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**SENATE BILL 5433**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Wilson, C., Nguyen, Das, Darneille, Dhingra, Hasegawa, Kuderer, and Saldaña

Read first time 01/21/19. Referred to Committee on Human Services, Reentry & Rehabilitation.

1 AN ACT Relating to providing postsecondary education  
2 opportunities to enhance public safety; amending RCW 28B.50.815,  
3 72.09.460, and 72.09.465; amending 2017 c 120 s 1 (uncodified);  
4 creating a new section; and providing an expiration date.

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

6 **Sec. 1.** 2017 c 120 s 1 (uncodified) is amended to read as  
7 follows:

8 (1) The legislature finds that studies clearly and consistently  
9 demonstrate that incarcerated adults who obtain (~~associate-degree~~)  
10 postsecondary education and training are more likely to be employed  
11 following release, which leads to a dramatic reduction in recidivism  
12 rates, significant improvements in public safety, and a major return  
13 on investment. The legislature finds that reducing recidivism would  
14 decrease the financial burden to taxpayers and the emotional burden  
15 of victims.

16 (2) The legislature finds that research indicates that  
17 (~~associate-degree~~) postsecondary education and training is an  
18 effective evidence-based practice for reducing recidivism. An  
19 analysis commissioned by the United States department of justice  
20 determined that adults who received such education while incarcerated  
21 were forty-three percent less likely to recidivate.

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

8 (4) The legislature further finds that correctional education is  
9 cost-effective. A 2014 study by the Washington state institute for  
10 public policy estimated that the state received a return on  
11 investment of twenty dollars for every dollar invested in  
12 correctional education.

13 (5) It is the intent of the legislature to enhance public safety  
14 by reducing crime and increasing employment rates in a cost-effective  
15 manner by authorizing (~~associate degree~~) postsecondary  
16 degree opportunities and training of incarcerated adults through  
17 expanded partnerships between the community and technical colleges  
18 and the department of corrections.

19 (~~The legislature does not intend to provide additional~~  
20 ~~funding to the department of corrections with chapter 120, Laws of~~  
21 ~~2017 and intends that the department of corrections incorporate~~  
22 ~~associate degree education into its available educational and~~  
23 ~~vocational opportunities for offenders within existing funds set~~  
24 ~~aside for this purpose.)) It is the intent of the legislature to  
25 support the use of secure internet connections expressly for the  
26 purposes of furthering postsecondary education degree opportunities  
27 and training of incarcerated adults.~~

28 **Sec. 2.** RCW 28B.50.815 and 2017 c 120 s 2 are each amended to  
29 read as follows:

30 The college board may authorize any board of trustees within the  
31 system to promote and conduct (~~associate degree~~) postsecondary  
32 education degree opportunities and training of incarcerated adults  
33 through new or expanded partnerships between the community and  
34 technical colleges and the department of corrections.

35 **Sec. 3.** RCW 72.09.460 and 2017 c 120 s 3 are each amended to  
36 read as follows:

37 (1) Recognizing that there is a positive correlation between  
38 education opportunities and reduced recidivism, it is the intent of

1 the legislature to offer appropriate ((~~associate—degree~~))  
2 postsecondary education opportunities to inmates ((~~designed to~~  
3 ~~prepare the inmate to enter the workforce~~)).

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

14 (3) The legislature recognizes more inmates may agree to  
15 participate in education and work programs than are available. The  
16 department must make every effort to achieve maximum public benefit  
17 by placing inmates in available and appropriate education and work  
18 programs.

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

22 (i) Achievement of basic academic skills through obtaining a high  
23 school diploma or a high school equivalency certificate as provided  
24 in RCW 28B.50.536;

25 (ii) Achievement of vocational skills necessary for purposes of  
26 work programs and for an inmate to qualify for work upon release;

27 (iii) Additional work and education programs necessary for  
28 compliance with an offender's individual reentry plan under RCW  
29 72.09.270; and

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

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

38 (c) If programming is provided pursuant to (a)(iv) of this  
39 subsection, inmates shall be required to pay all or a portion of the  
40 costs, including books, fees, and tuition, for participation in any

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

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

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

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

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

1 (i) An inmate's release date and custody level. An inmate shall  
2 not be precluded from participating in an education or work program  
3 solely on the basis of his or her release date or sentence, except  
4 that inmates with a release date of more than one hundred twenty  
5 months in the future shall not comprise more than ten percent of  
6 inmates participating in a new class I correctional industry not in  
7 existence on June 10, 2004;

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

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

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

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

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

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

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

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

17 (10) (~~Notwithstanding any other provision in this section,~~) An  
18 inmate sentenced to life without the possibility of release,  
19 sentenced to death under chapter 10.95 RCW, or subject to the  
20 provisions of 8 U.S.C. Sec. 1227:

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

24 (b) May (~~not participate in an associate~~) receive a  
25 postsecondary degree in an education program offered by the  
26 department or its contracted providers;

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

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

31 **Sec. 4.** RCW 72.09.465 and 2017 c 120 s 4 are each amended to  
32 read as follows:

33 (1) The department may implement (~~associate degree~~)  
34 postsecondary education degree programs at state correctional  
35 institutions. (~~During the 2015-2017 fiscal biennium, the department~~  
36 ~~may implement postsecondary degree programs within state~~  
37 ~~institutions, including the state correctional institution with the~~  
38 ~~largest population of females, within its existing funds and under~~  
39 ~~the limitations in this section, to include any funding provided~~

1 ~~under subsection (3) of this section.)~~ The department may consider  
2 for inclusion in any ~~((associate degree))~~ postsecondary education  
3 degree program, any education program from an accredited community or  
4 technical college, college, or university that is part of an  
5 associate ~~((workforce))~~ or baccalaureate degree program ~~((designed to~~  
6 ~~prepare the inmate to enter the workforce))~~.

7 (2) Inmates not meeting the department's priority criteria for  
8 the state-funded ~~((associate degree))~~ postsecondary education degree  
9 program shall be required to pay the costs for participation in a  
10 postsecondary education degree program if he or she elects to  
11 participate through self-pay, including costs of books, fees,  
12 tuition, or any other appropriate ancillary costs, by one or more of  
13 the following means:

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

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

21 (3) The department may accept any and all donations and grants of  
22 money, equipment, supplies, materials, and services from any third  
23 party, including but not limited to nonprofit entities, and may  
24 receive, utilize, and dispose of same to provide postsecondary  
25 education to inmates.

26 (4) An inmate may be selected to participate in a state-funded  
27 ~~((associate degree))~~ postsecondary education degree program, based on  
28 priority criteria determined by the department, in which the  
29 following conditions may be considered:

30 (a) Priority should be given to inmates within five years or less  
31 of release;

32 (b) The inmate does not already possess a postsecondary education  
33 degree; and

34 (c) The inmate's individual reentry plan includes participation  
35 in ~~((an associate degree))~~ a postsecondary education degree program  
36 that is:

- 37 (i) Offered at the inmate's state correctional institution; and  
38 (ii) Approved by the department as an eligible and effective  
39 postsecondary education degree program(~~;~~~~and~~  
40 ~~(iii) Limited to an associate workforce degree.~~

1       ~~(5) During the 2015-2017 fiscal biennium, an inmate may be~~  
2 ~~selected to participate in a state-funded postsecondary education~~  
3 ~~degree program, based on priority criteria determined by the~~  
4 ~~department, in which the following conditions may be considered:~~

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

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

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

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

12       ~~(ii) Approved by the department as an eligible and effective~~  
13 ~~postsecondary education degree program).~~

14       ~~((+6))~~ (5) Any funds collected by the department under this  
15 section shall be used solely for the creation, maintenance, or  
16 expansion of inmate postsecondary education degree programs.

17       NEW SECTION.   **Sec. 5.**   (1) The department of corrections, the  
18 state board for community and technical colleges, and the office of  
19 the chief information officer shall submit, in compliance with RCW  
20 43.01.036, a report to the governor and the appropriate committees of  
21 the legislature by December 1, 2019, outlining a plan for  
22 implementing secure internet connections to achieve the purposes of  
23 this act. This report must contain the barriers and costs associated  
24 with implementing secure internet connections for the purpose of  
25 postsecondary education and training of incarcerated individuals.

26       (2) This section expires December 31, 2019.

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