

Department of Legislative Services  
 Maryland General Assembly  
 2023 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

House Bill 416  
 Appropriations

(Delegate Amprey)

Judicial Proceedings and Education, Energy,  
 and the Environment

Resources and Education for All Prisons (REAP) Act

This bill requires the Maryland Department of Labor (MDL) to (1) set goals for the number of inmates in education programs; (2) establish a tracking system for the number of inmates in education programs; (3) establish a tracking system for the progress of inmates in education programs, as specified; and (4) adopt regulations to carry out these provisions. The Maryland Higher Education Commission (MHEC) and the Department of Human Services (DHS) must assist MDL in creating the required tracking systems. The bill specifies that the Governor must provide funding annually in the budget bill for MDL to use for marketing for education programs to inmates and for the required tracking systems. The Department of Public Safety and Correctional Services (DPSCS) must assist inmates in accessing federal Pell Grants for higher education and adopt regulations to carry out these provisions. **The bill takes effect July 1, 2023.**

Fiscal Summary

**State Effect:** General fund expenditures increase by *at least* \$467,300 in FY 2024. Future years reflect annualization and ongoing costs. Revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	467,300	556,700	581,500	607,300	639,400
Net Effect	(\$467,300)	(\$556,700)	(\$581,500)	(\$607,300)	(\$639,400)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local institutions of higher education can likely handle the bill's requirements with existing resources. Revenues are not affected.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** In order to assist inmates in accessing federal Pell Grants, DPSCS must consult with institutions of higher education, including the University of Baltimore, Morgan State University (MSU), Bowie State University (BSU), the University of Maryland Global Campus, Anne Arundel Community College, Hagerstown Community College, Wor-Wic Community College, and Goucher College.

### **Current Law:**

#### *Inmate Training and Job Pilot Program*

Chapter 677 of 2021 established the Inmate Training and Job Pilot Program to provide educational and vocational training opportunities for inmates in the 12 months preceding their release. Chapter 677 established pilot programs at BSU, Coppin State University, MSU, and the University of Maryland Eastern Shore. Additionally, MHEC is authorized to establish additional pilot programs at other institutions of postsecondary education through a memorandum of understanding. MHEC and each participating institution must administer the program in cooperation with the Division of Correction (DOC) within DPSCS. The Inmate Training and Job Pilot Program terminates June 30, 2028.

Each pilot program must have an individualized plan for success that specifies a staff member at the institution who serves as the primary contact responsible for each inmate's participation and education in the program. The primary contact must meet with participating inmates regularly throughout their participation in the pilot program and ensure the inmates are enrolled in appropriate courses that work with the inmates' schedules. Courses must be credit bearing and lead to a degree or an industry-recognized certificate or license. All courses are subject to regulations adopted by the Commissioner of Correction at DPSCS.

The primary contact must also select at least three student mentors who are (1) at least age 18; (2) enrolled in the institution of postsecondary education; and (3) enrolled as a junior or senior if the pilot program is located at a four-year institution. Student mentor participants must receive course credit and a small stipend from the pilot program.

*Additional Program Requirements:* MHEC must establish a hotline to connect program participants to counseling and job services. If participants desire such aid, MHEC must facilitate contact between each program participant and a nonprofit organization in the community where the participant plans to reside (after release) whose mission includes aid with job placement, housing services, or counseling services. Also, MHEC must encourage former program participants to serve as contacts for future participants.

MHEC, DOC, and the applicable institutions of postsecondary education must determine a suitable format for inmates to take courses, whether virtual or nonvirtual. DOC must ensure that courses and instruction are provided in a suitable manner and create a safe and reasonable process by which to confer a degree to an inmate who is still incarcerated and who completes the requirements for a degree as part of the pilot program.

DOC must coordinate with MHEC to develop a hybrid virtual and in-person learning environment in the division's statewide system.

*Funding:* The fiscal 2024 budget, as introduced, includes \$330,000 for the program. In addition, the Governor must include in the annual budget bill an appropriation for the pilot program in the amount of \$363,000 in fiscal 2025 and 2026. Funding must be provided to MHEC for the costs associated with program administration, including a designated employee who is responsible for the administration of the pilot program, grants made to participating institutions (institutions must collectively aim to enroll 40 inmates to be divided among the institutions to qualify for an allocation of funds), and stipends for student mentors. Additionally, funding must be provided to DOC within DPSCS to cover costs associated with program administration, including a designated employee.

*Reporting:* Each program participant must agree to provide the assigned institution of postsecondary education and nonprofit organization with regular updates for two years regarding employment, future postsecondary enrollments, and any licensure or certification.

Each president (or other governing entity) of each participating institution must submit a report to MHEC on the number of enrolled inmates in the current academic year on or before December 15 each year from 2022 through 2026. On the basis of this data, MHEC must prorate funding to each participating postsecondary institution based on the number of participating inmates.

By July 1, 2024, and July 1, 2028, MHEC – in consultation with DOC – must submit an interim report and a final report, respectively, to the Governor and the General Assembly on the progress of the program. These reports must include program participant information on (1) courses enrolled in; (2) post-confinement employment; (3) post-confinement continuing education; and (4) post-confinement certification or licensure.

### *Division of Correction*

Promptly after an inmate is sentenced to the jurisdiction of DOC, the division must assemble an adequate case record for the inmate that includes (1) a description, photograph, and family history of the inmate; (2) any previous record of the inmate; (3) a summary of the facts of each case for which the inmate is serving a sentence; (4) the results of a

specified risk and needs assessment of the inmate; and (5) the results of a specified physical, mental, and educational examination of the inmate.

DOC must conduct a risk and needs assessment and a physical, mental, and educational examination of an inmate as soon as feasible after the individual is sentenced to the jurisdiction of DOC. Based on the information assembled for an inmate's case record, DOC must classify an inmate and develop a case plan to guide an inmate's rehabilitation while under the custody of DOC.

### *Office of Correctional Education*

MDL's Division of Workforce Development and Adult Learning (DWDAL), in conjunction with DPSCS, oversees inmate training, education, and job programs.

DWDAL's Office of Correctional Education (OCE) provides 25 career training opportunities "behind the fence." Offerings vary by institution but include training in automotive skills, barbering, construction, and welding. All occupational courses lead to a portable, industry-recognized credential that contributes to an inmate's employability after release.

In addition to occupational programming, OCE oversees academic and transitional courses throughout Maryland's correctional facilities. Academic programming includes GED preparation ahead of earning a Maryland high school diploma and English as a second language courses. Prior to release, inmates may complete transitional courses to ease their reentrance to society. These offerings include classes in parenting, employment readiness, financial literacy, and life skills.

**State Expenditures:** General fund expenditures increase by *at least* \$467,327 in fiscal 2024. Future year expenditures reflect annualization and ongoing costs.

### *Maryland Department of Labor*

General fund expenditures for MDL increase by *at least* \$467,327 in fiscal 2024, which accounts for a 90-day start-up delay from the bill's July 1, 2023 effective date. This estimate reflects the cost of hiring one postsecondary education coordinator, one secondary education program coordinator, two data analysts, one administrative specialist, and one part-time assistant Attorney General to carry out the bill's requirements. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- DWDAL oversees OCE, which manages noncollege level educational programming in State correctional facilities; however, OCE does not handle any

credit-bearing courses at the college level and does not manage educational programming in local correctional facilities.

- As the bill is not limited to inmates in State correctional facilities, MDL needs to establish a secondary educational programming unit to handle tracking educational programming for inmates in local correctional facilities.
- MDL needs to establish a postsecondary educational programming unit to oversee tracking credit-bearing classes at the college level for inmates in correctional facilities.
- MDL needs an assistant Attorney General to support the creation of data sharing agreements and regulations as required under the bill.

Positions	5.5
Salaries and Fringe Benefits	\$423,270
Operating Expenses	<u>44,057</u>
<b>Minimum FY 2024 MDL Expenditures</b>	<b>\$467,327</b>

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

This estimate does not include any costs for computer programming for the required tracking systems. To the extent that computer programming is needed, general fund expenditures increase.

#### *Annual Funding in the Budget Bill*

The bill specifies that the Governor must provide funding annually in the budget bill for MDL to use for marketing for education programs to inmates and for the tracking systems for rehabilitation programs. However, previous advice provided by the Attorney General indicates that a mandatory appropriation must either include an exact dollar figure for the funding or a funding formula that makes it possible to compute the level of funding required. The bill does neither and, therefore, does not establish a mandated appropriation.

However, as noted above, Chapter 677 established and mandates funding through fiscal 2026 for the Inmate Training and Job Pilot Program, which has similar goals as the bill. The fiscal 2024 budget, as introduced, includes \$330,000 for the program. In addition, the fiscal 2024 budget, as introduced, includes approximately \$22.4 million for MDL to provide correctional education.

*Department of Public Safety and Correctional Services*

DPSCS currently works with institutions of higher education to assist inmates in accessing federal Pell Grant funds and can handle the bill's requirements with existing resources.

*Other Agencies*

DHS advises that it is not the appropriate agency to assist MDL in developing the tracking system; this analysis, therefore, assumes that the bill has no material effect on DHS. MHEC, MSU, and the affected University System of Maryland institutions can meet the bill's requirements with existing resources.

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**Additional Information**

**Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 25 of 2022 and HB 1334 of 2021.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Baltimore City Community College; University System of Maryland; Morgan State University; Maryland Higher Education Commission; Department of Budget and Management; Department of Human Services; Maryland Department of Labor; Department of Public Safety and Correctional Services; Department of Legislative Services

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