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HOUSE BILL 10-1112

BY REPRESENTATIVE(S) Miklosi, Court, Hullinghorst, Labuda, McFadyen, Merrifield, Pace, Ryden, Schafer S., Solano, Todd, Tyler, Vigil, Carroll T., Apuan, Fischer, Primavera, Stephens;
also SENATOR(S) Newell, Boyd, Foster, Heath, Hudak, Kester, Romer, Schwartz, Steadman, Whitehead, Williams.

CONCERNING THE "CORRECTIONAL EDUCATION PROGRAM ACT OF 1990".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 17-32-102, Colorado Revised Statutes, is amended to read:

17-32-102. Legislative declaration. (1) The general assembly hereby finds and declares that illiteracy is a problem in today's society and a particular problem among persons in correctional facilities.

(2) The general assembly further finds and declares that:

(a) Illiteracy ~~AND COGNITIVE AND VOCATIONAL DEFICIENCIES~~ among persons in the custody of the department ~~contributes~~ ~~CONTRIBUTE~~ to their ~~frustration~~ ~~INABILITY TO SUCCESSFULLY REINTEGRATE INTO SOCIETY UPON THEIR RELEASE FROM CUSTODY~~ and the likelihood of their return to criminal

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

activity; AND

(b) RESEARCH DEMONSTRATES A CLEAR RELATIONSHIP BETWEEN EMPLOYMENT OF SUCH PERSONS AND A REDUCTION IN THEIR RECIDIVISM.

(3) It is therefore the intent of the general assembly in enacting this article to:

(a) Develop and implement a comprehensive competency-based ~~education~~ EDUCATIONAL AND VOCATIONAL program to combat illiteracy AND DEVELOP MARKETABLE EMPLOYMENT SKILLS among persons in correctional facilities so ~~that~~ they can become ~~more~~ productive members of society when THEY ARE reintegrated into ~~the community~~ SOCIETY; AND

(b) ENSURE THAT STATE FUNDING IS PROVIDED TO EDUCATIONAL AND VOCATIONAL PROGRAMS THAT MEET PERFORMANCE OBJECTIVES, PROVIDE MARKET-RELEVANT TRAINING, AND ARE PROVEN TO INCREASE THE LIKELIHOOD THAT PERSONS WHO ARE RELEASED FROM A CORRECTIONAL FACILITY WILL SUCCESSFULLY REINTEGRATE INTO SOCIETY.

SECTION 2. 17-32-103 (1), Colorado Revised Statutes, is amended to read:

17-32-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Correctional education program" means the comprehensive competency-based ~~education~~ EDUCATIONAL AND VOCATIONAL program for persons in the custody of the department developed and implemented pursuant to the provisions of this article in order to ensure that each such person reaches maximum proficiency AND READINESS FOR REINTEGRATION INTO SOCIETY.

SECTION 3. The introductory portion to 17-32-105 (1) and 17-32-105 (1) (b), (1) (c), (1) (d), (1) (e), and (4), Colorado Revised Statutes, are amended, and the said 17-32-105 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

17-32-105. Development of correctional education program - goals and objectives - performance objectives - evaluation - transfers

of custody - reports. (1) On and after July 1, 1990, the CORRECTIONAL EDUCATION program shall have responsibility for the provision of educational services to persons in correctional facilities under the control of the department and for the development and implementation of a comprehensive competency-based ~~education~~ EDUCATIONAL AND VOCATIONAL program, which program shall conform to the goals and objectives outlined in this subsection (1). The correctional education program may be implemented in phases with the goals and objectives implemented in all facilities in the order specified in this subsection (1); except that the goal and objective stated in paragraph (a) of this subsection (1) shall be implemented in all correctional facilities no later than July 1, 1991, and the entire program shall be completely implemented in all correctional facilities no later than July 1, 1992. The program shall continue to operate instructional services currently offered in correctional facilities until such services are incorporated in or replaced by instructional services offered under the correctional education program. The correctional education program shall encompass the following goals and objectives:

(b) Second, to ensure that every person in a correctional facility who ~~has two years or more remaining to serve on his sentence at the time that he is received at the facility and who~~ AN EXPECTATION OF RELEASE FROM CUSTODY WITHIN FIVE YEARS AND lacks basic and functional literacy skills receive adult basic education instruction in accordance with the provisions of subsection (3) of this section;

(c) Third, to provide every person in a correctional facility who has an expectation of release from custody within five years with the opportunity to achieve functional literacy, specifically the ability to read and write the English language and the ability to perform routine mathematical functions prior to his OR HER release;

(d) Fourth, to provide every person in a correctional facility who has an expectation of release from custody within five years and who has demonstrated the intellectual capacity with the opportunity to obtain the equivalent of a high school education. A person who wishes to receive a standard high school diploma shall ~~be required to~~ meet the graduation requirements established by the school district where ~~such person~~ HE OR SHE was last enrolled or ~~to~~ pass an equivalency examination. To be eligible to receive credit for completion of a course required for the receipt of a high school diploma, a person shall ~~be required to~~ have satisfied the

requirements for such course established by the school district where ~~such person~~ HE OR SHE was last enrolled.

(e) Fifth, to ensure that every person in a correctional facility who has an expectation of release from custody within five years ~~be released possessing~~ HAS AN OPPORTUNITY TO ACQUIRE at least entry-level marketable vocational skills in one or more occupational fields for which there is a demonstrable demand in the economy of this state;

(4) This section shall not affect the eligibility of any person for educational training PROGRAMS, VOCATIONAL PROGRAMS, or OTHER programs expressly created under federal or state statutes, regulations, or orders.

(5) ON OR BEFORE DECEMBER 31, 2010, THE DEPARTMENT SHALL DEVELOP A PLAN FOR EACH EDUCATIONAL OR VOCATIONAL PROGRAM OFFERED PURSUANT TO THIS ARTICLE TO MEET THE FOLLOWING PERFORMANCE OBJECTIVES:

(a) THE DEPARTMENT IS ENCOURAGED TO USE A VOCATIONAL SKILLS ASSESSMENT TO DETERMINE THE VOCATIONAL NEEDS OF EACH OFFENDER WHO IS ELIGIBLE TO PARTICIPATE IN A VOCATIONAL PROGRAM. TO THE EXTENT PRACTICABLE, THE DEPARTMENT SHALL ASSIGN EACH SUCH OFFENDER TO A VOCATIONAL PROGRAM BASED ON THIS ASSESSMENT.

(b) THE PROGRAM SHALL USE A CURRICULUM OR A SET OF TRAINING PRACTICES THAT IS:

(I) APPROVED BY THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115, C.R.S., OR THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION CREATED IN SECTION 23-60-104, C.R.S.; OR

(II) DESCRIBED AS PART OF AN AGREEMENT OR CONTRACT ENTERED INTO PURSUANT TO SECTION 17-32-106 (1) (b).

(c) THE PROGRAM SHALL PROVIDE OFFENDERS TRAINING AND COMPETENCY IN MARKETABLE SKILLS THAT ARE RELEVANT AND LIKELY TO BE IN DEMAND IN THE WORKPLACE AS DETERMINED BY DATA PROVIDED TO THE DEPARTMENT BY THE DEPARTMENT OF LABOR AND EMPLOYMENT PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(6) ON OR BEFORE OCTOBER 1, 2010, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN SECTION 24-1-121, C.R.S., SHALL PROVIDE THE DEPARTMENT WITH DATA ON CURRENT MARKET TRENDS AND LABOR NEEDS IN COLORADO TO ASSIST THE DEPARTMENT IN PROVIDING EDUCATIONAL AND VOCATIONAL PROGRAMS THAT SATISFY THE PERFORMANCE OBJECTIVE DESCRIBED IN PARAGRAPH (c) OF SUBSECTION (5) OF THIS SECTION.

(7) WHEN CONSIDERING AN OFFENDER FOR TRANSFER, THE DEPARTMENT SHALL TAKE THE OFFENDER'S ENROLLMENT IN AN EDUCATIONAL OR VOCATIONAL PROGRAM INTO CONSIDERATION UNLESS THE OFFENDER IS GRANTED PAROLE OR IS PLACED INTO A COMMUNITY CORRECTIONS PROGRAM PURSUANT TO ARTICLE 27 OF THIS TITLE. IF THE DEPARTMENT TRANSFERS AN OFFENDER ENROLLED IN AN EDUCATIONAL OR VOCATIONAL PROGRAM TO ANOTHER FACILITY, THE DEPARTMENT IS ENCOURAGED TO GIVE THE OFFENDER PRIORITY FOR PLACEMENT IN A COMPARABLE EDUCATIONAL OR VOCATIONAL PROGRAM IF SUCH A PROGRAM EXISTS AT THE FACILITY.

(8) THE DEPARTMENT SHALL ANNUALLY REPORT THE FOLLOWING INFORMATION CONCERNING EDUCATIONAL AND VOCATIONAL PROGRAMS OFFERED PURSUANT TO THIS ARTICLE:

(a) A LIST OF THE SPECIFIC PROGRAMS OFFERED AT EACH STATE-OPERATED FACILITY AND PRIVATE PRISON THAT HOUSES OFFENDERS ON BEHALF OF THE DEPARTMENT;

(b) THE NUMBER OF INSTRUCTORS AND THE NUMBER OF INSTRUCTOR VACANCIES, BY PROGRAM AND FACILITY;

(c) THE ANNUAL CAPACITY OF EACH PROGRAM;

(d) THE ANNUAL ENROLLMENT OF EACH PROGRAM, INCLUDING THE NUMBER OF OFFENDERS WHO WERE PLACED ON A WAITING LIST FOR THE PROGRAM AND THE AVERAGE LENGTH OF TIME SPENT ON THE WAITING LIST BY EACH SUCH OFFENDER;

(e) THE NUMBER OF OFFENDERS WHO SUCCESSFULLY COMPLETED EACH PROGRAM IN THE PREVIOUS FISCAL YEAR;

(f) THE NUMBER OF OFFENDERS WHO ENROLLED IN EACH PROGRAM BUT FAILED TO SUCCESSFULLY COMPLETE THE PROGRAM IN THE PREVIOUS FISCAL YEAR, INCLUDING FOR EACH SUCH OFFENDER THE REASON FOR THE OFFENDER'S NONCOMPLETION;

(g) THE PERCENTAGE OF PAROLEES WHO ARE EMPLOYED FULL-TIME, EMPLOYED PART-TIME, OR UNEMPLOYED AT THE END OF THE PREVIOUS FISCAL YEAR;

(h) A SUMMARY OF THE RESULTS OF ANY PROGRAM EVALUATIONS OR COST-BENEFIT ANALYSES PERFORMED BY THE DEPARTMENT; AND

(i) THE TOTAL AMOUNT OF STATE AND FEDERAL FUNDING ALLOCATED BY THE DEPARTMENT DURING THE MOST RECENTLY COMPLETED FISCAL YEAR FOR VOCATIONAL AND EDUCATIONAL PROGRAMS, INCLUDING INFORMATION CONCERNING THE ALLOCATION OF EACH SOURCE OF FUNDING AND THE AMOUNT OF FUNDING RECEIVED BY EACH PROGRAM.

SECTION 4. 17-32-106 (1) (b), Colorado Revised Statutes, is amended to read:

17-32-106. Powers and duties of the program. (1) In connection with the development and implementation of the correctional education program, the program shall have the following powers and duties:

(b) To enter into agreements and contracts with ~~public~~ school districts, CHARTER SCHOOLS, nonpublic schools, community colleges, junior colleges, state colleges and universities, TRADE UNIONS, PRIVATE OCCUPATIONAL SCHOOLS, PRIVATE BUSINESSES, THE DEPARTMENT OF LABOR AND EMPLOYMENT CREATED IN SECTION 24-1-121, C.R.S., STATE AND LOCAL GOVERNMENT AGENCIES, and private agencies as may be deemed appropriate for the purpose of providing instructional services necessary to implement the correctional education program. Agreements and contracts for the provision of instructional services shall expressly state the educational goals and objectives of the program and the specific requirements for instructional services.

SECTION 5. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August

11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO