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**SENATE BILL 5953**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators C. Wilson, Frame, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles, Salomon, Trudeau, and Valdez

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1 AN ACT Relating to financial aid grants for incarcerated  
2 students; and amending RCW 72.09.460 and 72.09.465.

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

4 **Sec. 1.** RCW 72.09.460 and 2021 c 200 s 4 are each amended to  
5 read as follows:

6 (1) Recognizing that there is a positive correlation between  
7 education opportunities and reduced recidivism, it is the intent of  
8 the legislature to offer appropriate postsecondary degree or  
9 certificate opportunities to incarcerated individuals.

10 (2) The legislature intends that all incarcerated individuals be  
11 required to participate in department-approved education programs,  
12 work programs, or both, unless exempted as specifically provided in  
13 this section. Eligible incarcerated individuals who refuse to  
14 participate in available education or work programs available at no  
15 charge to the incarcerated individuals shall lose privileges  
16 according to the system established under RCW 72.09.130. Eligible  
17 incarcerated individuals who are required to contribute financially  
18 to an education or work program and refuse to contribute shall be  
19 placed in another work program. Refusal to contribute shall not  
20 result in a loss of privileges.

1 (3) The legislature recognizes more incarcerated individuals may  
2 agree to participate in education and work programs than are  
3 available. The department must make every effort to achieve maximum  
4 public benefit by placing incarcerated individuals in available and  
5 appropriate education and work programs.

6 (4)(a) The department shall, to the extent possible and  
7 considering all available funds, prioritize its resources to meet the  
8 following goals for incarcerated individuals in the order listed:

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

14 (ii) Achievement of vocational skills necessary for purposes of  
15 work programs and for an incarcerated individual to qualify for work  
16 upon release;

17 (iii) Additional work and education programs necessary for  
18 compliance with an incarcerated individual's individual reentry plan  
19 under RCW 72.09.270, including special education services and  
20 postsecondary degree or certificate education programs; and

21 (iv) Other appropriate vocational, work, or education programs  
22 that are not necessary for compliance with an incarcerated  
23 individual's individual reentry plan under RCW 72.09.270 including  
24 postsecondary degree or certificate education programs.

25 (b) (i) If programming is provided pursuant to (a)(i) through  
26 (iii) of this subsection, the department shall pay the cost of such  
27 programming, including but not limited to books, materials, and  
28 supplies for adult basic education programs and any postsecondary  
29 education program that is not financial aid eligible at the time the  
30 individual is enrolled or paid for by the department or third party.

31 (ii) For financial aid eligible postsecondary programming  
32 provided pursuant to (a)(i) through (iii) of this subsection, the  
33 department may require the individual to apply for and utilize any  
34 federal and state financial aid grants available to the individual as  
35 a condition of participation in such programming. If the cost of  
36 attendance exceeds the grant award, or the person is not eligible for  
37 federal or state financial aid grants, the department shall pay the  
38 cost of attendance not otherwise covered by third-party funding. All  
39 regulations and requirements set forth by the United States

1 department of education for federal pell grants for prison education  
2 programs apply to financial aid eligible postsecondary programming.

3 (c) If programming is provided pursuant to (a)(iv) of this  
4 subsection, incarcerated individuals shall be required to pay all or  
5 a portion of the costs, including books, fees, and tuition, for  
6 participation in any vocational, work, or education program as  
7 provided in department policies. The individual may apply for and  
8 utilize federal financial aid grants available to the individual. If  
9 the individual is not eligible for federal financial aid grants, the  
10 individual may apply for and utilize state financial aid grants  
11 available to the individual. Department policies shall include a  
12 postaward formula for determining how much an incarcerated individual  
13 shall be required to pay after deducting any amount from available  
14 financial aid or other available sources. The postaward formula shall  
15 include steps which correlate to an incarcerated individual's average  
16 monthly income or average available balance in a personal savings  
17 account and which are correlated to a prorated portion or percent of  
18 the per credit fee for tuition, books, or other ancillary educational  
19 costs. The postaward formula shall be reviewed every two years. A  
20 third party, including but not limited to nonprofit entities or  
21 community-based postsecondary education programs, may pay directly to  
22 the department all or a portion of costs and tuition for any  
23 programming provided pursuant to (a)(iv) of this subsection on behalf  
24 of an incarcerated individual. Such payments shall not be subject to  
25 any of the deductions as provided in this chapter.

26 (d) The department may accept any and all donations and grants of  
27 money, equipment, supplies, materials, and services from any third  
28 party, including but not limited to nonprofit entities and community-  
29 based postsecondary education programs, and may receive, utilize, and  
30 dispose of same to complete the purposes of this section.

31 (e) Any funds collected by the department under (c) and (d) of  
32 this subsection and subsections (11) and (12) of this section shall  
33 be used solely for the creation, maintenance, or expansion of  
34 incarcerated individual educational and vocational programs.

35 (5) The department shall provide access to a program of education  
36 to all incarcerated individuals who are under the age of eighteen and  
37 who have not met high school graduation requirements or requirements  
38 to earn a high school equivalency certificate as provided in RCW  
39 28B.50.536 in accordance with chapter 28A.193 RCW. The program of  
40 education established by the department and education provider under

1 RCW 28A.193.020 for incarcerated individuals under the age of  
2 eighteen must provide each incarcerated individual a choice of  
3 curriculum that will assist the incarcerated individual in achieving  
4 a high school diploma or high school equivalency certificate. The  
5 program of education may include but not be limited to basic  
6 education, prevocational training, work ethic skills, conflict  
7 resolution counseling, substance abuse intervention, and anger  
8 management counseling. The curriculum may balance these and other  
9 rehabilitation, work, and training components.

10 (6) (a) In addition to the policies set forth in this section, the  
11 department shall consider the following factors in establishing  
12 criteria for assessing the inclusion of education and work programs  
13 in an incarcerated individual's individual reentry plan and in  
14 placing incarcerated individuals in education and work programs:

15 (i) An incarcerated individual's release date and custody level.  
16 An incarcerated individual shall not be precluded from participating  
17 in an education or work program solely on the basis of his or her  
18 release date, except that incarcerated individuals with a release  
19 date of more than one hundred twenty months in the future shall not  
20 comprise more than ten percent of incarcerated individuals  
21 participating in a new class I correctional industry not in existence  
22 on June 10, 2004;

23 (ii) An incarcerated individual's education history and basic  
24 academic skills;

25 (iii) An incarcerated individual's work history and vocational or  
26 work skills;

27 (iv) An incarcerated individual's economic circumstances,  
28 including but not limited to an incarcerated individual's family  
29 support obligations; and

30 (v) Where applicable, an incarcerated individual's prior  
31 performance in department-approved education or work programs;

32 (b) The department shall establish, and periodically review,  
33 incarcerated individual behavior standards and program outcomes for  
34 all education and work programs. Incarcerated individuals shall be  
35 notified of applicable behavior standards and program goals prior to  
36 placement in an education or work program and shall be removed from  
37 the education or work program if they consistently fail to meet the  
38 standards or outcomes.

39 (7) Eligible incarcerated individuals who refuse to participate  
40 in available education or work programs available at no charge to the

1 incarcerated individuals shall lose privileges according to the  
2 system established under RCW 72.09.130. Eligible incarcerated  
3 individuals who are required to contribute financially to an  
4 education or work program and refuse to contribute shall be placed in  
5 another work program. Refusal to contribute shall not result in a  
6 loss of privileges.

7 (8) The department shall establish, by rule, a process for  
8 identifying and assessing incarcerated individuals with learning  
9 disabilities, traumatic brain injuries, and other cognitive  
10 impairments to determine whether the person requires accommodations  
11 in order to effectively participate in educational programming,  
12 including general educational development tests and postsecondary  
13 education. The department shall establish a process to provide such  
14 accommodations to eligible incarcerated individuals.

15 (9) The department shall establish, and periodically review,  
16 goals for expanding access to postsecondary degree and certificate  
17 education programs and program completion for all incarcerated  
18 individuals, including persons of color. The department may contract  
19 and partner with any accredited educational program sponsored by a  
20 nonprofit entity, community-based postsecondary education program, or  
21 institution with historical evidence of providing education programs  
22 to people of color.

23 (10) The department shall establish, by rule, objective medical  
24 standards to determine when an incarcerated individual is physically  
25 or mentally unable to participate in available education or work  
26 programs. When the department determines an incarcerated individual  
27 is permanently unable to participate in any available education or  
28 work program due to a health condition, the incarcerated individual  
29 is exempt from the requirement under subsection (2) of this section.  
30 When the department determines an incarcerated individual is  
31 temporarily unable to participate in an education or work program due  
32 to a medical condition, the incarcerated individual is exempt from  
33 the requirement of subsection (2) of this section for the period of  
34 time he or she is temporarily disabled. The department shall  
35 periodically review the medical condition of all incarcerated  
36 individuals with temporary disabilities to ensure the earliest  
37 possible entry or reentry by incarcerated individuals into available  
38 programming.

39 (11) The department shall establish policies requiring an  
40 incarcerated individual to pay all or a portion of the costs and

1 tuition for any vocational training or postsecondary education  
2 program if the incarcerated individual previously abandoned  
3 coursework related to postsecondary degree or certificate education  
4 or vocational training without excuse as defined in rule by the  
5 department. Department policies shall include a formula for  
6 determining how much an incarcerated individual shall be required to  
7 pay. The formula shall include steps which correlate to an  
8 incarcerated individual's average monthly income or average available  
9 balance in a personal savings account and which are correlated to a  
10 prorated portion or percent of the per credit fee for tuition, books,  
11 or other ancillary costs. The formula shall be reviewed every two  
12 years. A third party may pay directly to the department all or a  
13 portion of costs and tuition for any program on behalf of an  
14 incarcerated individual under this subsection. Such payments shall  
15 not be subject to any of the deductions as provided in this chapter.

16 (12) Notwithstanding any other provision in this section, an  
17 incarcerated individual (~~sentenced to death under chapter 10.95 RCW~~  
18 ~~or~~) subject to the provisions of 8 U.S.C. Sec. 1227:

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

22 (b) May not participate in a postsecondary degree education  
23 program offered by the department or its contracted providers, unless  
24 the incarcerated individual's participation in the program is paid  
25 for by a third party or by the individual;

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

28 (d) Shall be subject to the (~~applicable provisions of this~~  
29 ~~chapter~~) requirements relating to incarcerated individual financial  
30 responsibility for programming under subsection (4) of this section.

31 (13) If an incarcerated individual has participated in  
32 postsecondary education programs, the department shall provide the  
33 incarcerated individual with a copy of the incarcerated individual's  
34 unofficial transcripts, at no cost to the individual, upon the  
35 incarcerated individual's release or transfer to a different  
36 facility. Upon the incarcerated individual's completion of a  
37 postsecondary education program, the department shall provide to the  
38 incarcerated individual, at no cost to the individual, a copy of the  
39 incarcerated individual's unofficial transcripts. This requirement  
40 applies regardless of whether the incarcerated individual became

1 ineligible to participate in or abandoned a postsecondary education  
2 program.

3 (14) For the purposes of this section (~~(, "third party")~~):

4 (a) "Third party" includes a nonprofit entity or community-based  
5 postsecondary education program that partners with the department to  
6 provide accredited postsecondary education degree and certificate  
7 programs at state correctional facilities.

8 (b) "Gift aid" has the meaning provided in RCW 28B.145.010. Any  
9 postaward formula offsets and funds paid for by the department for  
10 educational programming shall not result in the reduction of any gift  
11 aid.

12 **Sec. 2.** RCW 72.09.465 and 2021 c 200 s 5 are each amended to  
13 read as follows:

14 (1)(a) The department may implement postsecondary degree or  
15 certificate education programs at state correctional institutions.

16 (b) The department may consider for inclusion in any  
17 postsecondary degree or certificate education program, any education  
18 program from an accredited community or technical college, college,  
19 or university that is limited to no more than a bachelor's degree.  
20 Washington state-recognized preapprenticeship programs may also be  
21 included as appropriate postsecondary education programs.

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

30 (a) (~~(The)~~) For a postsecondary degree education program that is  
31 eligible for financial aid, the incarcerated individual who is  
32 participating in the (~~(postsecondary education degree)~~) program may,  
33 during confinement, provide the required payment or payments to the  
34 (~~(department)~~) school; (~~(or)~~)

35 (b) For a postsecondary degree education program that is not  
36 eligible for financial aid, the incarcerated individual who is  
37 participating in the program may, during confinement, provide the  
38 required payment or payments to the department; or

1       (c) A third party (~~shall~~) may provide the required payment or  
2 payments directly to the department on behalf of an incarcerated  
3 individual, and such payments shall not be subject to any of the  
4 deductions as provided in this chapter.

5       (3) The department may accept any and all donations and grants of  
6 money, equipment, supplies, materials, and services from any third  
7 party, including but not limited to nonprofit entities, and may  
8 receive, utilize, and dispose of same to provide postsecondary  
9 education to incarcerated individuals.

10       (4) An incarcerated individual may be selected to participate in  
11 a state-funded postsecondary degree or certificate education program,  
12 based on priority criteria determined by the department, in which the  
13 following conditions may be considered:

14       (a) Priority should be given to incarcerated individuals who do  
15 not already possess a postsecondary education degree; and

16       (b) Incarcerated individuals with individual reentry plans that  
17 include participation in a postsecondary degree or certificate  
18 education program that is:

19       (i) Offered at the incarcerated individual's state correctional  
20 institution;

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

23       (iii) Limited to a postsecondary degree or certificate program.

24       (5) The department shall work with the college board as defined  
25 in RCW 28B.50.030 to develop a plan to assist incarcerated  
26 individuals selected to participate in postsecondary degree or  
27 certificate programs with filing a free application for federal  
28 student aid or the Washington application for state financial aid.

29       (6) Any funds collected by the department under this section  
30 shall be used solely for the creation, maintenance, or expansion of  
31 postsecondary education degree programs for incarcerated individuals.

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