

Date of Hearing: April 17, 2012

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Marty Block, Chair
AB 2655 (Swanson) – As Amended: March 29, 2012

SUBJECT: Community colleges: inmate education programs: computation of apportionments.

SUMMARY: Allows California Community Colleges (CCC) to receive full funding for courses offered in correctional institutions. Specifically, this bill:

- 1) Waives open course provisions for CCC courses offered in state correctional facilities.
- 2) Provides that attendance hours generated by CCC credit instruction in state, city, county or federal correctional facilities shall be funded at the credit rate, hours generated by non-credit instruction be funded at the non-credit rate, and hours generated by instruction in career development and college preparation funded at the established rate.
- 3) Prohibits CCC from receiving state funding for attendance hours generated in any inmate education class for which the CCC receives full compensation from another agency or private source, and requires the offset of state aid for partial compensation received from any such source.
- 4) Prohibits use of state funding for CCC inmate education to supplant costs incurred by the California Department of Corrections and Rehabilitation (CDCR).

EXISTING LAW Authorizes a CCC district to claim state apportionment for classes it provides to inmates of any city, county, or city and county jail, road camp, farm for adults, or federal correctional facility (prohibits funding for inmates in state correctional facilities), attendance hours generated by these classes, whether credit or noncredit, are counted as noncredit attendance hours for apportionment purposes. (Education Code § 84810.5)

FISCAL EFFECT: Unknown. However, according to the Senate Appropriations Committee analysis of identical legislation authored in 2010, the General Fund cost of conversion to the full credit rate would be \$329,000 annually. Additionally, costs could arise depending on the number of full-time equivalent students (FTES) that would take classes at a state correctional facility. For every 100 credit FTES authorized under this provision, state costs would increase by \$456,000. However, the author notes that the goal of this bill is to, through education, reduce recidivism rates. The author argues that General Fund savings results from reduced recidivism rates, noting that, in 1997 the Correctional Education Association conducted a study that showed that “simply attending school behind bars reduces the likelihood of re-incarceration by 29%. Translated into savings, every dollar spent on education returned more than two dollars to the citizens in reduced prison costs.”

COMMENTS: Purpose of this bill. According to the author, this bill seeks to address the extraordinary difficulty that the formerly incarcerated face upon release, due to a lack of education and job skills. The author argues that existing law creates disincentives for CCCs to offer credit courses and career development courses in state prisons by not reimbursing them at the rate appropriate with the type of course offered. The author argues that the research is clear

that inmates who receive educational opportunities are much less likely to recidivate, saving the state millions of dollars per year.

Background. Credit funding per FTES is currently \$4,565, and non-credit funding per FTES is \$2,745 per FTES. CDCP course funding per FTES is currently set at \$3,232. According to the CCC Chancellor's Office, CCC districts provided credit courses for 1,769 FTES in local and federal correctional facilities in 2006-07. The majority (1,588 FTES) already receive full credit funding as distance education courses that are open to the public. Under this bill, the remainder would now receive full credit apportionment.

The Inmate Education Program. CDCR is funded to provide inmate education in state correctional facilities. Previous legislation similar to this bill raised issues surrounding the possible supplanting of CDCR's inmate education effort. This bill contains language specifying these provisions shall not be construed as providing a source of funds to shift, supplant or reduce the current CDCR efforts. However, CDCR has sustained substantial budget reductions in recent years and has, in turn, reduced many of its programs including inmate education and training programs.

Prior legislation. There have been a number of similar bills heard by this committee in recent years. AB 216 (Swanson, 2011) and AB 1702 (Swanson, 2010) were virtually identical to this bill, and were held under submission in the Senate Appropriations Committee. SB 574 (Hancock, 2009) was also held under submission in the Senate Appropriations Committee. SB 413 (Scott, 2008) and SB 672 (Cox, 2005) were both vetoed by Governor Schwarzenegger, who noted in his message that courses offered at correctional facilities should be not funded at full credit rates since these offerings did not incur costs for facilities or student services.

REGISTERED SUPPORT / OPPOSITION:

Support

None on File

Opposition

None on File

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