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**SB-416 Corrections: educational programs.** (2021-2022)

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**Senate Bill No. 416**

**CHAPTER 766**

An act to amend Section 2053.1 of the Penal Code, relating to corrections.

[ Approved by Governor October 09, 2021. Filed with Secretary of State October 09, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 416, Hueso. Corrections: educational programs.

(1) Existing law requires the Secretary of the Department of Corrections and Rehabilitation to implement literacy programs in the state prison. Existing law requires the department to offer college programs through voluntary education programs or their equivalent.

This bill would instead require the department to make college programs available for the benefit of inmates with a general education development certificate or equivalent or a high school diploma and would require those college programs to only be provided by the California Community Colleges, the California State University, the University of California, or other regionally accredited, nonprofit colleges or universities.

The bill would provide a set of criteria to prioritize various college programs, including face-to-face instruction, comprehensive in-person support, and coordination with nonprofit postsecondary programs serving formerly incarcerated students. The bill would require the education providers to be responsible for determining and developing their curricula and degree pathways, determining certificate pathways, providing instructional staff, and determining what services will be offered to ensure incarcerated students can successfully complete the course of study.

(2) Existing law allows the department to create regulations for the administration of the state prison. Existing regulations authorize an inmate enrolled in a full-time college program, as defined, to combine that program with a half-time work or career program to equate to a full-time work assignment.

This bill would require an inmate enrolled in a full-time college program, as specified, to be deemed by the department to be assigned to a full-time work or training assignment.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 2053.1 of the Penal Code is amended to read:

**2053.1.** (a) The Secretary of the Department of Corrections and Rehabilitation shall implement in every state prison literacy programs that are designed to ensure that upon parole inmates are able to achieve the goals contained in this section. The

department shall prepare an implementation plan for this program, and shall request the necessary funds to implement this program as follows:

(1) The department shall offer academic programming throughout an inmate's incarceration that shall focus on increasing the reading ability of an inmate to at least a 9th grade level.

(2) For an inmate reading at a 9th grade level or higher, the department shall focus on helping the inmate obtain a general education development certificate, or its equivalent, or a high school diploma.

(3) (A) (i) The department shall make college programs available at every state prison for the benefit of inmates who have obtained a general education development certificate or equivalent or a high school diploma. The college programs shall only be provided by the California Community Colleges, the California State University, the University of California, or other regionally accredited, nonprofit colleges or universities.

(ii) For the purposes of this subparagraph, "regionally accredited, nonprofit colleges or universities" means nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both and that are formed as nonprofit corporations in this state and that are regionally accredited by an agency recognized by the United States Department of Education.

(B) The department shall prioritize colleges and universities that:

(i) Provide face-to-face, classroom-based instruction.

(ii) Provide comprehensive in-person student supports, including counseling, advising, tutoring, and library services.

(iii) Offer transferable degree-building pathways.

(iv) Facilitate real-time student-to-student interaction and learning.

(v) Coordinate with other colleges and universities serving students in the department so that inmate students who are transferred to another institution can continue building toward a degree or credential.

(vi) Coordinate with the California Community Colleges Rising Scholars Network, the California State University Project Rebound Consortium, the University of California Underground Scholars Initiative, or other nonprofit postsecondary programs specifically serving formerly incarcerated students so that incarcerated students who are paroled receive support to continue building toward a degree or credential.

(vii) Do not charge incarcerated students or their families for tuition, course materials, or other educational components.

(viii) Waive or offer grant aid to cover tuition, course materials, or other educational components for incarcerated students.

(C) Accredited postsecondary education providers shall be responsible for:

(i) Determining and developing their curricula and degree pathways.

(ii) Determining certificate pathways, in consultation with, and with the approval of, the department.

(iii) Providing instructional staff and academic advising or counseling staff.

(iv) Determining what specific services, including, but not limited to tutoring, academic counseling, library, and career advising, shall be offered to ensure incarcerated students can successfully complete their course of study.

(D) An inmate who is enrolled, pursuant to this section, in a full-time college program consisting of 12 semester units, or the academic quarter equivalent thereof, of credit-bearing courses leading to an associate degree or a bachelor's degree shall be deemed by the department to be assigned to a full-time work or training assignment.

(E) Subparagraph (B) does not prevent an inmate from enrolling on their own, independent of the department, in a postsecondary education course that does not meet the criteria specified in that subparagraph.

(4) While the department shall offer education to target populations, priority shall be given to those with a criminogenic need for education, those who have a need based on their educational achievement level, or other factors as determined by the department.

(b) In complying with the requirements of this section, the department shall give strong consideration to the use of libraries and librarians, computer-assisted training, and other innovations that have proven to be effective in reducing illiteracy among

