

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 86

(Chair, Finance Committee)(By Request - Departmental -
Labor)

Finance

Judiciary

Correctional Education – Changes to Mandatory Education Requirements

This departmental bill doubles the minimum number of days, from 120 calendar days to 240 calendar days, that a nonexempt inmate must participate in the mandatory education program.

Fiscal Summary

State Effect: The bill’s requirements can be absorbed within existing budgeted resources. Revenues not affected.

Local Effect: None.

Small Business Effect: The Maryland Department of Labor (MDOL) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: The Correctional Education Council is under the joint jurisdiction of MDOL and the Department of Public Safety and Correctional Services. The council must develop and recommend an educational and workforce training program for adult correctional institutions in the State. These programs must meet the special needs and circumstances of the inmates in each correctional institution.

The Correctional Education Council must also adopt regulations for a mandatory education program for inmates who fail to attain specified minimum educational standards as well as

regulations for a mandatory workforce skills training program. Further, the council must advocate and promote the interests of educational programs and workforce skills training opportunities in correctional institutions and regularly review these programs to ensure that educational and training needs of inmates are being met.

The Justice Reinvestment Oversight Board may recommend that specified remaining savings associated with a prison population decline be used for the development and implementation of a post-secondary education and workforce training program. In accordance with funding recommendations of the Justice Reinvestment Oversight Board, a post-secondary education and workforce training program must provide inmates with the requisite training, certifications, and experience to obtain careers in in-demand job sectors if the Justice Reinvestment Oversight Board makes such a funding recommendation.

An inmate is mandated to take education classes for at least 120 calendar days or participate in a workforce skills training program if the inmate:

- does not have a GED or high school diploma;
- has at least 18 months remaining on the inmate's sentence; and
- is not exempt due to a medical, developmental, or learning disability.

After earning their GED or high school diploma, inmates are eligible for occupational programs or advanced education at a local partnering college.

Background: MDOL notes the proposed legislation better aligns with the Federal Bureau of Prisons mandatory school requirements for inmates. The Federal Bureau of Prisons requires inmates who do not have a high school diploma or GED certificate to participate in an education program for a minimum of 240 hours or until they obtain the GED. Inmates typically attend one hour to one and a half hours of class per day depending on the facility: thus, federal inmates who have one hour of class per day receive a minimum of 240 days of education.

MDOL advises that 120 calendar days generally equates to about 80 days or so of actual attendance Monday through Friday, as class is not held on weekends or holidays.

Fiscal 2020 data are not fully representative of a normal academic year because COVID-19 disrupted correctional education classes and GED testing. In fiscal 2019, the last full academic year, 339 students received their GED at State correctional facilities in Maryland; 134 of them passed the GED in less than 120 days, 86 took between 120 and 240 days to pass the GED, and 119 took 240 days or longer to pass the GED. In addition, 473 students left school voluntarily at State correctional facilities in fiscal 2019 (and presumably participated in a workforce skills training program instead to meet the mandatory

requirement); 234 of them left at or before 120 days of school, 106 left between 120 and 240 days of school, and 133 left after 240 days of school.

For fiscal 2020, the GED pass rate for students participating in the Correctional Education Program at State correctional facilities in Maryland was 69.26%. In fiscal 2020, the Correctional Education Program awarded Maryland State High School Diplomas to 178 students and occupational certificates to 402 students.

Additional Information

Prior Introductions: SB 70 of 2020 passed the Senate and was referred to the House Judiciary Committee and House Ways and Means Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Maryland Department of Labor; Department of Public Safety and Correctional Services; Federal Bureau of Prisons; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2021
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Correctional Education – Changes to Mandatory Education Requirements

BILL NUMBER: SB 86

PREPARED BY: James Rzepkowski and Erin Roth

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

OR

WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

This change would potentially translate into a better-educated workforce. Maryland's businesses often struggle to find the workers required to fulfill their needs and many jobs require a high school diploma. Extending educational requirements for individuals "behind the fence" will lead to more trained and prepared workers for the state's employers. The potential impact to the business community will be positive.