

SENATE BILL 199

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HB 545/03 - W&M

2004 Regular Session  
4r1028

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By: **Senator McFadden**

Introduced and read first time: January 27, 2004

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Education - Waiting List Reduction Initiative**

3 FOR the purpose of requiring the State Department of Education to reduce the  
4 number of inmates on the waiting list for educational programs in correctional  
5 institutions over a certain period beginning in a certain fiscal year; requiring  
6 the State Department of Education to create a certain plan to use certain  
7 resources in support of a reduction of the number of inmates on a certain  
8 waiting list; requiring the plan to include certain information; requiring certain  
9 submissions of the plan; requiring the Governor to include certain funds in the  
10 annual budget; providing that certain funds shall not revert to the General  
11 Fund and shall remain available for a certain purpose; and generally relating to  
12 a waiting list reduction initiative for correctional education.

13 BY repealing and reenacting, with amendments,  
14 Article - Education  
15 Section 22-104  
16 Annotated Code of Maryland  
17 (2001 Replacement Volume and 2003 Supplement)

18 **Preamble**

19 WHEREAS, 15,000 inmates were released from Maryland correctional facilities  
20 in 2002; and

21 WHEREAS, 20 percent of inmates were at or below the third grade reading level  
22 when they entered prison; and

23 WHEREAS, Approximately 75 percent of inmates in Maryland's correctional  
24 institutions dropped out of high school; and

25 WHEREAS, The General Assembly has recognized the immediate need to  
26 implement effective strategies to reduce recidivism and increase the likelihood of  
27 successful reintegration in society; and

1 WHEREAS, Research confirms that inmates who participate in educational  
2 programs are better able to support themselves upon release and less likely to return  
3 to prison; and

4 WHEREAS, Inmates who participate in education and occupational skills  
5 training programs have higher wages after release and are 23 percent less likely to  
6 return to prison; and

7 WHEREAS, In 2001 the Correctional Education Program reported a 63 percent  
8 GED completion rate, the highest of any educational agency in the State; and

9 WHEREAS, Of the 19,800 inmates found eligible in 2000, only 47 percent  
10 received any educational services; and

11 WHEREAS, As of January 2002, 1,800 inmates were on education waiting lists;  
12 now, therefore,

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Education**

16 22-104.

17 (a) Notwithstanding any other provision of law, Patuxent Institution is a  
18 correctional institution within the Division of Correction and under the jurisdiction of  
19 the Education Coordinating Council for Correctional Institutions for the funding of  
20 educational programs only.

21 (b) Funds for the operation of the educational programs in correctional  
22 institutions shall be provided in the budget of the State Department of Education.

23 (c) The Department of Public Safety and Correctional Services and other  
24 State agencies may contribute to these programs.

25 (d) Funds appropriated for educational programs in correctional institutions  
26 may not be diverted, by budget amendment or otherwise, to any other purpose.

27 (E) (1) THE STATE DEPARTMENT OF EDUCATION SHALL REDUCE THE  
28 NUMBER OF INMATES ON THE WAITING LIST FOR EDUCATIONAL PROGRAMS IN  
29 CORRECTIONAL INSTITUTIONS OVER A 5-YEAR PERIOD, BEGINNING IN FISCAL YEAR  
30 2006.

31 (2) (I) THE STATE DEPARTMENT OF EDUCATION SHALL CREATE A  
32 PLAN THAT ASSURES THE FULL, APPROPRIATE, AND EFFICIENT USE OF ALL  
33 RESOURCES APPROPRIATED IN SUPPORT OF A REDUCTION OF THE NUMBER OF  
34 INMATES ON WAITING LISTS FOR EDUCATIONAL PROGRAMS IN CORRECTIONAL  
35 INSTITUTIONS.

36 (II) THIS PLAN SHALL INCLUDE:

- 1                                   1.       THE NUMBERS OF INDIVIDUALS TO BE SERVED;
- 2                                   2.       THE EDUCATIONAL PROGRAMS TO BE PROVIDED;
- 3                                   3.       THE PROJECTED COSTS OF PROVIDING THE  
4 EDUCATIONAL PROGRAMS; AND
- 5                                   4.       THE MEANS USED TO PRIORITIZE THE INDIVIDUALS ON  
6 THE WAITING LIST WHO WILL BE FIRST FOR THE EDUCATIONAL PROGRAMS.

7                                   (III)     THE PLAN SHALL BE SUBMITTED ON OR BEFORE FEBRUARY 1,  
8 2005, AND ANNUALLY THEREAFTER, THROUGH 2010, TO THE GOVERNOR AND THE  
9 CHAIRMAN OF THE SENATE BUDGET AND TAXATION COMMITTEE, SENATE  
10 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, HOUSE  
11 APPROPRIATIONS COMMITTEE, AND HOUSE WAYS AND MEANS COMMITTEE.

12                                  (3)       THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL  
13 SUFFICIENT FUNDS TO CARRY OUT THIS SECTION.

14       SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any  
15 other provision of law, general funds appropriated in connection with the waiting list  
16 reduction initiative for educational programs in correctional institutions within the  
17 State Department of Education that remain unexpended at the end of each fiscal year  
18 shall not revert to the General Fund and shall remain available for expenditure on  
19 the waiting list reduction initiative for educational programs in correctional  
20 institutions within the State Department of Education in each subsequent fiscal year.

21       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 2004.