

AMENDED IN SENATE AUGUST 4, 2008

AMENDED IN SENATE JUNE 9, 2008

AMENDED IN SENATE MARCH 10, 2008

AMENDED IN SENATE JULY 5, 2007

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AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1029

Introduced by Assembly Member Caballero
(Coauthor: Senator Romero)

February 22, 2007

An act to add Chapter 10.8 (commencing with Section 6500) to Title 7 of Part 3 of, and to repeal Section 2053.4 of, the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1029, as amended, Caballero. Prisons: inmate education.

Existing law establishes the position of Superintendent of Correctional Education.

~~This bill would repeal those provisions. The~~

This bill would establish the California Correctional Board of Education Advisory Board within the Department of Corrections and Rehabilitation and require the board to work collaboratively with the

Superintendent of Correctional Education. The board would be composed of ~~17~~ 13 members, appointed as specified. The bill would *also* require the board, among other duties and responsibilities, to ~~approve education programs in correctional institutions and adopt rules and regulations for the admission of inmate students to these programs~~ *advise the Secretary of the Department of Corrections and Rehabilitation on education programs within the department and assess and recommend other necessary educational opportunities within the correctional system, as specified.*

This bill would require the board to ~~provide~~ *assess whether* every inmate who has a reasonable expectation of release, as specified, ~~with~~ *has* 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. The board would also be required ~~by the bill to provide college-level academic programs, as specified~~ *to make recommendations regarding those opportunities, if appropriate.*

~~The bill would require the board to appoint a Superintendent of Correctional Education, who would serve at the discretion of the board, and would be charged with the responsibility, among other things, of ensuring that correctional education programs meet minimum performance standards and provide 9th grade literacy skills and marketable vocational skills, as specified.~~

This bill would additionally require the board to submit ~~a report~~ *an educational report card* to the Legislature on or before January 1, ~~2011~~, ~~with recommendations for the further restructuring of correctional education in this state~~ *2010, addressing educational issues within the correctional system, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. ~~Section 2053.4 of the Penal Code is repealed.~~
- 2 ~~SEC. 2.~~
- 3 SECTION 1. Chapter 10.8 (commencing with Section 6500)
- 4 is added to Title 7 of Part 3 of the Penal Code, to read:

1 CHAPTER 10.8. THE CALIFORNIA CORRECTIONAL ~~BOARD OF~~
2 EDUCATION *ADVISORY BOARD*

3
4 6500. There is hereby established in the Department of
5 Corrections and Rehabilitation the California Correctional ~~Board~~
6 ~~of Education~~ *Education Advisory Board*. As used in this chapter,
7 “board” means the California Correctional ~~Board of Education~~.
8 *Education Advisory Board*. “Secretary” means the Secretary of
9 *the Department of Corrections and Rehabilitation*.

10 6501. (a) The board shall be composed of ~~17~~ 13 members
11 selected as follows:

12 (1) The Superintendent of Public Instruction or his or her
13 designee. Any designee selected by the Superintendent shall have
14 an interest and expertise in the area of adult ~~or vocational~~
15 education.

16 ~~(2) An institutional supervisor of correctional education~~
17 ~~programs from the Department of Corrections and Rehabilitation~~
18 ~~appointed by the Secretary of the Department of Corrections and~~
19 ~~Rehabilitation.~~

20 (2) *A school principal, active or retired, appointed by the Senate*
21 *Committee on Rules.*

22 (3) A representative of the Prison Industry Authority appointed
23 by the Secretary of the Department of Corrections and
24 Rehabilitation.

25 (4) A warden of a state prison appointed by the Secretary of the
26 Department of Corrections and Rehabilitation.

27 (5) A vocational instructor from the Department of Corrections
28 and Rehabilitation appointed by the ~~Secretary of the Department~~
29 ~~of Corrections and Rehabilitation~~ *Speaker of the Assembly*.

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

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

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

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

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

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

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

5 ~~(13) A special education teacher from the Department of~~
6 ~~Corrections and Rehabilitation, appointed by the Secretary for~~
7 ~~Education.~~

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

10 ~~(15) A representative from the Department of Industrial~~
11 ~~Relations, Division of Apprenticeship Standards.~~

12 ~~(16) A union representative appointed by the Secretary of the~~
13 ~~Department of Corrections and Rehabilitation.~~

14 ~~(17) A business representative appointed by the Secretary of~~
15 ~~the Department of Corrections and Rehabilitation.~~

16 *(7) A faculty member from one of the University of California's*
17 *Schools of Education with an expertise in educational technology*
18 *appointed by the President of the University of California.*

19 *(8) A faculty member from the California State University with*
20 *an expertise in criminology appointed by the Chancellor of the*
21 *California State University.*

22 *(9) A representative of the California Community Colleges with*
23 *an expertise in adult vocational education appointed by the*
24 *Chancellor of the California Community Colleges.*

25 *(10) An expert in adult learning disabilities appointed by the*
26 *Secretary for Education.*

27 *(11) The State Librarian or his or her designee.*

28 *(12) A representative from the Department of Industrial*
29 *Relations, Division of Apprenticeship Standards.*

30 *(13) A business representative with an expertise in employment*
31 *or career placement appointed by the Governor.*

32 (b) Except for the terms of initial members, members shall be
33 appointed for terms of four years. If a vacancy occurs, the
34 appointing authority, as specified in subdivision (a), shall appoint
35 a member for the remainder of that term. The terms of the initial
36 members of the board shall expire as follows:

37 (1) The members selected under paragraphs (1), (2), (4), (5),
38 (6), and (8) of subdivision (a) shall expire on March 15, 2011.

1 (2) The members selected under paragraphs (3), (7), (9),(10),
2 (11), (12), ~~(13), and (14)~~ and (13) of subdivision (a) shall expire
3 on March 15, 2013.

4 Successor members shall hold office for terms to commence on
5 the expiration date of the term of the predecessor.

6 (c) Members of the board shall serve without compensation but
7 shall be reimbursed for per diem and travel expenses incurred in
8 the performance of their duties.

9 (d) The members of the board shall elect a chairperson of the
10 board annually.

11 (e) The board shall meet at least six times each year. The
12 meetings may be called by the chairperson of the board.

13 (f) In addition to funds allocated pursuant to subdivision (e) of
14 Section 6502, the board may receive funds from any public or
15 private source and is authorized to apply for any state or federal
16 grants or funds that may be available.

17 (g) *The board shall work collaboratively with the Superintendent*
18 *of Correctional Education appointed pursuant to Section 2053.4.*

19 (h) *The board shall work collaboratively with the committee*
20 *established under Section 32500 of the Education Code.*

21 6502. The board shall do each of the following:

22 ~~(a) Adopt and enforce all necessary rules and regulations for~~
23 ~~the~~

24 (a) *Advise the Secretary on* management and operation of
25 education programs within the Department of Corrections and
26 Rehabilitation, including operating procedures and the goals of
27 correctional education in compliance with the Administrative
28 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
29 Part 1 of Division 3 of Title 2 of the Government Code). All rules
30 or regulations ~~adopted~~ *recommended* by the board shall be in
31 accordance with the rules and regulations of the Department of
32 Corrections and Rehabilitation relating to security and any
33 applicable rules or regulations adopted by the Superintendent of
34 Public Instruction.

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

38 ~~(c) Enter into agreements with public or private school districts,~~
39 ~~entities, community colleges, colleges, or universities, as~~
40 ~~appropriate, for the purpose of carrying out the duties and~~

1 responsibilities of the board. All agreements and contracts for
 2 instructional services shall expressly prescribe the qualifications
 3 of the board's expectations for instructors and the educational
 4 objectives to be met. In the identification and provision of special
 5 education services, the board shall establish all appropriate
 6 interagency agreements with service providers. All hiring decisions
 7 and other personnel matters with respect to correctional education
 8 programs shall be made by the board or its designee consistent
 9 with civil service regulations. No work covered by the class
 10 specifications of state employees shall be assigned to contract
 11 employees.

12 (b) *Identify effective education programs of the appropriate*
 13 *levels and types in the correctional institutions and recommend*
 14 *rules and regulations for the Departmental Operations Manual.*

15 (c) *Review and recommend agreements with public or private*
 16 *school districts, entities, community colleges, colleges, or*
 17 *universities, as appropriate, for the purpose of enhancing*
 18 *correctional education programs.*

19 (d) In conjunction with parole and other after care programs
 20 and consistent with the policies adopted by the board prescribed
 21 by law, develop and implement provide guidance on implementing
 22 a plan for providing transitional educational services for inmates,
 23 including, but not limited to, *academic and vocational* counseling
 24 and placement services.

25 (e) ~~Prepare~~ *Participate in the preparation of* that portion of the
 26 budget request of the Department of Corrections and Rehabilitation
 27 for correctional education programs. The allocation of funds
 28 designated for correctional education programs shall be made by
 29 the board. After the annual Budget Bill has been passed by the
 30 Legislature and signed by the Governor, no funds appropriated by
 31 that Budget Bill for correctional education programs may be
 32 redistributed or diverted for other purposes without the approval
 33 of two-thirds of the entire board.

34 (f) ~~Provide each of the educational opportunities set forth in~~
 35 ~~paragraphs (1) to (4), inclusive, to inmates while in prison.~~
 36 ~~However, the board is not required to provide educational~~
 37 ~~opportunities to inmates upon the inmate's release from prison.~~

38 (1) ~~Provide every inmate who has a reasonable expectation of~~
 39 ~~release from custody with the opportunity to achieve functional~~
 40 ~~literacy, specifically the ability to read and write the English~~

1 language and to perform routine mathematical functions at a ninth
2 grade level prior to his or her release or expiration of sentence. If
3 the inmate has demonstrated the intellectual capacity to benefit
4 therefrom, the board shall provide that inmate with the opportunity
5 to obtain the equivalent of a high school education.

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

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

13 ~~(4) Provide inmates who demonstrate college-level academic~~
14 ~~capacity with the opportunity to engage in college-level academic~~
15 ~~programs within correctional facilities. The associated costs of~~
16 ~~these programs shall be borne by the inmate or generated by private~~
17 ~~or foundation funding. *programs before submission to the*~~
18 ~~*Department of Finance.*~~

19 *(f) Provide oversight in the measurement of the extent to which*
20 *each of the educational opportunities set forth in paragraphs (1)*
21 *to (5), inclusive, are being provided to inmates.*

22 *(1) Determine if the provisions of Section 2053.1, the Prison*
23 *Literacy Act, are being implemented within the Department of*
24 *Corrections and Rehabilitation and assess whether inmates who*
25 *have a reasonable expectation of release from custody have the*
26 *opportunity to achieve functional literacy, specifically the ability*
27 *to read and write the English language and to perform routine*
28 *mathematical functions at a ninth grade level prior to their release.*

29 *(2) Assess whether inmates that have demonstrated the*
30 *intellectual capacity to benefit therefrom should be given the*
31 *opportunity to obtain the equivalent of a high school education.*
32 *Make recommendations, if appropriate, on how these opportunities*
33 *should be provided.*

34 *(3) Assess whether inmates who have a reasonable expectation*
35 *of release from custody should have the opportunity to acquire*
36 *vocational skills in occupational fields in which there is a*
37 *demonstrable demand within the economy of this state. Make*
38 *recommendations, if appropriate, on how these opportunities*
39 *should be provided.*

- 1 (4) Assess whether inmates have the opportunity to learn and
2 practice life management skills and social adaptation skills that
3 will allow them to function successfully in society. Make
4 recommendations, if appropriate, on how these opportunities
5 should be provided.
- 6 (5) Assess whether inmates who demonstrate college-level
7 academic capacity should have the opportunity to engage in
8 college-level academic programs. Make recommendations, if
9 appropriate, on how these opportunities should be provided.
- 10 (g) Visit and inspect correctional schools as the board deems
11 necessary and may name each correctional school if necessary.
- 12 (h) Recommend a procedure by January 1, 2011, to evaluate
13 the effectiveness of correctional education programs, including
14 criteria similar to those utilized by the State Department of
15 Education. An evaluation shall be done on a biennial basis
16 thereafter by the Superintendent of Correctional Education and
17 submitted to the board.
- 18 (i) Provide recommendations on a mechanism to test all
19 offenders committed to the custody of the Department of
20 Corrections and Rehabilitation for educational achievement.
21 Standards shall be in accordance with acceptable State Department
22 of Education testing standards for educational achievement.
- 23 (j) Provide oversight and recommendations so that all of the
24 following are implemented with the corrections system:
- 25 (1) Ensure that the education of inmates assigned to the Prison
26 Industry Authority is delivered by teachers and vocational
27 instructors employed by the Department of Corrections and
28 Rehabilitation.
- 29 (2) Make recommendations and oversee the development of
30 measurable objectives for correctional education.
- 31 (3) Make recommendations and oversee the development of
32 quality control mechanisms for corrections education.
- 33 (4) Make recommendations and oversee the integration of
34 academic education, vocational education, and other rehabilitative
35 programs.
- 36 (k) Recommend to the Department of Corrections and
37 Rehabilitation the conditions of behavior and performance under
38 which an inmate may be removed from an education program or
39 classroom. The standards developed shall be consistent with any

1 *regulations or policies of the Department of Corrections and*
2 *Rehabilitation, as well as federal law.*

3 *(l) Make recommendations on a survey of all correctional*
4 *institutions to identify inmates with special education needs and*
5 *develop a plan to address these needs in educational programs.*

6 *(m) Make recommendations on the development and*
7 *implementation of an ongoing teacher training program in*
8 *correctional education in conjunction with the Commission on*
9 *Teacher Credentialing.*

10 *(n) Make recommendations to the Superintendent of*
11 *Correctional Education concerning the budget, selection of*
12 *instructional materials, and curriculum.*

13 *(o) Make recommendations on the integration of the duties and*
14 *activities of the board and the committee established under Section*
15 *32500 of the Education Code.*

16 *(p) Take responsibility for performing any other duties that the*
17 *Secretary may otherwise assign.*

18 ~~6503. There is hereby established the position of Superintendent~~
19 ~~of Correctional Education, who shall be appointed by the board~~
20 ~~and shall serve at the pleasure of the board. The Superintendent~~
21 ~~of Correctional Education shall meet the same qualifications as~~
22 ~~required of a school district superintendent. The superintendent~~
23 ~~shall do each of the following:~~

24 ~~(a) Ensure that correctional education programs meet minimum~~
25 ~~performance standards and provide ninth grade literacy skills and~~
26 ~~marketable vocational skills.~~

27 ~~(b) In cooperation with the State Department of Education,~~
28 ~~develop a procedure by January 1, 2010, to evaluate the~~
29 ~~effectiveness of correctional education programs, including criteria~~
30 ~~similar to those utilized by the State Department of Education. An~~
31 ~~evaluation shall be done on a biennial basis thereafter.~~

32 ~~(c) (1) Ensure that all education staff are certified in accordance~~
33 ~~with the State Department of Education standards by January 1,~~
34 ~~2011. Provision shall be made for the development of individual~~
35 ~~plans, approved by the director, in the event any current education~~
36 ~~staff member does not qualify for certification. In lieu of~~
37 ~~certification, correctional librarians shall hold a master's degree~~
38 ~~in library science from a library program accredited by the~~
39 ~~American Library Association.~~

- 1 ~~(2) Ensure that in performing educational services, the members~~
2 ~~of the education staff do not perform peace officer duties.~~
- 3 ~~(3) Ensure that educational staff adhere to institutional security~~
4 ~~standards and maintain safety status to continue the institutional~~
5 ~~security and protection of the public safety.~~
- 6 ~~(d) Develop a procedure for maintaining a list of substitute~~
7 ~~teachers so that students are not displaced in the event a regular~~
8 ~~instructor is absent for any reason.~~
- 9 ~~(e) Develop a mechanism to test all offenders committed to the~~
10 ~~custody of the Department of Corrections and Rehabilitation for~~
11 ~~academic achievement unless the offenders are specifically~~
12 ~~excluded from the testing requirement by board policy. Standards~~
13 ~~shall be in accordance with acceptable State Department of~~
14 ~~Education testing standards for academic achievement.~~
- 15 ~~(f) Develop a five-year comprehensive plan for a unified~~
16 ~~correctional school system by June 1, 2011. This unified school~~
17 ~~system shall not constitute a school district nor any other local~~
18 ~~educational agency. The plan shall have a three-year phase-in~~
19 ~~schedule and shall require the director to do each of the following:~~
 - 20 ~~(1) Work with the Prison Industry Authority to develop training~~
21 ~~programs for offenders.~~
 - 22 ~~(2) Develop measurable objectives for correctional education.~~
 - 23 ~~(3) Develop quality control mechanisms for correctional~~
24 ~~education.~~
 - 25 ~~(4) Integrate academic education and vocational education with~~
26 ~~participation in prison industries programs.~~
 - 27 ~~(g) Be responsible to the board for all academic education and~~
28 ~~vocational training programs.~~
 - 29 ~~(h) Ensure that vocational education programs complement~~
30 ~~existing Prison Industry Authority programs whenever possible.~~
 - 31 ~~(i) In conjunction with the Department of Corrections and~~
32 ~~Rehabilitation, determine conditions under which an inmate may~~
33 ~~be removed from an education program or the classroom. The~~
34 ~~conditions developed for removal of an inmate from an education~~
35 ~~program or the classroom shall be consistent with any regulations~~
36 ~~or policies of the Department of Corrections and Rehabilitation as~~
37 ~~well as any federal laws.~~
 - 38 ~~(j) Conduct a survey of all correctional institutions to identify~~
39 ~~inmates with special education needs and develop a plan whereby~~
40 ~~those special needs are addressed.~~

1 ~~(k) Develop and implement an ongoing teacher training program~~
2 ~~in correctional education in conjunction with the Commission on~~
3 ~~Teacher Credentialing.~~

4 ~~(l) Make recommendations to the board concerning the budget,~~
5 ~~selection of instructional materials, and curriculum.~~

6 ~~(m) Take responsibility for performing any duties that the board~~
7 ~~may otherwise assign.~~

8 ~~6504. The board shall submit a report to the Legislature on or~~
9 ~~before January 1, 2011, with recommendations for the further~~
10 ~~restructuring of correctional education in this state. The report~~
11 ~~shall include, but not be limited to, focus on each of the following:~~

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

14 ~~(b) Correctional education governance system.~~

15 ~~(c) Funding sources.~~

16 ~~(d) Correctional education curriculum.~~

17 ~~(e) Correctional library standards.~~

18 ~~(f) Correctional teacher training.~~

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

21 *6503. The board shall submit a correctional education report*
22 *card to the Legislature on or before January 1, 2010, and annually*
23 *thereafter. The report will address the items enumerated within*
24 *Section 6502 and other topics at the discretion of the board. The*
25 *primary purpose of the report is to increase the effectiveness of*
26 *correctional education programs within the Department of*
27 *Corrections and Rehabilitation.*