

Assembly Bill No. 1914

Passed the Assembly August 24, 2004

Chief Clerk of the Assembly

Passed the Senate August 19, 2004

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Section 32500 of, and to add Sections 32501, 32502, and 32503 to, the Education Code, and to amend Section 2053.4 of the Penal Code, relating to education in state prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1914, Montanez. Education in state prisons.

Existing law requires the Director of Corrections to appoint a Superintendent of Correctional Education to oversee and administer all prison education programs. Existing law requires the Superintendent of Correctional Education to set both short- and long-term goals for inmate literacy and testing and establish priorities for prison education programs.

This bill would change the position of Superintendent of Correctional Education to Deputy Director of Correctional Education and require the deputy director to report directly to the Director of Corrections. The deputy director would oversee and administer all prison education programs in conjunction with the Robert E. Burton Correctional Education Committee, which would submit a list to the Director of Corrections of 3 to 5 recommended candidates from which the Director of Corrections would appoint one to serve as Deputy Director of Correctional Education.

Existing law requires the Director of Corrections, the Chancellor of the California State University, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction, with the advice of the California Postsecondary Education Commission, to enter into interagency agreements in order to encourage greater involvement of educational institutions in planning and developing prison-based educational programs and requires the Director of Corrections, the Chancellor of the California State University, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction to appoint an advisory committee to make recommendations on the use of instructional television in these programs, review and make recommendations relating to any proposed budgets for these programs, and to review and make



recommendations relating to the implementation of the interagency agreement.

This bill, the Prison Education Reform Act, would rename the advisory committee the Robert E. Burton Correctional Education Committee, to be composed of 15 members, appointed as specified, and established within the Department of Corrections. The bill would require the Deputy Director of Correctional Education, in consultation with the committee, among other duties and responsibilities, to approve education programs in correctional institutions and adopt and enforce rules and regulations for the management and operation of education programs within the Department of Corrections.

The bill would require the Deputy Director of Correctional Education, in consultation with the committee and in conjunction with parole and other aftercare programs and consistent with the policies adopted by the committee, to develop and implement a plan for providing transitional educational services for inmates, including, but not limited to, counseling and placement services. The bill would require the Deputy Director of Correctional Education, in consultation with the committee, to develop a plan and make every reasonable effort to provide every inmate who has a reasonable expectation of release, as specified, with the opportunity to achieve a specified level of functional literacy, among other educational benefits, and an opportunity to obtain the equivalent of a high school education if the inmate has demonstrated the intellectual capacity to benefit from that additional education, and to provide college-level academic programs, as specified.

The bill would require the committee to advise the Deputy Director of Correctional Education regarding specified goals and objectives, including among others, ensuring that correctional education programs meet minimum performance standards and provide 9th grade literacy skills and marketable vocational skills, developing a procedure, in cooperation with the State Department of Education, to evaluate the effectiveness of correctional education programs, developing a mechanism to test all offenders committed to the custody of the Department of Corrections for academic achievement, and developing a 5-year comprehensive plan for a unified correctional school system.



The bill would additionally require the committee to submit a report to the Legislature on or before January 1, 2007, with recommendations for further restructuring of correctional education in this state and focusing on, among other items, attaining parallel education structures between correctional and public education, funding sources, and correctional education curriculum.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited as, the Prison Education Reform Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) The Budget Act of 2003 recognizes fiscal savings derived from the effective implementation of prison education and vocational programs.

(b) More than 20 states have established an independent correctional educational district and have found that this change in the structure of educational and vocational services reduces recidivism significantly.

(c) A correctional system that reduces prison education programs to an insignificant level and focuses solely on the custodial functions creates an unbalanced situation for the long-term stability of the criminal justice system. With this emphasis, prison growth is inevitable. The current structure of California's prison education system undervalues education and is hostile to rehabilitation. As a consequence, inmates will leave prison worse off than when they were first incarcerated.

(d) The undermining of correctional education is often falsely justified on the grounds of security, but it is an artificial security. A majority of those in prison will eventually be released and therefore the state has an obligation to prepare them to be contributing members of society. Current correctional education policies endanger public safety by failing to provide inmates with a means to take positive control of their environment, both within prison and after release.

(e) As the prison education system fails, parole crime increases, recidivism increases, and prison populations swell. Commensurately, the need for additional correctional resources



increases. During economic downturns, when the state faces enormous fiscal pressures, increased correctional costs come at the expense of other critically needed programs.

(f) A comprehensive correctional educational program is an efficient use of state funds as it will allow tens of thousands of former inmates to become productive citizens.

SEC. 3. Section 32500 of the Education Code is amended to read:

32500. (a) In order to encourage greater involvement of educational institutions in planning and developing prison-based educational programs, the Director of Corrections, the Chancellor of the California State University, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction, with the advice of the California Postsecondary Education Commission, shall enter into interagency agreements. These agreements shall provide for, but not be limited to, all of the following:

(1) A determination of the roles of the Department of Corrections, the office of the Chancellor of the California State University, the office of the Chancellor of the California Community Colleges, and the department, in developing policy for prison-based educational programs.

(2) Joint policy and program planning.

(b) The Director of Corrections, the Chancellor of the California State University, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction shall appoint members to the Robert E. Burton Correctional Education Committee as specified in Section 32501.

(c) The Deputy Director of Correctional Education, in consultation with the committee, shall perform all of the following duties:

(1) Make recommendations on the use of instructional television in these programs.

(2) Review and make recommendations relating to any proposed budgets for these programs.

(3) Review and make recommendations relating to the implementation of the interagency agreement.

(4) Adopt and enforce all necessary rules and regulations for the management and operation of education programs within the Department of Corrections including operating procedures and the



goals of correctional education in compliance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). All rules or regulations adopted by the committee shall be in accordance with the rules and regulations of the Department of Corrections relating to security and any applicable rules or regulations adopted by the Superintendent of Public Instruction.

(5) Approve education programs of the appropriate levels and types in the correctional institutions and adopt rules and regulations for the admission of inmate students to these educational programs.

(6) Enter into agreements with public or private school districts, entities, community colleges, colleges, or universities, as appropriate, for the purpose of carrying out the duties and responsibilities of the Deputy Director of Correctional Education. All agreements and contracts for instructional services shall expressly prescribe the qualifications and expectations for instructors and the educational objectives to be met. In the identification and provision of special education services, the Deputy Director of Correctional Education, in consultation with the committee, shall establish all appropriate interagency agreements with service providers. All hiring decisions and other personnel matters with respect to correctional education programs shall be made by the Deputy Director of Correctional Education or his or her designee, in consultation with the committee, consistent with civil service regulations. Work performed by state employees as of January 1, 2005, shall not be assigned to contract employees.

(7) Visit and inspect the correctional schools as the committee deems necessary and name each correctional school if necessary.

(d) The Deputy Director of Correctional Education, in consultation with the committee and in conjunction with parole and other aftercare programs and consistent with the policies adopted by the Deputy Director of Correctional Education, in consultation with the committee, develop and implement a plan for providing transitional educational services for inmates, including, but not limited to, counseling and placement services.

(e) The Deputy Director of Correctional Education, in consultation with the committee, shall develop a plan and make every reasonable effort to accomplish all of the following:



(1) Conduct annual reviews of program cost-effectiveness and make recommendations, including, but not limited to, improvement of programs to lower recidivism, consolidation of administrative functions to lower costs, and ways to reduce operational costs.

(2) Provide each of the educational opportunities set forth in paragraphs (3) to (6), inclusive, to inmates while in prison and in state-operated transitional facilities and programs.

(3) Provide each inmate who has a reasonable expectation of release from custody with the opportunity to achieve functional literacy, specifically the ability to read and write the English language and to perform routine mathematical functions at a 9th grade level before his or her release or expiration of sentence. If the inmate demonstrates the intellectual capacity to benefit therefrom, the committee shall provide that inmate with the opportunity to obtain the equivalent of a high school diploma.

(4) Provide every inmate who has a reasonable expectation of release from custody with the opportunity to achieve entry-level vocational skills in occupational fields in which there is a demonstrable demand within the economy of this state.

(5) Provide every inmate to be released from custody with life management skills and social adaptation skills to allow the inmate to function successfully in society.

(6) Provide inmates who demonstrate college-level academic capacity with the opportunity to engage in college-level academic programs within correctional facilities. The associated costs of these programs shall be borne by the inmate or generated by private or foundation funding, subject to evaluations for cost-effectiveness and recommendations as provided in paragraph (1).

(f) Notwithstanding the other provisions of this section, the Director of Corrections shall administer all prison-based education programs.

SEC. 4. Section 32501 is added to the Education Code, to read:

32501. (a) There is hereby established in the Department of Corrections the Robert E. Burton Correctional Education Committee. As used in this Part, "committee" means the Robert E. Burton Correctional Education Committee.



(b) The committee shall be composed of 15 members selected as follows:

(1) The Superintendent of Public Instruction or his or her designee. Any designee selected by the superintendent shall have an interest and expertise in the area of adult or correctional education.

(2) An institutional supervisor of correctional education programs from the Department of Corrections appointed by the Director of Corrections.

(3) A representative of the Prison Industry Authority appointed by the Director of Corrections.

(4) A warden of a state prison appointed by the Director of Corrections.

(5) A vocational instructor from the Department of Corrections appointed by the Director of Corrections.

(6) An academic teacher from the Department of Corrections appointed by the Senate Committee on Rules.

(7) One public member not employed by a state agency appointed by the Senate Committee on Rules.

(8) A prison rights advocate appointed by the Speaker of the Assembly.

(9) One public member not employed by a state agency appointed by the Speaker of the Assembly.

(10) A representative of the University of California appointed by the President of the University of California.

(11) A representative of the California State University appointed by the Chancellor of the California State University.

(12) A representative of the California Community Colleges appointed by the Chancellor of the California Community Colleges.

(13) A special education teacher from the Department of Corrections appointed by the Secretary for Education.

(14) One public member not employed by a state agency appointed by the Governor.

(15) A representative from the State Department of Labor, Industrial Relations Division of Apprenticeship Standards, Chief or designee.

(c) (1) Except for the terms of initial members, members shall be appointed for terms of four years. If a vacancy occurs, the appointing authority, as specified in subdivision (a), shall appoint



a member for the remainder of that term. The terms of the initial members of the committee shall expire as follows:

(A) The members selected under paragraphs (1), (2), (5), and (15) of subdivision (a) shall expire on March 15, 2007.

(B) The members selected under paragraphs (4), (6), and (8) of subdivision (a) shall expire on March 15, 2008.

(C) The members selected under paragraphs (3), (10), (11), and (12) of subdivision (a) shall expire on March 15, 2009.

(D) The members selected under paragraphs (7), (9), (13), and (14) of subdivision (a) shall expire on March 15, 2010.

(2) Successor members shall hold office for terms to commence on the expiration date of the term of the predecessor.

(d) Members of the committee shall serve without compensation but shall be reimbursed for per diem and travel expenses incurred in the performance of their duties. Members employed by state agencies shall receive their normal state salaries while serving on the committee. Costs incurred by the committee shall be offset by a reduction in the current prison education program administrative staff, either Education and Inmate Program Unit administrative staff at the Central Office or site principals.

(e) The members of the committee shall elect a chairperson annually. The chairperson shall meet regularly with the Director of Corrections to ensure that all actions taken by the committee are in accordance with Department of Corrections rules and regulations relating to security.

(f) The committee shall meet at least six times each year. The meetings may be called by the chairperson of the committee.

SEC. 5. Section 32502 is added to the Education Code, to read:

32502. The committee shall advise the Deputy Director of Correctional Education regarding all of the following goals and objectives:

(a) Ensure that correctional education programs meet minimum performance standards and provide 9th grade literacy skills and marketable vocational skills.

(b) Develop by January 1, 2007, and in cooperation with the department, a procedure to evaluate the effectiveness of correctional education programs, including criteria similar to



those utilized by the department. An evaluation shall be done on a biennial basis thereafter.

(c) (1) Ensure that all education staff are certified in accordance with the department standards by January 1, 2007. Provision shall be made for the development of individual plans, approved by the director, if a current education staff member does not qualify for certification. Instead of certification, correctional librarians shall hold a master's degree in library science from a library program accredited by the American Library Association.

(2) Ensure that in performing educational services, the members of the education staff do not perform peace officer duties.

(3) Ensure that educational staff adhere to institutional security standards and maintain safety status to continue the institutional security and protection of the public safety.

(d) Develop a procedure for maintaining a list of substitute teachers so that students are not displaced if a regular instructor is absent for any reason.

(e) Develop a mechanism to test all offenders committed to the custody of the Department of Corrections for academic achievement unless the offenders are specifically excluded from the testing requirement by board policy. Standards shall be in accordance with acceptable department testing standards for academic achievement.

(f) Develop a five-year comprehensive plan for a unified correctional school system by June 1, 2007. This unified school system shall not constitute a school district nor any other local educational agency. The plan shall have a three-year phase-in schedule and shall do each of the following:

(1) Work with the Prison Industry Authority to develop training programs for offenders.

(2) Develop measurable objectives for correctional education.

(3) Develop quality control mechanisms for correctional education.

(4) Integrate academic education and vocational education with participation in prison industries programs.

(g) Ensure that vocational education programs complement existing Prison Industry Authority programs whenever possible.

(h) In conjunction with the Department of Corrections, determine conditions under which an inmate may be removed from an education program or the classroom. The conditions



developed for removal of an inmate from an education program or the classroom shall be consistent with any regulations or policies of the Department of Corrections as well as any federal laws.

(i) Conduct a survey of all correctional institutions to identify inmates with special education needs and develop a plan whereby those special needs are addressed.

(j) Develop and implement an ongoing teacher training program in correctional education in conjunction with the Commission on Teacher Credentialing.

SEC. 6. Section 32503 is added to the Education Code, to read:

32503. The committee shall submit a report to the Legislature on or before January 1, 2007, with recommendations for further restructuring of correctional education in this state. The report shall focus on, but not be limited to, each of the following:

(a) Attaining parallel education programs between correctional and public education.

(b) Correctional education governance system.

(c) Funding sources.

(d) Correctional education curriculum.

(e) Correctional library standards.

(f) Correctional teacher training.

(g) Appropriate correctional education liaisons with the greater educational community in this state.

SEC. 7. Section 2053.4 of the Penal Code is amended to read:

2053.4. The Director of Corrections shall appoint a Deputy Director of Correctional Education, who shall report directly to him or her and shall oversee and administer all prison education programs in conjunction with the Robert E. Burton Correctional Education Committee. The Director of Corrections shall make the appointment from a list of at least three and no more than five recommended candidates that the Robert E. Burton Correctional Education Committee shall submit to the director for this purpose. The Deputy Director of Correctional Education, in conjunction with the Robert E. Burton Correctional Education Committee, shall set both short-term and long-term goals for inmate literacy and testing, and shall establish priorities for prison education programs.

SEC. 8. This act does not authorize the expansion or enhancement of correctional education programs and shall be



implemented with existing funds that are allocated for prison education. Funding for purposes of this act is subject to the annual budget process.



Approved _____, 2004

Governor

