

By Ms. Jehlen of Somerville, petition of Patricia D. Jehlen, other members of the House and others for legislation to require correctional institutions to provide educational programs to inmates for the purpose of decreasing criminal recidivism. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT RELATIVE TO CRIMINAL RECIDIVISM.

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

1 SECTION 1. It is hereby found that there exists in the
2 commonwealth a state of crisis in public safety caused by the high
3 rate of crime, criminal recidivism and prison overcrowding, and
4 that the majority of inmates in state prisons and county houses
5 of correction lack basic education and nearly one-fourth test
6 below the seventh grade reading level. It is hereby further found
7 that an increasing amount of research shows a positive correlation
8 between participation in education programs and a decrease in
9 recidivism and that education linked to the humanities as well as
10 vocational skills has been shown to increase positive post release
11 outcomes and to decrease recidivism.

12 It is hereby declared that public safety requires uniform
13 educational programs for all adult offenders incarcerated in state
14 prisons and houses of correction.

1 SECTION 2. Chapter 127 of the General Laws is hereby
2 amended by inserting after section 48A the following section: —

3 Section 48B. All correctional institutions of the common-
4 wealth and jails or houses of correction shall provide educational
5 programs to inmates which shall include but not be limited to the
6 following: —

7 (1) adult education with special emphasis on basic literacy,
8 mathematics, health and social skills training comparable to

9 accredited public school programs; special education; bilingual or
10 English as a second language;

11 (2) higher education, where practicable, in cooperation with
12 public and private institutions of higher education;

13 (3) education and training, in cooperation with community-
14 based organizations and the private sector;

15 (4) vocational training;

16 (5) library services;

17 (6) guidance counseling, and provision for post-release contact
18 and rehabilitation into the community;

19 Any inmate serving a sentence of more than ninety days and
20 who has not earned a high school diploma or general education
21 diploma shall be given the opportunity and incentives to
22 participate in a program of adult basic education.

23 Any inmate who fails to attain a minimum educational standard
24 as set forth in this section shall participate in a mandatory
25 education program for no less than ninety calendar days. On
26 January 1, 1993, the minimum educational standard shall be the
27 sixth grade equivalent in reading on the Test of Adult Basic
28 Education (TABE); on January 1, 1994, the minimum education
29 standard shall be the seventh grade equivalent in reading on the
30 Test of Adult Basic Education (TABE); on January 1, 1995, and
31 thereafter, the minimum educational standard shall be the eighth
32 grade equivalent in reading on the Test of Adult Basic Education
33 (TABE).

34 Participation in mandatory education shall not be required of
35 any inmate who was in the custody of the Department of
36 Correction prior to July 1, 1992; who has less than eighteen
37 months of his sentence to serve; is exempted due to a medical
38 disability or participation in a drug rehabilitation program; or
39 who possesses a verified General Education Diploma (GED), or
40 a diploma from an accredited public or private high school, or
41 has attained a minimum educational standard at the eighth grade
42 equivalent in reading on the Test of Adult Basic Education
43 (TABE).

44 There shall be established a council on correction education,
45 hereinafter called the council. The council shall consist of the
46 commissioner of corrections; commissioner of youth services;
47 commissioner of education; commissioner of employment and

48 training; commissioner of rehabilitation; chair of the parole
49 board; president of the Massachusetts sheriffs' association; an ex-
50 inmate; and six educators with experience in literacy training,
51 science and technology, English as a second language, arts and
52 humanities, special education, and public higher education, of
53 whom at least two shall be experienced prison educators: one a
54 principal and one a teacher. The educators and the ex-inmate shall
55 be appointed by the governor. Members may designate
56 representatives to serve in their stead.

57 The commissioner of corrections shall serve as chairman.
58 Members shall serve for three-year terms, staggered so as to
59 maintain continuity of the council. Any member shall be eligible
60 for reappointment. In the event of a vacancy, the governor shall
61 appoint a person to fill the vacancy for the unexpired term. The
62 governor may remove members for willful misconduct or neglect
63 of duty or inability to perform the powers and responsibility of
64 the council.

65 The council shall have the following powers and duties:

66 (1) to establish goals, guidelines, and minimum criteria for
67 uniform educational programs in the prisons and houses of
68 correction;

69 (2) to evaluate the effectiveness of existing educational
70 programs, and to monitor and annually evaluate all educational
71 programs expanded or established pursuant to this section,
72 including but not limited to reports on the number of participants
73 attending and completing each program, and follow-up reports
74 on participants;

75 (3) to establish incentives for inmate participation in
76 educational programs including, but not limited to, good time
77 sentence deductions and parole release consideration at sentence
78 eligibility, so as to encourage completion of educational
79 programs;

80 (4) to maintain, to the extent practicable, continuity of access
81 to educational programs during classification and reclassification
82 of inmates, so as to encourage completion of educational
83 programs;

84 (5) to develop and implement inmate recruitment procedures
85 that promote and facilitate inmate education;

86 (6) to ensure the development and implementation of a
87 transition assistance program for inmates seeking post-release
88 employment and educational opportunities;

89 (7) to insure that the department of corrections reviews and
90 coordinates inmate records so as to encourage completion of
91 educational programs, and, further, sets targets for increases in
92 program completion, to protect the inmates' earned course credits;

93 (8) to insure the prompt assessment and appropriate placement
94 of all inmates in educational or vocational programs; and

95 (9) to make budget recommendations for adequate educational
96 opportunities for inmates to promote successful re-entry into
97 society.

98 The council shall give highest priority to the educational needs
99 of youthful offenders.

100 The council shall annually report its recommendations and
101 findings to the governor and the general court. The secretary of
102 the commonwealth shall make them available to the general
103 public.