrections Center and Washington Corrections Center through Centralia College, and Coyote Ridge Corrections Center through Walla Walla Community College.

Congress restored eligibility in 2020 for Pell Grants for incarcerated individuals enrolled in qualifying prison education programs effective July 1, 2023. Prison education programs must be offered by an eligible public or private nonprofit institution of higher education that is approved by DOC to operate in the correctional facility.

Pell Eligibility. Pell Grants are a form of need-based federal student aid that generally does not need to be repaid. Pell Grants are usually only awarded to undergraduate students who display exceptional financial need and have not earned a bachelor's, graduate, or professional degree. A person can receive Pell aid for no more than 12 terms or the equivalent. Award amounts vary based on expected family contribution, cost of attendance, full-time or part-time status, and plans to attend for a full academic year or less. A person

must complete the Free Application for Federal Student Aid (FAFSA) to determine their eligibility for a Pell Grant, and there is a separate FAFSA form for incarcerated applicants.

Washington College Grant. The Washington College Grant (WA Grant) provides need-based financial aid to income-eligible resident students pursuing education beyond high school. Award amounts vary based on income, family size, and the school or program attended. The WA Grant is available to Washington residents, including undocumented individuals, recent high school graduates or working-age adults, low-to-middle-income families and individuals, and people who plan to attend an approved certificate program, job training, apprenticeship, or public and private colleges. Individuals who do not file a FAFSA can file a Washington Application for State Financial Aid (WASFA) to apply for only state financial aid.

Legislation from 2021, which expanded DOC's authority to offer postsecondary education certificate or degree programs up to a bachelor's degree, also required DOC to work with SBCTC to develop a plan to assist individuals selected to participate in postsecondary degree or certificate programs with filing a FAFSA or WASFA.

Gift Aid. Gift aid means financial aid received from the federal Pell Grant, the WA Grant, the College Bound Scholarship, the Opportunity Grant, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. Gift aid does not include student loans, work-study programs, the basic food employment and training program administered by the Department of Social and Health Services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

State Agency Report on Postsecondary Education Programs and Incarcerated Individuals. DOC, SBCTC, the Washington Student Achievement Council, and the Washington State Reentry Council, in collaboration with an organization representing the presidents of the public four-year institutions of higher education, must submit an annual report to the Legislature beginning December 1, 2021. The state agencies must consult and engage with nonprofit and community-based postsecondary education providers during the development of the annual report. The report must strive to include the voices of current or formerly incarcerated individuals and must include certain data and information.

**Summary:** For programming provided to meet goals one, two, or three that is financial aid eligible, DOC may require the individual to apply for any federal and state financial aid grants available to the individual as a condition of participation in such programming. The individual may elect to use available financial aid grants, self-pay, or any other available third-party funding, or use a combination of these methods to cover the cost of attendance. If an individual elects to self-pay or use third-party funding, the individual is not subject to the post-award formula. If the costs of attendance exceeds any financial aid grant award that may be available to the individual, or the person is not eligible for federal or state financial aid grants, DOC must pay the cost of attendance not covered by third-party funding. All

regulations and requirements from the U.S. Department of Education for federal Pell Grants for prison education programs apply to financial aid eligible postsecondary programming.

For programming provided to meet goals one, two, or three that is not financial aid eligible at the time the individual is enrolled or paid for by DOC or a third party, DOC must pay for the costs of such programming.

For programming provided to meet goal four, the incarcerated individual is responsible for paying all or a portion of the costs. An individual may apply for and use federal and state financial aid grants available to the individual. If the individual is not eligible for federal financial aid grants, the individual may apply for and use state financial aid grants available to the individual. DOC must use a post-award formula for determining how much an incarcerated person must pay for programming after deducting any amount from available financial aid or other sources. Any post-award formula offsets and funds paid for by DOC for educational programming may not reduce any gift aid.

All incarcerated individuals shall receive financial aid and academic advising from an accredited institution of higher education prior to enrollment in a financial aid eligible postsecondary education program. Eligible individuals who choose not to participate or choose to cease participation in a financial aid eligible postsecondary program shall not result in a loss of privileges.

Correspondence courses are ineligible for state and financial aid funding.

Individuals subject to a detainer are subject to financial responsibility requirements for programming under the post-award formula. Restrictions on participation for individuals sentenced to death are removed.

Incarcerated individuals not meeting DOC's priority criteria for postsecondary degree education programs offered by DOC or its contracted providers must pay for the costs of participation by one or more of the following means:

- for a postsecondary degree education program that is eligible for financial aid, the incarcerated individual may provide the required payments to the school;
- for a postsecondary degree education program that is not eligible for financial aid, the incarcerated individual may provide the required payments to DOC; or
- a third party may provide the required payments to DOC on the incarcerated individual's behalf.

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

**Votes on Final Passage:**

Senate 37 12

House 79 17 (House amended)

Senate 35 14 (Senate concurred)

**Effective:** June 6, 2024