
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair

2021 - 2022 Regular

Bill No: SB 416 **Hearing Date:** March 23, 2021
Author: Hueso
Version: February 12, 2021
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Corrections: educational programs*

HISTORY

Source: Legal Services for Prisoners with Children
Michelson Center for Public Policy
Project Rebound Consortium
Underground Scholars Initiative at UC Berkeley

Prior Legislation: None known

Support: ACLU of California; California Attorneys for Criminal Justice; California Coalition for Women Prisoners; California Public Defenders Association; Center for Responsible Lending; Church State Council; Courage California; Criminal Justice Clinic of UC Irvine School of Law; Defy Ventures; Drug Policy Alliance; Ella Baker Center for Human Rights; Empowering Pacific Islander Communities; Fair Chance Project; Fresno Barrios Unidos; Initiate Justice; Leveraging Inspiring Futures Through Educational Degrees; Re:Store Justice; Root & Rebound; San Francisco Public Defender; Success Stories; Women's Foundation of California; Youth Alliance

Opposition: None known

PURPOSE

The purpose of this bill is to require the Department of Corrections and Rehabilitation (CDCR) to offer college programs provided by the various California college systems or other regionally accredited, nonprofit colleges or universities in the state to state prison inmates with a GED certificate or a high school diploma, to establish a set of criteria to be used to prioritize those college programs, and to define the responsibilities of college education providers.

Existing law requires the Secretary of CDCR to implement in every state prison literacy programs that are designed to ensure that upon parole, inmates are able to achieve the goals contained in this section. Requires the department to prepare an implementation plan for this program and to request the necessary funds to implement this program as follows:

- Requires the department to offer academic programming throughout an inmate's incarceration that focuses on increasing the reading ability of an inmate to at least a 9th grade level.

- Requires the department to focus on helping the inmate obtain a GED certificate, or its equivalent, or a high school diploma for an inmate reading at a 9th grade level or higher.
- Requires the department to offer college programs through voluntary education programs or their equivalent.
- Requires priority to be given to those with a criminogenic need for education, those who have a need based on their educational achievement level, or other factors as determined by the department. (Pen. Code, § 2053.1, subd. (a).)

Existing law requires CDCR, in complying with the above requirements, to give strong consideration to the use of libraries and librarians, computer-assisted training, and other innovations that have proven to be effective in reducing illiteracy among disadvantaged adults. (Pen. Code, § 2053.1, subd. (b).)

Existing law provides that the Secretary of CDCR may prescribe and amend rules and regulations for the administration of the prisons. (Pen. Code, § 5058.)

This bill requires CDCR, for an inmate with a general education development certificate or equivalent or a high school diploma, to offer college programs provided by the California Community Colleges, the California State University, the University of California, or other California regionally accredited, nonprofit colleges or universities.

This bill requires that priority be given to colleges and universities that:

- Provide face-to-face, classroom-based instruction.
- Provide comprehensive in-person student supports, including counseling, advising, tutoring, and library services.
- Offer transferable degree-building pathways.
- Facilitate real-time student-to-student interaction and learning.
- Coordinate with other colleges and universities serving students in the department so that inmate students who are transferred to another institution can continue building toward a degree or credential.
- Coordinate with the California Community Colleges Rising Scholars Network, the California State University Project Rebound Consortium, the University of California Underground Scholars Initiative, or other nonprofit postsecondary programs specifically serving formerly incarcerated students so that incarcerated students who are paroled receive support to continue building toward a degree or credential.
- Do not charge incarcerated students or their families for tuition, course materials, or other educational components.

This bill provides that accredited postsecondary education providers are responsible for:

- Determining and developing curricula and degree pathways.
- Providing instructional staff and academic advising or counseling staff.
- Determining what specific services, including, but not limited to tutoring, academic counseling, library, and career advising, must be offered to ensure incarcerated students can successfully complete their course of study.

This bill requires CDCR, by regulation, to assign an inmate enrolled in a full-time college program, consisting of 12 units in credit-bearing courses leading to an associate's degree or a bachelor's degree, a full-time work or training assignment.

COMMENTS

1. Need for This Bill

According to the author:

As of December 2020, Congress allowed access to Federal Pell Grants for incarcerated students. Additionally, with COVID-19 and remote learning there exists the possibility that remote or correspondence coursework may replace face-to-face college instruction. Therefore, this bill seeks to add protections to the Penal Code in order for college instruction to be provided by quality, regionally accredited, non-profit higher education providers and give face-to-face coursework the priority. This bill also seeks to amend Title 15 which will recognize full-time enrollment in college as a full-time assignment in order to give education the priority it deserves amongst incarcerated students.

2. College Programs in CDCR Facilities

Penal Code section 2053.1 requires CDCR to focus its academic programming on improving the literacy of the state's prison inmates to at least a ninth grade reading level and aiding inmates in obtaining a GED certificate or high school diploma. CDCR is also required to offer college programs through voluntary education programs. Regulations require CDCR's institutions establish a variety of education programs and courses, including post-secondary education courses, to increase the literacy and employability of inmates in preparation for release from state prison. (Cal. Code Regs., tit. 15, § 3040.3.) Regulations require that every effort "be made to assign inmates concurrently to education programs, rehabilitative programs, and work assignments." (*Id.*) Regulations specify that inmates who have earned a GED or high school diploma may apply to colleges or universities recognized by a U.S. Department of Education accrediting agency, and inmates may participate via correspondence courses, or may attend face-to-face college courses when available and with the approval of the institution's school principal. (*Id.*) Inmates are responsible for paying for tuition, loans, textbooks, and other associated fees. (*Id.*) These college courses are non-remedial, transferable, and count toward a degree. (*Id.*) CDCR's website indicates that face-to-face college courses are provided by various community colleges in 34 institutions, and the correspondence course program exists at all institutions. (<https://www.cdcr.ca.gov/rehabilitation/pse/>)

Although partnerships between the state's community colleges and CDCR appear to be more established than the department's partnership with the other university systems in the state, CDCR has partnered with the University of California and the California State University to offer college courses and some degree programs. For example, Cal State LA established a Communication Studies degree program at California State Prison, Lancaster in 2016. CDCR recently signed an agreement with UC Irvine to offer the opportunity to earn a bachelor's degree in Sociology at R.J. Donovan. Similarly, CDCR and Pitzer College signed a memorandum of understanding to provide incarcerated students with an opportunity to earn a bachelor's degree in Organizational Studies at the California Rehabilitation Center.

3. Effect of This Bill

This bill requires CDCR to offer college programs provided by the California Community Colleges, the CSU, the UC, or other regionally accredited, nonprofit colleges or universities to inmates who have earned a GED certificate or a high school diploma. This bill requires CDCR to prioritize partnerships with colleges and universities that provide face-to-face instruction, offer transferable degree-building pathways, and do not charge incarcerated students or their families for tuition or course materials, among other things. This bill also establishes the responsibilities for college education providers, including determining and developing curricula and degree pathways as well as providing instructional staff and academic advising or counseling staff. Finally, this bill requires CDCR, by regulation, to assign an inmate enrolled in a full-time college program to a full-time work or training assignment.

This bill seeks to expand and strengthen post-secondary educational opportunities for prison inmates. As currently drafted, this bill raises some issues. First, the provision requiring CDCR to offer college programs through the state's various college systems is very broad. On the one hand this language provides CDCR with a significant amount of flexibility regarding its partnerships with individual colleges and universities. However, the lack of parameters included in the bill leave the role that these colleges and universities will have in determining whether a particular partnership for a specific institution is appropriate in an ambiguous state. Given that many of the state's prisons are located in isolated parts of the state that are not close to any UC, CSU, or other university, it seems appropriate in those cases that CDCR partner with the local community college to offer college courses. Next, the provision requiring CDCR to assign a full-time student to a full-time work or training assignment is confusing and subject to interpretation. The author's stated intent is for full-time enrollment in college to be recognized as a full-time assignment in order to prioritize post-secondary education. The author may wish to consider amending the bill to clarify that assignment to a full-time college program shall be considered an assignment to a full-time work or training assignment.

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