

Multiple Agency Fiscal Note Summary

Bill Number: 2171 S HB	Title: Incarcerated students
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Student Achievement Council	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Student Achievement Council	.9	330,000	330,000	330,000	1.0	340,000	340,000	340,000	1.0	340,000	340,000	340,000
Student Achievement Council	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	0.9	330,000	330,000	330,000	1.0	340,000	340,000	340,000	1.0	340,000	340,000	340,000

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Student Achievement Council	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

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Date Published:
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Individual State Agency Fiscal Note

Bill Number: 2171 S HB	Title: Incarcerated students	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Saranda Ross	Phone: 360-786-7068	Date: 02/02/2024
Agency Preparation: Stephanie Marty	Phone: (360) 725-8428	Date: 02/08/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/08/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/09/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

An ACT relating to financial aid grants for incarcerated students; and amending RCW 72.09.460.

Section 1(4)(b) amends that the Department of Corrections (DOC) may not require an incarcerated individual to apply for or utilize financial aid grants available to incarcerated individuals as a condition to participate in programs. DOC shall pay the cost of such programming not otherwise covered by third-party funding if the cost of attendance exceeds the grant award, or if the incarcerated individual is not eligible for financial aid or if chooses not to apply for or utilize financial aid, or if financial aid is not available.

Section 1(4)(c)(i) amends that an incarcerated individual may apply for and utilize federal and state financial aid grants available to the individual in addition to using grants and donations supplied by education providers. The DOC shall utilize a post-award formula for determining how much an incarcerated individual shall be required to pay after deducting any amount from available financial aid or third-party funding.

Section 1(4)(c)(ii) adds for the purposes of this subsection, post-award formula offsets and funds paid by DOC for educational programming shall not result in the reduction of any "gift aid," as is defined in RCW 28B.145.010.

Effective date is assumed to be 90 days after adjournment of session in which this bill is passed.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The fiscal impact of this bill is indeterminate, assumed to be greater than \$50,000 per Fiscal Year (FY).

While Section 1(4)(b)-(c) allows for incarcerated students in eligible postsecondary programs to utilize available financial aid grants, the language that the individual may choose not to and that the department shall pay for the cost of programming would have an indeterminate fiscal impact on DOC, which may impact the Department's ability to offer and/or expand certain educational programs to include bachelor level degrees within existing funding levels.

The intent behind this legislation is for DOC, in partnership with the two- and four-year institutions of higher education, to expand postsecondary education for incarcerated individuals leveraging federal Pell grant funding.

The DOC currently contracts for educational services for incarcerated individuals, up to an associate degree. Therefore, this bill could result in indeterminate savings for the contract costs.

We assume financial impacts will result as incarcerated individuals begin requiring assistance while applying for and utilizing this funding. Additional impacts related to the reimbursement process and managing the post-award formula and process is also anticipated.

The DOC cannot reasonably estimate the number of individuals that will apply for state and federal financial aid grants. Therefore, DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2171 S HB	Title: Incarcerated students	Agency: 340-Student Achievement Council
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.8	0.9	1.0	1.0
Account					
General Fund-State 001-1	0	330,000	330,000	340,000	340,000
Total \$	0	330,000	330,000	340,000	340,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Saranda Ross	Phone: 360-786-7068	Date: 02/02/2024
Agency Preparation: Carla Idohl-Corwin	Phone: 360-485-1302	Date: 02/02/2024
Agency Approval: Brian Richardson	Phone: 360-485-1124	Date: 02/02/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/05/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

SHB2171 relates to education programs for incarcerated individuals and revises the original bill to:

- * Allow the Department of Corrections to require an incarcerated individual to apply for, but not utilize, federal and state financial aid grants for the cost of attendance in certain education programming if such programming is eligible for financial aid.
- * Allow incarcerated individuals to utilize federal and state financial aid for certain programming if such programming is eligible for financial aid.
- * Allow incarcerated individuals to receive education grants, scholarships, or third-party funding to cover their cost of attendance.
- * Require the state agency report to the Legislature on postsecondary degree education programs and incarcerated individuals to add a complete list of postsecondary degree and certificate education programs offers at each state correctional facility, including enrollment and completion rates for each program.
- * Upon approval from the DOC, incarcerated individuals may receive donated educational materials funded by grants and donations or supplied by education providers and third parties.
- * Require the DOC, where possible and not otherwise covered by third-party funding, to pay the cost of programming including books, supplied, materials if the cost of attendance exceeds eligibility for grants, the individual is not eligible for financial aid, the individual chooses not to apply for or utilize financial aid or financial aid is not available.
- * Allow the DOC to alter the post award formula to include a deduction of any utilized financial aid or third-party funding.

HB2171 relates to education programs for incarcerated individuals. This bill:

- * prohibits the Department of Corrections from requiring an incarcerated individual to apply for or utilize financial aid grants as a condition of participation in such programming.
- * requires the Department of Corrections to pay for the cost including tuition, books, materials and supplies for incarcerated individuals if an individual opts to not utilize financial aid grants or if the grants are not available and the programming is not covered by other third-party funding.
- * applies a post award formula to determine how much an incarcerated individual must pay after deducting any amount of financial aid grants or third-party funding.
- * restricts post award formula offsets and funds paid by the US Department of Education shall not result in the reduction of “gift aid”.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Cash receipts are indeterminate for any financial aid programs administered by the Washington Student Achievement Council (WSAC). Cash receipts would only apply to those individuals who utilize federal and or state financial aid grants. Because the enrollment and utilization rates of those opting to use financial aid grants are unknown, we are unable to anticipate who may owe a repayment of state grants as a result of not meeting satisfactory academic progress and program policy standards.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

SHB2171 expenditure impacts are indeterminate and are dependent on the number of applicants who elect to utilize state financial aid grants in lieu of Department of Corrections funding.

WSAC would need to provide a paper application process for those not eligible to use the Free Application for Federal Student Aid (FAFSA) that would be parallel to the FAFSA for incarcerated individuals. (This requires incarcerated individuals to mail a special FAFSA to the US Department of Education.) Some incarcerated individuals who are not eligible to file any type of FAFSA would need to be able to complete a paper Washington Application for State Financial Aid (WASFA) that could be mailed to WSAC for manual processing.

Program administration functions to be performed by WSAC to serve non-FAFSA eligible filers include:

- * Development of an annual paper FAFSA-like application for manual processing.
- * Record retention of all paper application materials received. (These may be scanned and stored electronically for the required six-year retention period.)

Staffing costs would be \$330,000 in FY25 and then \$170,000 annually (FY26 and beyond) and include:

- 0.3 FTE Associate Director in FY25 to develop the annual paper application to parallel the FAFSA for incarcerated individuals and 0.2 FTE Associate Director (FY26 and beyond) to annually update the application.
- 0.5 FTE Program Coordinator (FY25 and beyond) to manage the paper WASFA process.
- 1.0 FTE IT Developer in FY25 to create the initial functionality and 0.3 FTE IT Developer (FY26 and beyond) to provide annual system enhancements to facilitate the paper WASFA process and processed files to be sent back to colleges.

Staff time estimates are rounded to the nearest 0.1 FTE and staff-related and other costs are rounded to the nearest \$1000.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	330,000	330,000	340,000	340,000
Total \$			0	330,000	330,000	340,000	340,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.8	0.9	1.0	1.0
A-Salaries and Wages		168,000	168,000	166,000	166,000
B-Employee Benefits		60,000	60,000	60,000	60,000
C-Professional Service Contracts					
E-Goods and Other Services		100,000	100,000	112,000	112,000
G-Travel		2,000	2,000	2,000	2,000
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	330,000	330,000	340,000	340,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Associate Director	110,000		0.3	0.2	0.2	0.2
IT Developer	106,000		1.0	0.5	0.3	0.3
Program Coordinator	58,000		0.5	0.3	0.5	0.5
Total FTEs			1.8	0.9	1.0	1.0

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Financial Aid and Grant Programs (030)		330,000	330,000	340,000	340,000
Total \$		330,000	330,000	340,000	340,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.