

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 92
Appropriations

(Delegate Amprey)

Education, Energy, and the Environment and
Finance

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 incarcerated individuals in education programs; (2) establish a tracking system for the number of incarcerated individuals in education programs; (3) establish a tracking system for the progress of incarcerated individuals in education programs, as specified; (4) forward specified data to the Maryland Higher Education Commission (MHEC); and (5) adopt regulations to carry out these provisions. MHEC may 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 incarcerated individuals and for the required tracking systems. The Department of Public Safety and Correctional Services (DPSCS) must assist incarcerated individuals in accessing federal Pell Grants for higher education and adopt regulations to carry out these provisions. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$182,100 in FY 2025. Future years reflect annualization and ongoing costs. Revenues are not affected.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	182,100	148,100	152,400	156,900	161,600
Net Effect	(\$182,100)	(\$148,100)	(\$152,400)	(\$156,900)	(\$161,600)

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

Local Effect: Affected community colleges can likely handle the bill's requirements with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: MDL's duties under the bill are limited to incarcerated individuals within the Division of Correction (DOC) in DPSCS. In order to assist incarcerated individuals (including those in local correctional facilities) 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 incarcerated individuals 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 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 incarcerated individual's participation and education in the program. The primary contact must meet with participating incarcerated individuals regularly throughout their participation in the pilot program and ensure the incarcerated individuals are enrolled in appropriate courses that work with the incarcerated individuals' 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 incarcerated individuals 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 incarcerated individual 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 2025 budget, as introduced, includes \$363,000 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 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 incarcerated individuals 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 incarcerated individuals 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 incarcerated individuals.

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 incarcerated individual is sentenced to the jurisdiction of DOC, the division must assemble an adequate case record for the incarcerated individual that includes (1) a description, photograph, and family history of the incarcerated individual; (2) any previous record of the incarcerated individual; (3) a summary of the facts of each case for which the incarcerated individual is serving a sentence; (4) the results of a specified risk and needs assessment of the incarcerated individual; and (5) the results of a specified physical, mental, and educational examination of the incarcerated individual.

DOC must conduct a risk and needs assessment and a physical, mental, and educational examination of an incarcerated individual as soon as feasible after the individual is sentenced to the jurisdiction of DOC. Based on the information assembled for an incarcerated individual's case record, DOC must classify an incarcerated individual and develop a case plan to guide an incarcerated individual'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 training, education, and job programs for incarcerated individuals.

DWDAL's Office of Correctional Education (OCE) provides 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 incarcerated individual'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, incarcerated individuals 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 \$182,100 in fiscal 2025. Future year expenditures reflect annualization and ongoing costs. This estimate does not include any new funding associated with marketing the education programs to incarcerated individuals.

Maryland Department of Labor

General fund expenditures for MDL increase by \$182,100 in fiscal 2025, which accounts for a 90-day start-up delay from the bill's July 1, 2024 effective date. 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. Therefore, this estimate reflects the cost of hiring one data analyst to carry out the bill's requirements. It includes a salary, fringe benefits, one-time start-up costs, computer programming costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$74,844
Tracking Systems – Computer Programming	100,000
Operating Expenses	<u>7,256</u>
FY 2025 MDL Expenditures	\$182,100

Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses and annual maintenance costs for the required tracking systems.

This analysis assumes that MDL can handle promulgation of the regulations with existing budgeted resources.

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 incarcerated individuals and for the tracking systems for education programs. However, 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.

Further, 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 2025 budget, as introduced, includes \$363,000 for the program. In addition, the fiscal 2025 budget, as introduced, includes approximately \$25.8 million for MDL to provide correctional education.

Department of Public Safety and Correctional Services

DPSCS advises that updates are needed to the Offender Case Management System at a cost of \$100,000 to meet the bill's requirements; however, the Department of Legislative Services disagrees. DPSCS currently works with institutions of higher education to assist incarcerated individuals in accessing federal Pell Grant funds, and this analysis assumes that the department can promulgate the required regulations with existing resources.

Other Agencies

Although MHEC did not respond to requests for information, this analysis assumes that MHEC can meet the bill's requirements with existing resources. MSU and the affected University System of Maryland institutions can meet the bill's requirements with existing resources.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 416 of 2023; HB 25 of 2022; and HB 1334 of 2021.

Designated Cross File: SB 620 (Senator Carter) - Education, Energy, and the Environment and Finance.

Information Source(s): Maryland State Department of Education; Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Maryland Department of Labor; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2024
rh/ljm Third Reader - February 27, 2024

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510