

# California State Assembly



## Agenda

### Assembly Budget Subcommittee No. 3 on Education Finance

Assemblymember David Alvarez, Chair

Tuesday, October 22, 2024

2:00 P.M. – RJ Donovan State Correctional Facility  
480 Alta Road, San Diego

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#### INFORMATIONAL HEARING

#### *Improving and Expanding Higher Education Programs in California Prisons*

##### I. Welcome, Introductions and Opening Statements

##### II. Student Perspectives

- Allen Burnett, Executive Director, The Prism Way, and Formerly Incarcerated Student, CSU Los Angeles
- Joseph Johnson, Southwestern Community College/RJ Donovan Associate's Degree Program
- John Winkleman, University of California, Irvine/RJ Donovan Bachelor's Degree Program

##### III. Systemwide Perspectives

- Sonya Christian, Chancellor, California Community Colleges
- Rebecca Silbert, Deputy Superintendent for Higher Education, California Department of Corrections and Rehabilitation

**IV. Program Perspectives**

- Raquel Funches, Director, Restorative Justice and Other Off-Campus Programs, Southwestern Community College District
- Annie McClanahan, Associate Professor of English, and Faculty Co-Director, LIFTED (Leveraging Inspiring Futures Through Educational Degrees) Program, UC Irvine
- Annie Buckley, Professor and Director, Institute for the Arts, Humanities, and Social Justice; Director, VISTA (Valuing Incarcerated Scholars through Academia) Program, San Diego State University

**V. Recommendations for Improvement and Expansion**

- Orlando Sanchez Zavala and Drew Soderborg, Legislative Analyst's Office
- Allan Wachendorfer, Program Manager, Vera Institute of Justice

**VI. Public Comment****VII. Adjournment**

*Note: Members of the public are welcome to attend the hearing; however, because the hearing is occurring on prison grounds, there are a few unique guidelines for participation. Members of the public wishing to attend the hearing should arrive at the public processing area between 1 pm and 4 pm the day of the hearing. You must have valid photo identification. You may not bring: cell phones; pagers; weapons of any kind; tobacco products, lighters, or matches; or bags or backpacks. You may not wear clothing that resembles incarcerated person clothing, such as: blue or grey denim tops or bottoms; blue tops, bottoms, or jackets; sweatshirts, sweatpants, or sweatsuits; orange tops, bottoms, or jumpsuits; lime green tops, bottoms, or jumpsuits; yellow raincoats or rain pants. You may not wear clothing with obscene images, camouflage or military-style clothing, or open-toed shoes.*

**BACKGROUND**

Research has shown that postsecondary education for incarcerated people has positive effects on those who are incarcerated, their families, communities, public safety and facility safety. Incarcerated people who participate in higher education programs have a 48% lower recidivism rate than those who do not, according to a 2018 meta-analysis published in the *Journal of Experimental Criminology*. Every dollar invested in prison-based education saves more than four dollars in reduced incarceration costs, according to a 2013 RAND Corp. study. A 2017 study found that prisons with postsecondary education programs have fewer violent incidents than prisons that do not.

In line with this research, major budget and policy actions taken over the last decade by the California Legislature have sought to increase access to higher education in California's prisons. In addition, the state is already taking advantage of newly available federal funding to support postsecondary programs, and can consider ways to access more of this funding. This hearing is intended to review current higher education programs run inside California prisons by California Community Colleges (CCC), California State University (CSU) and University of California (UC), discuss successes and challenges for these programs, and hear ideas for increasing program quality and serving more students in the state's 33 prisons. The Subcommittee will hear testimony from students, faculty, higher education and California Department of Corrections and Rehabilitation (CDCR) administrations, and other experts. With political support for these programs in both Sacramento and Washington, D.C., the hearing is intended to highlight strategies for expansion and improvement.

***California has made numerous changes to support in-prison higher ed programs.*** The Legislature in 2014 passed SB 1391 (Hancock), which allowed community colleges to receive state apportionment funding for in-person courses at state prisons, incentivizing colleges to serve state inmates. In 2016, Proposition 57 was approved by voters and gave the California Department of Corrections and Rehabilitation (CDCR) constitutional authority to make changes to credit-earning opportunities through regulations. CDCR used this authority to expand eligibility for credits and increased the amount of time that people can earn off their sentences through credits, incentivizing inmates to enroll in higher education programs.

In 2021, the Legislature approved SB 416 (Hueso), which requires CDCR to offer college programs at every prison. SB 416 requires CDCR to work with CCCs, CSUs, UCs or other accredited non-profit colleges or universities, and directs CDCR to prioritize higher ed programs that:

- Provide face-to-face, classroom-based instruction;
- Provide comprehensive in-person student supports, including counseling, advising, tutoring, and library services;
- Offer transferable degree-building pathways;

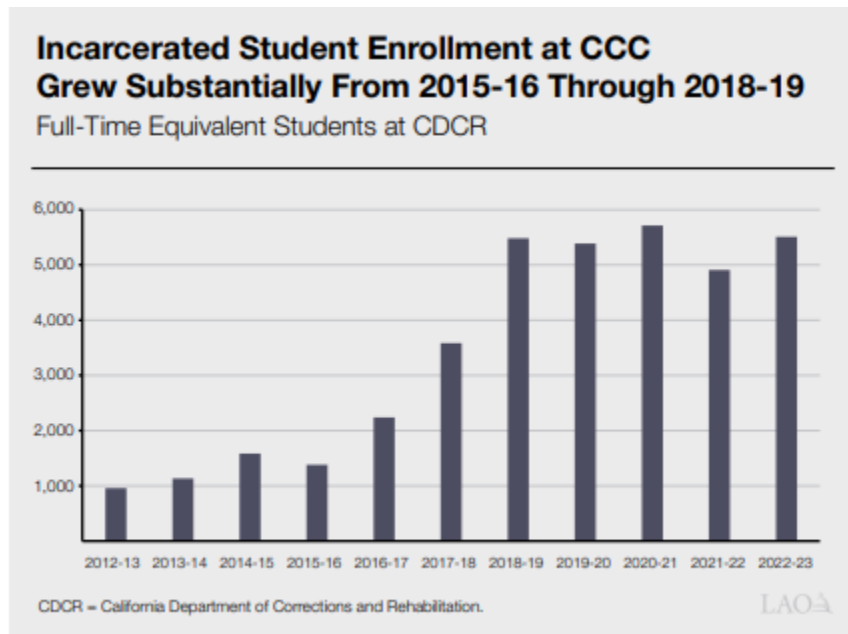
- Facilitate real-time student-to-student interaction and learning;
- Coordinate with other colleges and universities and justice-involved student programs to support transitions between prisons and for paroling inmates.
- Do not charge incarcerated students or their families for tuition, course materials, or other educational components;
- Waive or offer grant aid to cover tuition, course materials, or other educational components for incarcerated students.

In addition to these policy changes, the state has taken numerous direct budget actions to increase higher education programs in prisons and support recently-paroled students transitioning to a campus to complete a degree or credential. Most notably, the Legislature approved funding for a program to create partnerships between CDCR and CSU campuses to provide bachelor's degree programs in at least seven prisons.

The chart on the next page indicates expenditures approved in recent budget actions that directly and indirectly support higher education in CDCR facilities. It should be noted that both campuses and CDCR experience significant other operational costs associated with higher education programs.

Activity/Program	Description	Ongoing State Funding (millions)	One-Time State Funding (millions)
CCC Enrollment Funding	Community colleges earn apportionment funding for each incarcerated student served. Total funding varies each year. The LAO reports that colleges received about \$37 million Proposition 98 General Fund in 2022-23.	\$37	
CDCR Laptops	The 2021-22 Budget provided funding to distribute 37,000 laptops at state prisons. Every inmate participating in a higher ed program is eligible for a laptop.	\$18	\$5
CDCR-CSU Partnerships	The 2022-23 Budget approved a program to allow CDCR to contract with seven CSU campuses to provide in-prison bachelor's degree programs. CDCR has contracts with five CSU campuses that will serve 10 facilities by Fall 2025.	\$4.7	\$5
CCC Textbook Costs	The 2016-17 Budget provided ongoing Proposition 98 General Fund to cover textbook costs for incarcerated students.	\$3	
Other Costs: CDCR Wi-Fi Connectivity, Educational Television, Digital Library	State budgets have provided support for Wi-fi in prison facilities, library subscriptions and some colleges use closed-circuit TV to provide course content for programs.	\$5.9	\$3.5
UC Irvine LIFTED	The 2022-23 Budget provided one-time funding to expand an in-prison bachelor's degree programs.		\$1.8
CCC Rising Scholars	The program supports formerly incarcerated students on community college campuses and in-prison programs as well.	\$10	
CSU Project Rebound	The program mostly supports formerly incarcerated students on CSU campuses, but does some work inside prisons as well.	\$11.3	
UC Underground Scholars	The program mostly supports formerly incarcerated students on UC campuses, but does some work inside prisons as well.	\$4	
<b>Total</b>		<b>\$93.9</b>	<b>\$15.3</b>

**Student participation has grown significantly.** CDCR reports that more than 11,000 incarcerated people are enrolled in college each semester, representing more than 10% of the total CDCR population. Community college enrollment quadrupled between 2015-16 and 2018-19, although enrollment dipped during the COVID period, as shown in the chart below compiled by the Legislative Analyst’s Office (LAO) for its July 2024 report, “Assessing Community College Programs at State Prisons.” CSU enrollment is about 400 students this academic year, while UC is serving about 100 students.



Every CDCR institution has a partnership with at least one California community college (except San Quentin Rehabilitation Center, which partners with Mt. Tamalpais College, a non-profit private college based in Marin) to provide associate’s degree programs. Most of these partnerships prioritize in-person programs. In addition, CDCR partners with five California community colleges that offer distance and correspondence courses in multiple institutions throughout the state.

And through budget actions noted earlier, CDCR has partnered with CSU and UC to offer face-to-face bachelor’s degree programs in CDCR institutions. Students can transfer to UC or CSU after they have earned their associate’s degree and completed either the CSU General Education Breadth requirements (for transfer to a CSU program), or the Intersegmental General Education Transfer Curriculum (for transfer to a UC program). Most of the bachelor’s degree programs are run by extension programs at CSU and UC campuses. Staff is aware of only one CSU campus – Sacramento State University – that operates its in-prison programs within its state-funded campus budget. The chart on the next page was provided by CDCR and indicates colleges’ and universities’ partnerships with CDCR institutions.

CDCR College Partnerships	
Community College	CDCR Institution
Coalinga Community College	Avenal State Prison
Cerro Coso Community College	California Correctional Institution
San Joaquin Delta College	California Health Care Facility
Chaffey Community College	California Institution for Men
Chaffey Community College	California Institution for Women
Solano Community College	California Medical Facility
Cuesta Community College	California Men's Colony
Norco Community College	California Rehabilitation Center
Bakersfield Community College	California State Prison - Corcoran
Antelope Valley Community College	California State Prison - Los Angeles County
Folsom Lake Community College/Los Rios Community College District	California State Prison - Sacramento (still under negotiation)
Solano Community College	California State Prison - Solano
Imperial Valley Community College	Calipatria State Prison
Imperial Valley Community College	Centinela State Prison
Merced Community College	Central California Women's Facility
Hartnell Community College	Correctional Training Facility
Folsom Lake Community College/Los Rios Community College District	Folsom State Prison
Lassen Community College	High Desert State Prison
Palo Verde Community College	Ironwood State Prison
Bakersfield Community College	Kern Valley State Prison
Folsom Lake Community College/Los Rios Community College District	Mule Creek State Prison
Bakersfield Community College	North Kern State Prison
College of the Redwoods	Pelican Bay State Prison
Coalinga Community College	Pleasant Valley State Prison
Southwestern Community College	R.J. Donovan Correctional Facility
Hartnell Community College	Salinas Valley State Prison
Mount Tamalpais College (private non-profit college)	San Quentin Rehabilitation Center
Coastline Community College	Selected institutions online via laptops, all asynchronous
Feather River Community College	Selected institutions by correspondence and online via laptops, all asynchronous. Correspondence expected to cease after 24-25.
Lassen Community College	Selected institutions by correspondence and online via laptops, all asynchronous. Correspondence expected to cease after 24-25.
Palo Verde Community College	Selected institutions by correspondence. Online via laptops will begin in 24-25, all asynchronous.
Lake Tahoe Community College	Selected Northern California institutions by correspondence and online via laptops, all asynchronous. Correspondence expected to cease after 24-25.
Columbia Community College	Sierra Conservation Center
Bakersfield Community College	Substance Abuse Treatment Facility and State Prison
Merced Community College	Valley State Prison
Bakersfield Community College	Wasco State Prison
University	CDCR Institution
California State University, LA	California Institution for Men (cohort identified and enrolling, classes start fall 2025)
California State University, LA	California Institution for Women
California State University, LA	California State Prison - Los Angeles County
Sacramento State University	California Medical Facility (cohort identified and enrolling, classes start fall 2025)
Sacramento State University	Folsom State Prison
Sacramento State University	Mule Creek State Prison
San Diego State University	Centinela State Prison
Fresno State University	Central California Women's Facility
Cal Poly Humboldt	Pelican Bay State Prison
Fresno State University	Valley State Prison
University of California, Riverside	California Rehabilitation Center
University of California, Irvine	R.J. Donovan Correctional Facility
Pitzer College	California Rehabilitation Center

The next chart includes information provided by CDCR regarding CSU programs. Of the \$4.7 million ongoing General Fund approved by the Legislature to support CSU bachelor's degree programs, about \$2.4 million is being used to support five CSU campuses operating in ten CDCR facilities, with the remainder supporting costs such as CDCR positions and database subscriptions.

University	Locations	Contract Dates	Annual amount	2024-25 Enrollment
Cal Poly Humboldt	Pelican Bay State Prison	7/1/24 - 6/30/26	\$ 204,000.00	25
Cal State LA	California State Prison, Los Angeles County; California Institution for Women, California Institution for Men	7/1/24 - 6/30/27	\$ 752,800.00	147
Fresno State	Central California Women's Facility; Valley State Prison	7/1/2022 - 6/30/2025	\$ 609,630.00	54
Sacramento State	Folsom State Prison; Mule Creek State Prison; California Medical Facility	7/1/24 - 6/30/27	\$ 467,200.00	104
San Diego State	California State Prison, Centinela	7/1/24 - 6/30/27	\$ 357,000.00	69
<b>Total</b>			<b>\$ 2,390,630.00</b>	<b>399</b>

In part through one-time state funding, UC Irvine and UC Riverside provide bachelor’s degree programs at Richard J. Donovan Correctional Facility and California Rehabilitation Center, and currently enroll 102 students. (In addition, CSU Dominguez Hills recently began offering an online- and correspondence-based master’s degree program and has enrolled 33 students across 11 CDCR facilities.)

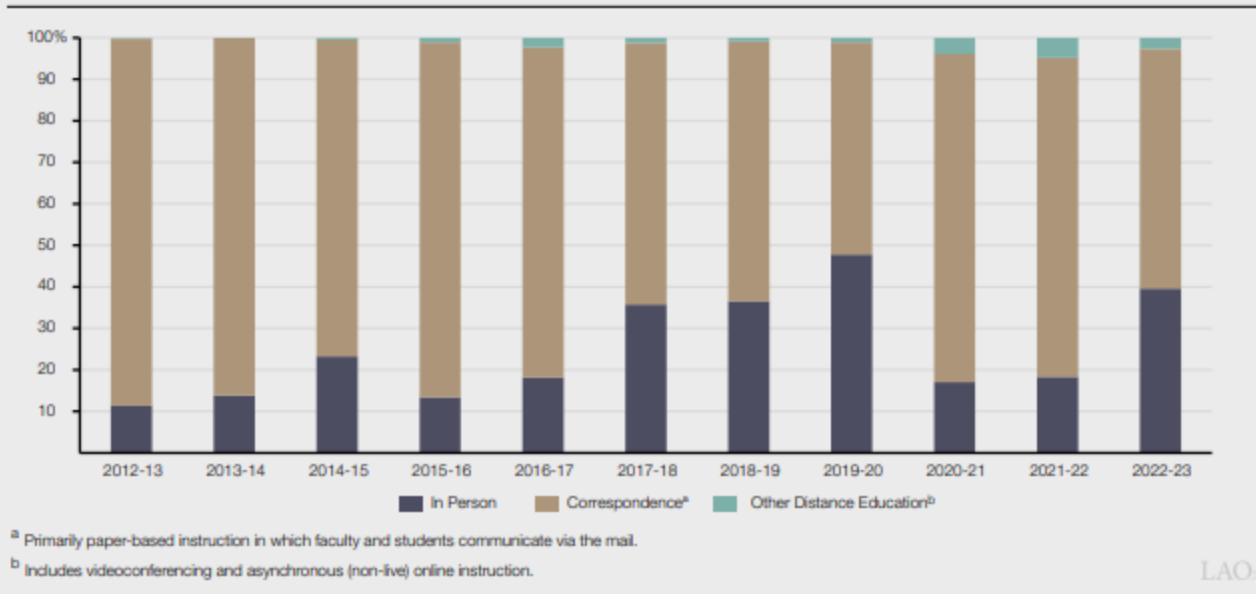
**Student experiences and outcomes vary.** In-prison college courses and programs vary significantly, ranging from correspondence courses that rely on students and colleges mailing paper packets back and forth, with little interaction between faculty and students, to programs with in-person instruction and academic counseling. The use of technology is increasing, and some community colleges are seeking to improve the correspondence model by providing asynchronous video lectures by faculty and Internet-based classroom discussions that accompany independent work.

The LAO chart on the next page depicts the types of instruction provided by community colleges during the past decade. As the chart indicates, a majority of community college courses taken by incarcerated people utilize the correspondence model. CSU and UC programs are in-person.



Figure 3

**In-Person Instruction Is Returning After Falling During the Pandemic**  
Share of Instruction



Degree programs vary, but are typically focused on the humanities, such as sociology, psychology or communications studies. CDCR states that in-person courses are usually offered in the afternoon and evening (third watch) because that is when classrooms are available. Many programs have waiting lists. CDCR states that it prioritizes students with some college experience but no degree, and it does not typically consider release date when allowing students to enroll. (CDCR’s contracts with CSU expressly prohibit campuses from excluding students based on crime of commitment or length or type of sentence.) In its July report, the LAO noted that more than half of the community college students enrolled in Spring 2023 had a release date of more than five years.

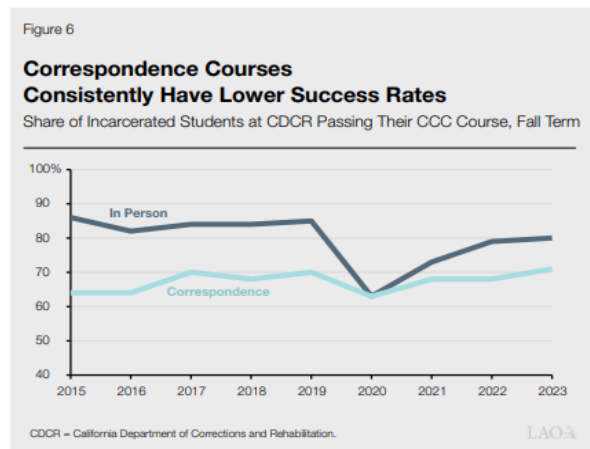
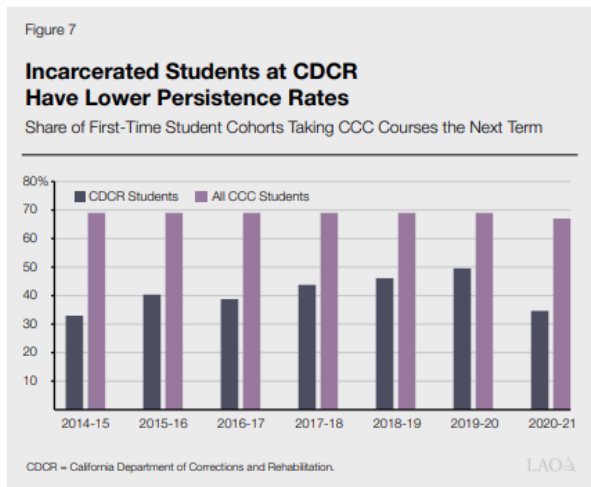
Student outcomes for in-prison higher education programs are not readily available to the public. In its July report, the LAO worked with the California Community College Chancellor’s Office to analyze community college outcomes and found:

- Incarcerated students in CCC programs have course success rates (earning a passing grade or course credit) similar to those of other CCC students (72 percent on average).
- Course success rates vary by instructional modality among incarcerated students. Success rates are consistently lower for students in correspondence courses. In fall 2019 (the year just before the COVID pandemic), the gap in success rates between in-person and correspondence courses was 15 percentage points.

- On average, incarcerated students have notably lower persistence rates (continuing from one semester to the next) compared with the average for CCC students.
- Incarcerated students in CCC programs have a 5 percent graduation rate within three years, compared to a 20 percent rate for other CCC students. In 2022-23, the LAO noted that a total of 731 students at CDCR earned their first associate degree. The average time to degree for these students was about nine years.

The LAO charts below compare persistence for incarcerated students and other community college students, and the course success rates for in-prison correspondence and in-person courses.

CSU programs are relatively new, and CDCR reports that a new data system launching this Fall will allow it to better track student graduation and persistence rates. Cal State LA, Sacramento State, and Fresno State have had graduates from its programs, but there is no centralized reporting available on how many. Both Sacramento State and San Diego State expect to hold graduation ceremonies in spring 2025 for some incarcerated students.



**Federal funding is now available for higher education programs inside prisons.** The Pell Grant is the federal government’s main student financial aid program, offering low-income students financial support to cover college costs. Students can receive as much as \$7,395 in 2024-25 through the Pell Grant. A series of actions taken by Congress and three successive presidents – Obama, Trump and Biden – have allowed incarcerated students the ability to access the Pell Grant, opening a new source of funding to support higher education programs inside prisons. Under the current rules, incarcerated students can be eligible for Pell if they are enrolled in a federally-approved Prison Education Program (PEP).

Campuses must apply to the U.S. Department of Education to become a PEP, with support and oversight from the institution they will serve. Approved programs must have a pathway to a specific degree or credential, must provide credits that are transferrable to other higher education institutions, and an explanation of support services provided to students including, but not limited to, orientation, tutoring and academic and reentry counseling. In addition, federal regulations require correctional facilities to seek regular input from a variety of stakeholders – including formerly or currently incarcerated students – to evaluate programs and confirm that they are operating in the best interests of students.

All of the current bachelor's degree programs operating in California prisons have been approved as PEPs. PEPs work with students to help them complete the Free Application for Federal Student Aid (FAFSA), which is required to become eligible for Pell Grant funding. While students enrolled in most higher education programs receive Pell funding directly and can use it to cover any college cost, including housing, food or transportation, incarcerated students' Pell Grant funding goes directly to the higher education institution to cover instructional and textbook costs. All students receiving Pell can receive funding for six years, assuming they maintain eligibility by submitting a FAFSA annually. CDCR estimates that about 75% of bachelor's degree students are receiving Pell funding.

California campuses that are operating PEPs are utilizing state funding, federal Pell and private grants to support their programs. Community colleges, which have not applied for PEP status, utilize apportionment and categorical funding, as well as private grants.

It should be noted that incarcerated students are currently not eligible for the state Cal Grant financial aid program, per state statute. The Cal Grant Reform Act of 2022, which was approved as part of the 2022 Budget Act but has not been implemented due to state budget constraints, does not include a prohibition for incarcerated students.

***Programs and students face numerous challenges.*** In preparation for this hearing, staff spoke with CDCR officials, faculty and administrators from UC, CSU and the community colleges, formerly incarcerated students, and criminal justice advocates to gain a better understanding of the challenges and problems associated with postsecondary education in California prisons. Issues raised include:

- Classroom space is a significant problem at most facilities. In-person higher education programs often share space with other educational and rehabilitative programming. Some prisons are experimenting with using gyms or other areas to hold classes, but space is a key problem identified by most stakeholders.
- The use of technology is increasing, but Internet reliability remains a problem. CDCR has made wi-fi available in certain areas of prisons, including housing units, but students still

can find it difficult to use the Internet for homework or classes. CDCR also remains concerned about security issues related to the Internet. Some stakeholders noted that several CDCR facilities do not have regular access to the Internet.

- Many students are taking community college courses without academic advising or a clear pathway. As LAO data indicated, many students take correspondence courses, and most of these courses do not include access to advisors or counselors. In an article published in July through the national Prison Journalism Project, California incarcerated student Jesse Carson noted that his higher education journey was often akin to “trying to complete a puzzle with no idea what the picture is on the box.” It should be noted that community colleges receive the same amount of funding per student for in-person or correspondence courses.
- Degree programs offer limited choices for students. Students complain that they have very limited degree choices, mostly in humanities programs like sociology. Programs have often developed because specific faculty have an interest in teaching inside prisons, not necessarily because there is student demand for the major or courses that faculty member teaches. Campuses are seeking ways to increase offerings, but often face space, faculty and cost concerns that make it difficult to offer a wide variety of options.
- Transferring between institutions or to outside campuses can be difficult. Campus programs note difficulty in helping students transfer credits, due to paper-based processes or such issues as previously-attended campuses charging students for transcripts. While all three segments have campus-based programs in place to support formerly incarcerated students once they are released, stakeholders note that transitions between in-prison programs and outside campuses are uneven.
- Better statewide coordination is needed. While CDCR has convened an advisory committee, some stakeholders suggest more statewide coordination and leadership is needed, particularly to help improve higher education outcomes and better ensure that quality programs are available at every facility in line with the requirements of SB 416.

### LAO ASSESSMENT AND RECOMMENDATIONS

In its July report, the LAO concluded that student outcomes are mixed, that programs have a number of problems and missed opportunities, and that students and staff believe higher education programs have several positive aspects. The LAO will provide an overview of its report at this hearing.

The chart on the next page summarizes the LAO’s assessment and recommendations.

**Summary of Assessment and Recommendations for CCC Programs at State Prisons**

Component	Assessment	Recommendation
<b>Enrollment prioritization</b>	Demand for CCC courses among incarcerated people generally exceeds supply, yet some colleges do not give enrollment priority to those people most likely to benefit.	Adopt statutory enrollment priorities that apply at all state prisons. Give priority to students who are closest to obtaining their first degree and within five years of release. This approach could improve individuals' post-release outcomes, including by reducing the risk of recidivism and improving job prospects.
<b>Space utilization</b>	CDCR and CCC report a lack of sufficient space to hold in-person courses, yet CDCR lacks a comprehensive assessment of its space utilization.	Adopt statutory space and utilization standards. Direct CDCR to collect data and report biennially on space utilization.
<b>Online pilots</b>	Given the generally poor outcomes of correspondence courses, some community colleges and CDCR are working together to pilot new online instructional models.	Require CCC and CDCR to report on pilot outcomes, including course success rates compared with in-person and correspondence courses and impact on faculty recruitment to teach high-demand courses in prisons.
<b>State funding</b>	State's current CCC funding model lacks a strong incentive for colleges to promote incarcerated student success.	Modify CCC funding formula to include a performance component. In the meantime, require CCC to report enrollment and outcomes data for incarcerated students.
<b>Federal funding</b>	State is missing an opportunity to draw down federal funds to support prison education costs.	Begin charging incarcerated students to attend CCC and use federal Pell Grant funds to offset enrollment fees, textbooks, computers, and other allowable education costs.
<b>Program evaluation</b>	The state lacks an evaluation analyzing the impact of CCC education programs on recidivism, employment, and wages.	Require CDCR to annually report data on recidivism, employment, and wage outcomes by educational program, provider, and risk level of reoffending. In addition, require CDCR to use external evaluators to assess the impact of CCC programs every five to ten years.

CDCR = California Department of Corrections and Rehabilitation.

**POTENTIAL QUESTIONS**

The Subcommittee may wish to ask the following questions:

- If there was new funding available to improve program quality or expand programs, what should be the first step the Legislature should consider?
- How many students are on waiting lists statewide? How long does it typically take students to get into an associate's degree or bachelor's degree program?
- What are the pros and cons of the correspondence model? How can student outcomes in this model be improved?
- Is there a need for a bachelor's degree program at every facility?

- What are the pros and cons of community colleges developing federal Prison Education Programs and taking advantage of the federal Pell Grant being available to incarcerated people?
- How can degree options for students be expanded? What degrees are most in demand by students? What are the barriers to offering STEM degrees?
- What should the state's goals be for postsecondary education in prisons? How should the state be measuring and reporting on access and outcomes?
- What are ideas for expanding classroom space at CDCR facilities?
- Should incarcerated students closest to release be prioritized for higher ed programs?
- Currently community college apportionment funding for incarcerated students is outside of the Community College Student Centered Funding Formula. What are the pros and cons of shifting these students into the formula? Or how can colleges be incentivized to improve outcomes?
- Most CSU campuses are using their extension programs to serve incarcerated students. What are the pros and cons of this model? What are the pros and cons of moving these programs to the state-supported side of campus budgets?
- How do incarcerated students and CDCR facilities handle lockdowns, or other occurrences that could prevent in-person classes?
- How can statewide coordination and collaboration be improved to ensure access and best practices are implemented at every facility?
- What challenges do faculty face in teaching inside CDCR facilities? How is professional development being provided, and how are faculty being supported in and recruited to this work?