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HOUSE BILL 1044

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Leavitt and Simmons

Prefiled 12/22/20.

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 (5) (~~(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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