

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 30, 2014

AMENDED IN ASSEMBLY JUNE 19, 2014

AMENDED IN SENATE APRIL 10, 2014

**SENATE BILL**

**No. 1391**

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**Introduced by Senators Hancock and Wyland**

(Principal coauthors: Assembly Members Bonta and Chávez)

February 21, 2014

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An act to amend Section 84810.5 of, and to add Section 84810.7 to, the Education Code, relating to community colleges, ~~and making an appropriation therefor.~~ *colleges.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1391, as amended, Hancock. Community colleges: inmate education programs: computation of apportionments.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires the board of governors to appoint a chief executive officer, to be known as the Chancellor of the California Community Colleges.

Existing law provides that, notwithstanding open course provisions in statute or regulations of the board of governors, the governing board of a community college district that provides classes for inmates of certain facilities may include the units of full-time equivalent students generated in those classes for purposes of state apportionments.

This bill would instead waive the open course provisions in statute or regulations of the board of governors for any governing board of a community college district that provides classes for inmates of those

facilities and state correctional facilities, and would authorize the board of governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments.

Existing law provides for the method of computing apportionments for purposes of these inmate education programs.

This bill would make revisions to that method of computation.

The bill would prohibit a community college district from claiming, for purposes of apportionments, any class for which a district receives full compensation for its direct education costs for the conduct of the class from any public or private agency, individual, or group of individuals, or any class offered pursuant to a contract or instructional agreement entered into between the district and a public or private agency, individual, or group of individuals that has received from another source full compensation for the costs the district incurs under that contract or instructional agreement, as prescribed.

*This bill would require the Department of Corrections and Rehabilitation and the Office of the Chancellor of the California Community Colleges, on or before March 1, 2015, to enter into an interagency agreement to expand access to community college courses that lead to degrees or certificates that result in enhanced workforce skills or transfer to a 4-year university. This bill would require that courses for inmates in a state correctional facility developed as a result of this agreement supplement, but not duplicate or supplant, any adult education course opportunities offered at that facility by the Office of Correctional Education of the Department of Corrections and Rehabilitation. This bill would require the department, in collaboration with the Office of the Chancellor of the California Community Colleges, to develop metrics for evaluations of the efficacy and success of the programs developed through the interagency agreement, conduct the evaluations, and, on or before July 31, 2018, report findings from the evaluations to the Legislature and the Governor.*

~~This bill would require the Department of Corrections and Rehabilitation, in collaboration with the chancellor, to establish the Innovative Career Technical Education Grant Program to provide grants to community colleges to offer career technical education and workforce development programs for inmates in state correctional facilities to supplement, but not duplicate or supplant, adult education courses provided by the Office of Correctional Education of the Department of Corrections and Rehabilitation offered at these facilities. The bill would require that the general educational and workforce development goals~~

~~and details regarding the administration of the grant program be included in an interagency agreement entered between the Department of Corrections and Rehabilitation and the chancellor's office. The bill would require the Department of Corrections and Rehabilitation to develop, in collaboration with the chancellor's office, metrics for evaluations of the efficacy and success of the grant program, and require the Department of Corrections and Rehabilitation to report findings from conducting these evaluations to the Legislature and the Governor, as specified. The bill would specify details of the career technical education programs to be developed and provided by community colleges with these grants.~~

~~This bill would appropriate \$2,000,000, as scheduled, from the Recidivism Reduction Fund to the Chancellor of the California Community Colleges for the creation and administration of, as well as the allocation of awards under, Innovative Career Technical Education grant programs for the 2014-15 fiscal year, as specified. This bill would provide for the return of residual funds, as defined, not retained for specified additional grants by the chancellor, to the Recidivism Reduction Fund. The bill would require the Department of Corrections and Rehabilitation, in consultation with the chancellor, to develop administrative guidelines for community college education programs operating in prison facilities, as specified, on or before July 1, 2015.~~

~~This bill would require the Legislative Analyst's Office to conduct a comprehensive evaluation of the Innovative Career Technical Education grant programs and other inmate education programs for purposes of making informed policy decisions and for cost-benefit analysis of the investments made in inmate education, as specified, and submit this evaluation to the Governor and the Legislature on or before January 1, 2020.~~

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

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

1 SECTION 1. Section 84810.5 of the Education Code is  
 2 amended to read:  
 3 84810.5. (a) (1) Open course provisions in statute or  
 4 regulations of the board of governors shall be waived for any  
 5 governing board of a community college district that provides  
 6 classes for inmates of any city, county, or city and county jail, road

1 camp, farm for adults, or state or federal correctional facility. This  
2 section does not authorize the waiver of open course provisions  
3 in any context or situation other than those that are specifically  
4 authorized by this section. Subject to limitations set forth in  
5 subdivision (b), the board of governors may include the units of  
6 full-time equivalent students (FTES) generated in those classes  
7 for purposes of state apportionments.

8 (2) The attendance hours generated by credit courses shall be  
9 funded at the marginal credit rate determined pursuant to paragraph  
10 (2) of subdivision (d) of Section 84750.5. The attendance hours  
11 generated by noncredit courses shall be funded at the noncredit  
12 rate.

13 (b) (1) A community college district shall not claim, for  
14 purposes of state apportionments under this section, any class to  
15 which either of the following applies:

16 (A) The district receives full compensation for its direct  
17 education costs for the conduct of the class from any public or  
18 private agency, individual, or group of individuals.

19 (B) The district has a contract or instructional agreement, or  
20 both, for the conduct of the class with a public or private agency,  
21 individual, or group of individuals that has received from another  
22 source full compensation for the costs the district incurs under that  
23 contract or instructional agreement.

24 (2) In reporting a claim for apportionment to the Chancellor of  
25 the California Community Colleges under this section, the district  
26 shall report any partial compensation it receives from the sources  
27 described in subparagraphs (A) and (B) of paragraph (1) during  
28 the period for which the claim is made. The chancellor shall  
29 subtract the amount of any partial compensation received from the  
30 total apportionment to be paid.

31 (c) This section does not provide a source of funds to shift,  
32 supplant, or reduce the costs incurred by the Department of  
33 Corrections and Rehabilitation in providing inmate education  
34 programs.

35 *SEC. 2. Section 84810.7 is added to the Education Code, to*  
36 *read:*

37 *84810.7. (a) On or before March 1, 2015, the Department of*  
38 *Corrections and Rehabilitation and the Office of the Chancellor*  
39 *of the California Community Colleges shall enter into an*  
40 *interagency agreement to expand access to community college*

1 *courses that lead to degrees or certificates that result in enhanced*  
2 *workforce skills or transfer to a four-year university. The courses*  
3 *for inmates in a state correctional facility developed as a result*  
4 *of this agreement will serve to supplement, but not duplicate or*  
5 *supplant, any adult education course opportunities offered at that*  
6 *facility by the Office of Correctional Education of the Department*  
7 *of Corrections and Rehabilitation.*

8 *(b) The Department of Corrections and Rehabilitation, in*  
9 *collaboration with the Office of the Chancellor of the California*  
10 *Community Colleges, shall develop metrics for evaluations of the*  
11 *efficacy and success of the programs developed through the*  
12 *interagency agreement established pursuant to this section, conduct*  
13 *the evaluations, and report findings from the evaluations to the*  
14 *Legislature and the Governor on or before July 31, 2018.*

15 *(c) (1) The requirement for submitting a report imposed under*  
16 *subdivision (b) is inoperative on July 31, 2022, pursuant to Section*  
17 *10231.5 of the Government Code.*

18 *(2) A report to be submitted pursuant to subdivision (b) shall*  
19 *be submitted in compliance with Section 9795 of the Government*  
20 *Code.*

21 ~~SEC. 2. Section 84810.7 is added to the Education Code, to~~  
22 ~~read:~~

23 ~~84810.7. (a) The Department of Corrections and Rehabilitation~~  
24 ~~shall, in collaboration with the Chancellor of the California~~  
25 ~~Community Colleges establish the Innovative Career Technical~~  
26 ~~Education Grant Program.~~

27 ~~(b) The general educational and workforce development goals~~  
28 ~~and details regarding the administration of the Innovative Career~~  
29 ~~Technical Education Grant Program shall be included in an~~  
30 ~~interagency agreement entered between the Department of~~  
31 ~~Corrections and Rehabilitation and the Office of the Chancellor~~  
32 ~~of the California Community Colleges. The Department of~~  
33 ~~Corrections and Rehabilitation shall, in collaboration with the~~  
34 ~~Office of the Chancellor of the California Community Colleges~~  
35 ~~develop metrics for evaluations of the efficacy and success of the~~  
36 ~~grant program. Beginning in July of 2017, and every three years~~  
37 ~~thereafter, the Department of Corrections and Rehabilitation shall~~  
38 ~~report findings from conducting these evaluations to the Legislature~~  
39 ~~and the Governor.~~

1 ~~(e) Grants shall be awarded to community colleges to offer~~  
2 ~~career technical education and workforce development programs~~  
3 ~~for inmates in state correctional facilities to supplement, but not~~  
4 ~~to duplicate or supplant, any adult education course offered at that~~  
5 ~~facility by the Office of Correctional Education of the Department~~  
6 ~~of Corrections and Rehabilitation. The grants may include funds~~  
7 ~~for the equipment and instructional materials, including~~  
8 ~~improvements to existing equipment and facilities, necessary for~~  
9 ~~the instruction of these career technical education and workforce~~  
10 ~~development programs. Equipment and instructional materials~~  
11 ~~purchased with grant funds shall be used to provide career technical~~  
12 ~~education and workforce development programs for inmates in~~  
13 ~~state correctional facilities.~~

14 ~~(d) Innovative career technical education programs developed~~  
15 ~~and provided by community colleges pursuant to this section shall~~  
16 ~~provide all of the following:~~

17 ~~(1) Career technical education and experiential educational~~  
18 ~~courses and training necessary to obtain high skill, high pay~~  
19 ~~employment, or to enter apprenticeship programs upon release~~  
20 ~~from prison.~~

21 ~~(2) Sequences of courses leading to industry, business, or state~~  
22 ~~certification.~~

23 ~~(3) Community college courses that offer units transferable~~  
24 ~~within the California Community Colleges system and to the~~  
25 ~~University of California and the California State University, to the~~  
26 ~~extent that the campuses offer related programs.~~

27 ~~(4) Information on reentry programs with job search assistance,~~  
28 ~~and, where possible, information about employers with a record~~  
29 ~~of hiring participants of the program with similar skills education~~  
30 ~~upon their release from prison.~~

31 ~~(5) If applicable, information about preapprentice and~~  
32 ~~state-certified apprenticeship programs with a record of hiring~~  
33 ~~participants of the program with similar skills education upon their~~  
34 ~~release from prison.~~

35 ~~(e) (1) (A) The sum of two million dollars (\$2,000,000) is~~  
36 ~~hereby appropriated from the Recidivism Reduction Fund to the~~  
37 ~~Chancellor of the California Community Colleges for Innovative~~  
38 ~~Career Technical Education grant programs for the 2014-15 fiscal~~  
39 ~~year. Of the amount appropriated pursuant to this subdivision:~~

1     ~~(i) Three hundred thousand dollars (\$300,000) shall be used to~~  
2 ~~identify the components essential for the creation of innovative~~  
3 ~~career technical education programs, to develop the metrics upon~~  
4 ~~which programs are to be assessed, and to administer the planning~~  
5 ~~grant application and award process.~~

6     ~~(ii) One million seven hundred thousand dollars (\$1,700,000)~~  
7 ~~shall be used for up to 20 competitive planning grants of up to one~~  
8 ~~hundred thousand dollars (\$100,000) each for community colleges~~  
9 ~~in the 2014–15 fiscal year.~~

10     ~~(B) The innovative career technical education programs~~  
11 ~~developed under this section shall be consistent with the~~  
12 ~~performance metrics, developed under this subdivision, upon which~~  
13 ~~these programs will be assessed. These programs shall also consider~~  
14 ~~the availability of existing equipment and resources of the partner~~  
15 ~~prisons upon which to build courses. Planning grant funds may~~  
16 ~~also be used for the purchase of instructional materials and~~  
17 ~~equipment in preparation for the receipt of implementation grants~~  
18 ~~in the 2015–16 fiscal year.~~

19     ~~(2) In any fiscal year, up to five hundred thousand dollars~~  
20 ~~(\$500,000) of residual funds may be retained by the chancellor’s~~  
21 ~~office to supplement implementation grant funds in subsequent~~  
22 ~~fiscal years by making funds available for additional instructional~~  
23 ~~materials and equipment to the grantees on a competitive basis.~~  
24 ~~Any residual funds remaining after five hundred thousand dollars~~  
25 ~~(\$500,000) have been allocated pursuant to this paragraph in any~~  
26 ~~fiscal year shall be returned to the Recidivism Reduction Fund.~~  
27 ~~As used in this section, “residual funds” means any unencumbered~~  
28 ~~funds appropriated under this subdivision for a fiscal year that~~  
29 ~~remain after all of the grants awarded for that fiscal year have been~~  
30 ~~funded.~~

31     ~~(3) From funds provided in the annual Budget Act for the~~  
32 ~~2015–16, 2016–17, 2017–18, 2018–19, and 2019–20 fiscal years,~~  
33 ~~there shall be funded up to 20 innovative career technical education~~  
34 ~~implementation grants per fiscal year.~~

35     ~~(4) From funds not expended between the commencement of~~  
36 ~~the 2014–15 fiscal year and the end of the 2019–20 fiscal year, an~~  
37 ~~amount not to exceed one hundred fifty thousand dollars (\$150,000)~~  
38 ~~per fiscal year may be used by the Chancellor of the Community~~  
39 ~~Colleges, for the identification of best practices and the ongoing~~  
40 ~~administration and evaluation of the grant programs.~~

1     ~~(f) On or before July 1, 2015, the Department of Corrections~~  
2     ~~and Rehabilitation, in consultation with the Chancellor of the~~  
3     ~~California Community Colleges, shall develop administrative~~  
4     ~~guidelines for community college education programs operating~~  
5     ~~in prison facilities that include, but are not necessarily limited to,~~  
6     ~~all of the following:~~

7     ~~(1) Academic and education level attainment priorities for~~  
8     ~~inmate participation in classes.~~

9     ~~(2) Conditions for community college faculty, staff, and~~  
10    ~~volunteers when serving in the facilities.~~

11    ~~(3) Faculty-to-inmate ratios for various types of educational~~  
12    ~~programs.~~

13    ~~(4) Time reduction credits that may be earned by prisoners for~~  
14    ~~their participation in programs.~~

15    ~~(5) Suspension of courses during lockdowns.~~

16    ~~(6) Inmate participation preferences which may ensure greater~~  
17    ~~success in obtaining industry certifications and employability upon~~  
18    ~~release.~~

19    ~~(7) Other guidelines as deemed appropriate.~~

20    ~~(8) Authorized equipment and tools allowed in the facility.~~

21    ~~(9) Coordination with the Office of Correctional Education of~~  
22    ~~the Department of Corrections and Rehabilitation regarding~~  
23    ~~program offerings.~~

24    ~~(g) The Legislative Analyst's Office shall conduct a~~  
25    ~~comprehensive evaluation of the Innovative Career Technical~~  
26    ~~Education grant programs and other inmate education programs~~  
27    ~~for purposes of making informed policy decisions and for~~  
28    ~~cost-benefit analysis of the investments made in inmate education.~~  
29    ~~The analysis shall include a review of coordination efforts between~~  
30    ~~community colleges and the Office of Correctional Education of~~  
31    ~~the Department of Corrections and Rehabilitation and a discussion~~  
32    ~~of whether existing programs were supplanted by community~~  
33    ~~college offerings. The evaluation shall be submitted to the~~  
34    ~~Governor and to the Legislature on or before January 1, 2020, in~~  
35    ~~compliance with Section 9795 of the Government Code.~~

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