

# House Bill 0812 and Senate Bill 0933 Testimony presented to the Senate and House Judiciary Committees

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Good afternoon members of the House and Senate Judiciary Committees.

Most of my professional adult life has been devoted to education of incarcerated adult and juveniles. My entire teaching career has been in public teaching or administering programs in Washington, DC and Maryland high schools, prisons, juvenile facilities and county jails. Over a decade ago I retired from Maryland state service after serving as the Academic Education Coordinator for Correctional Education at the Maryland State Department of Education 30 years. In addition, I was the Executive Director of the national non-profit professional Correctional Education Association for 29 years until 2015. Today my role is primarily as a volunteer and advocate for education for the incarcerated for Maryland Alliance for Justice Reform and Maryland Correctional Education Advocates.

Why is correctional education important? The reason is simple, education reduces recidivism and changes the lives of former offenders. The 2013-2014 RAND Corporation research of correctional education underpins the societal and financial benefits of correctional education. The conclusion of the RAND research study *Evaluating the Effectiveness of Correctional Education*, ([https://www.rand.org/pubs/research\\_reports/RR266.html](https://www.rand.org/pubs/research_reports/RR266.html)) is that it significantly lowers ex-offender recidivism and not only pays for itself but also provides a very substantial return on our tax dollars.

Is Maryland utilizing education programs behind bars effectively? And are we providing for adequate programming? The answer is clearly no. There are many devoted state employees in the Correctional Education program now run by the Department of Labor Licensing and Regulation but the actual number of teachers and programs has dropped and the total of academic and vocational program student completions has declined significantly in the last 15 to 20 years. The Abell Foundation 2017 study of Maryland incarcerated students illustrates some of the numbers. Even though the inmate population has doubled since 1982 we are not serving larger numbers of inmate students. There are fewer teachers in the state facilities than there were two decades ago. And the annual GED completion numbers have dropped from a high of around 1,000 in the late 1990s and

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early 2000s to a little over 300 in fiscal year 2019. While some of the decrease is due to the increased difficulty of the newer GED 2014 exam the number of students attending school has also dropped more percentagewise than the drop in inmate population. Classes are no longer full and waiting lists for school have all but disappeared. The percentage of Maryland prisoners without a high school diploma is around 50% and most of them have little or no gainful career training history. According to the 2017 Abell study of Maryland's correctional education programs only 15% of inmates participated in education in 2016. That means most prisoners who need education and job training do not receive any. Unfortunately, the researchers were not able to obtain much more detail from the correctional system about the educational programs to evaluate the overall quality and effectiveness for those students who do participate. Given personal experience we strongly believe it is not the quality but lack of a systematic effort to encourage and motivate prisoners to become students.

What are the reasons for low participation and completion? There are at least two causes for the low participation and completion rates. First, at intake the correctional system does not adequately assess and take into consideration an individual's education history or work status and use existing information as a consistent part of ongoing reentry program planning. In 2018 Senate Bill 1137 was passed and signed by the Governor to improve the assessment of education and work history on each person coming into the Division of Correction in order to improve individual reentry plans. To our knowledge the DOC has not attempted to implement the provisions of this law. Secondly, the incentives for inmates for educational participation are no better than prison maintenance jobs. In fact, many menial jobs pay more than the stipend for educational participation. Literally residents sweeping floors receive just as much good time reduction of sentence and a daily stipend as those attending education programs. Three decades ago, educational participation was treated as a special program awarding students an extra 5 days per month off their sentence for attendance. The waiting lists at most institutions were very long as a result. Unfortunately, the number of special programs eligible for the sentence reduction has increased many times over and school lists and participation have fallen dramatically, as a result. How can we expect high school drop-outs whose previous school experiences were negative to come to school without additional motivators?

What are our proposals? The Maryland Alliance for Justice Reform (MAJR) and Maryland Correctional Education Enhancement Advocates (MCEEA) endorse HB0812 and SB0933 which are likely to improve the educational outcomes of Maryland prisoners, to enhance public safety and, subsequently, to save on the costs of future incarceration. These identical bills authorize the Department of Public Safety and Corrections and the Department of Labor and License Regulations to establish time-off-sentence incentives for the attainment of major educational milestones such as attainment of basic literacy

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skills, a high school diploma, career technical certifications or even AA and BA college degrees. These measures will encourage more inmates to become serious students and, at the same time, the state will save money by the earlier release of people who are prepared to enter the job market with credentials for well-paying jobs.

The 2017 report of the Abell Foundation identifies the untapped potential of correctional education in Maryland to improve criminal justice outcomes. That report, *Prison Education, Maximizing the Potential for Employment and Successful Community Reintegration* ([www.abell.org/publications/prison-education](http://www.abell.org/publications/prison-education)), recommended an enhanced incentive system. HB0812 and SB0933 encourage an improved planning system and authorizes the creation of just such an incentive system.

Finally, we understand that there is another bill supported by the Department of Public Safety and Correctional Services to increase mandatory education participation from 120 to 240 days. We do not believe that that bill and ours to provide incentives for participation contradict each other. As we wrote to Public Safety Secretary Rob Green earlier this session, "We are asking DPSCS and MAJR to team up to motivate more Maryland prisoners to attend and complete school. Putting these two bills together is a real one-two punch at the problem. Time is of the essence because hearings are scheduled on HB0812 and SB0922 for February 25th."

According to the Council of State Legislatures at least 17 states have adopted better collections of data for program planning along with a similar system of diminution awards or time-off-sentence credits for educational milestone attainment. They include California, Florida, Georgia, Indiana, Kentucky, New Hampshire, New Mexico, New York, Oklahoma, Tennessee and others, big and small states representing both Democratic and Republican legislators. There has been no fiscal impact reported for diminution systems, but the criminal justice system savings for the Maryland taxpayer from enhancing education programs will be significant and real.

Thank you for your time. We urge your support of HS0812 and SB0933.

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