

By Mrs. Gray of Framingham, petition of Barbara E. Gray and another for the establishment of educational and administrative units in the various correctional institutions of the Commonwealth for the purpose of administering and coordinating prison education. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT TO ADMINISTER AND COORDINATE PRISON EDUCATION IN MASSACHUSETTS CORRECTIONAL INSTITUTIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 127 of the General Laws is hereby amended by
2 repealing the last two sentences of section 48, as most recently
3 amended by section 12 of chapter 777 of the Acts of 1972, and
4 inserting in place thereof the following sections: —

5 *Section 48A.* As used in this chapter, unless the context
6 otherwise requires, the following words shall have the following
7 meanings:

8 (1) "prison education", programs for persons committed to the
9 custody of prisons in Massachusetts, which include, but are not
10 limited to those of academic education, vocational education,
11 vocational training, and other related pre-vocational programs
12 and employment;

13 (2) "council", the council on prison education;

14 (3) "commissioner", the commissioner of correction;

15 (4) "institution", any correctional facility owned, operated, or
16 subject to the control of the department of correction;

17 (5) "superintendent", the chief administrative officer of a state
18 correctional institution;

19 (6) "department", the department of correction;

20 (7) "governor", the governor of the state of Massachusetts.

21 *Section 48B.* In order to aid the commissioner in carrying out
22 his or her duties under section forty-eight, an educational
23 administrative unit shall be established at each of the following
24 institutions: Walpole, Norfolk, Concord, and Framingham. It
25 shall be the function of each unit to formulate and administer
26 such prison education programs as it deems appropriate for the
27 inmates and institution for which it has been established. Each
28 unit shall be comprised of a director of education, a principal, an
29 educational guidance counselor, a vocational guidance counselor,
30 two civilian clerks, and any other personnel deemed appropriate
31 by the commissioner and the council.

32 The functions of the members of each of the units shall be as
33 follows:

34 (1) The director of education shall be the chief administrator of
35 prison education at his or her institution. The director shall
36 decide which prison education programs shall be made available
37 to the inmates of his or her institution, and shall supervise the
38 implementation of such programs. The director shall formulate
39 such prison education programs as he or she deems appropriate,
40 and shall serve on the council as provided in section forty-eight C.

41 (2) The principal shall perform administrative tasks necessary
42 for the daily operations of all prison education programs as they
43 relate to his or her institution and inmates. The principal shall be
44 subordinate in power to the director of education of his or her
45 institution. The principal shall have authority to assign
46 appropriate duties to teachers, counselors, and clerks.

47 (3) The educational guidance counselor shall assist all inmates,
48 with respect to placement in appropriate programs and courses.

49 (4) The vocational guidance counselor shall assist all inmates,
50 participating or interested in vocational education or training,
51 with respect to placement in appropriate programs and courses.

52 (5) The civilian clerks shall perform such duties as may be
53 assigned to them by the principal or director of education of their
54 institution.

55 *Section 48C.* In order to coordinate prison education with
56 other correctional programs carried out through the com-

57 missioner's office, there shall be a council on prison education,
58 composed of the directors of education from the institutions
59 listed in section forty-eight B. The deputy commissioner for
60 classification and treatment shall sit on the council and act as
61 chairperson.

62 The council shall plan and coordinate prison education
63 programs and resources common to two or more of the
64 institutions listed in section forty-eight B. The council shall
65 prepare a budget and submit a figure to the department, which
66 the department, consistent with appropriate budgetary con-
67 siderations and availability of resources, shall include in its
68 annual budget requests. The council's budget requests shall be
69 based on the requests of each director of education, for the needs
70 of his or her institution, plus any additional funds deemed
71 necessary by the council.

72 The council shall recommend, to the commissioner, the hiring
73 and dismissal of teachers, clerks, and administrators of prison
74 education at the institutions listed in section forty-eight B. In the
75 hiring of personnel, the council shall submit a list to the
76 commissioner of no fewer than three persons eligible and
77 qualified for the position. The commissioner shall appoint one of
78 the council's nominees. If the commissioner does not appoint one
79 of the nominees within sixty days, the council shall appoint one of
80 the nominees, unless the commissioner can offer evidence relating
81 to the incompetence, ineligibility, unavailability, or moral
82 turpitude of at least two of the nominees. Such evidence must be
83 put in writing and sent to the council within sixty days of the
84 council's recommendation. In such a case, the council shall then
85 submit another list, and the aforementioned procedures shall
86 apply. A recommendation, by the council, of dismissal of
87 personnel, shall become effective thirty days after being
88 submitted to the commissioner, unless the commissioner denies
89 the recommendation within that time. The commissioner must
90 give serious consideration to such requests, but may deny them
91 upon the findings of his or her own investigation, results of which
92 shall be put in writing and sent to the council within thirty days of
93 the council's recommendation.

94 The present chief administrator of prison education at each
95 institution listed in section forty-eight B, shall become the
96 director of education at that institution. The council shall make
97 recommendations to hire all other personnel established by
98 section forty-eight B, within ninety days of the effective date of
99 this act. The council shall make recommendations to fill any
100 subsequent vacancies within sixty days after the vacancy has
101 occurred.

102 The commissioner shall have the power to dismiss a director of
103 education without a prior recommendation by the council. A
104 director may only be dismissed for cause, mis-management of
105 funds, immorality, corruption, or conviction of a crime related to
106 the job. The commissioner shall not have the power to dismiss
107 other administrators, teachers, or clerks of prison education, for
108 cause, unless the council makes such a recommendation prior to
109 that employee's dismissal. The commissioner shall have the power
110 to dismiss such personnel, without a prior recommendation by
111 the council, only for reasons of mis-management of funds,
112 immorality, corruption, or conviction of a crime related to the
113 job. In any dismissal made by the commissioner without a prior
114 recommendation by the council, the commissioner shall put the
115 reasons for the dismissal in writing, and send them to the council
116 within three days of such dismissal.

117 Subject to budgetary considerations for the department, the
118 council may recommend that the commissioner hire personnel
119 beyond that established by this chapter, as needed, for any of the
120 institutions listed in forty-eight B.

121 All actions by the council shall be taken by majority vote of the
122 members, with the chairperson voting only in the event of a tie.

123 In order to provide the council with greater input from people
124 outside the department, the governor shall appoint three persons
125 to serve on the council as non-voting members. One shall be
126 knowledgeable in academic or vocational education as they relate
127 to prisoners; one shall be knowledgeable in job training and
128 placement as they relate to prisoners; and one shall be
129 knowledgeable in social services as they relate to prisoners. The
130 governor shall appoint one non-voting member to a term of one
131 year, another to a term of two years, and the other to a term of

132 three years. All subsequent terms shall be served by persons
133 similarly appointed by the governor, for a period of three years. A
134 non-voting member may not be removed until his or her term has
135 expired, except for gross misconduct, or failure to attend fifty
136 percent or more of the council's meetings within a four month
137 period. In the event of a non-voting member resigning or
138 becoming incapacitated, the governor shall appoint a replace-
139 ment to serve out the remainder of that member's term.

140 *Section 48D.* Nothing in sections forty-eight A, forty-eight B,
141 or forty-eight C, shall be construed to interfere with the
142 superintendents' power over their respective institutions, as stated
143 in section fourteen of chapter one hundred twenty-five.

144 *Section 48E.* Three years after the establishment of the system
145 set forth in sections forty-eight A, forty-eight B, forty-eight C,
146 and forty-eight D, the commissioner shall set up an independent
147 study commission to evaluate the impact of said system on
148 corrections, and on prison education. The study commission shall
149 submit copies of its findings to the commissioner, the secretary of
150 human services, the governor, and the general court. The study
151 commission's report shall be a public document, and shall be
152 made available to the public upon request.

The first of these is the fact that the
 population of the country has increased
 rapidly since the year 1850. This is
 due to a number of causes, the most
 important of which are the discovery
 of gold in California, the opening
 of the great overland routes, and
 the immigration of people from
 Europe and other countries. The
 result has been a rapid increase in
 the number of inhabitants, and a
 corresponding increase in the
 demand for land and other
 resources. This has led to the
 rapid development of the country,
 and the establishment of a number
 of great cities and towns. The
 result has been a rapid increase in
 the wealth and power of the
 country, and the establishment of a
 strong and powerful government.



