
SENATE BILL 5953

State of Washington

68th Legislature

2024 Regular Session

By Senator C. Wilson

Prefiled 01/03/24.

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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