

HJ 47 – EDUCATIONAL PROGRAMS FOR THE INCARCERATED REPORT TO THE 2023 LEGISLATURE

OVERVIEW

Legislative Council assigned House Joint Resolution No. 47 (HJ 47), requesting a study of educational programs for the incarcerated, to the Education Interim Committee (EDIC) at the Council's May 24, 2021, meeting. HJ 47 was ranked 16th of 28 study resolutions in the post-session legislator poll.

This study resolution came about after the failure of two other bills in the 2021 Legislature related to this topic:

- HB 583 proposed revising criminal justice laws to, among other things, incentivize individuals to further their education while incarcerated by issuing education credits that would potentially accelerate release from prison or community supervision. The bill also required the Department of Corrections (DOC) to evaluate the education level of inmates upon entry into a state prison.
- HB 622 proposed the establishing a pilot program that required the DOC to contract with a unit of the Montana University System to provide instruction in two tracks, one for individuals without a high school diploma and one for those with a high school diploma. Subsection (1) of the bill stated: "The purpose of the program is to provide marketable career skills to individuals who are incarcerated, in prerelease programs, or on probation or parole supervision." The bill provided a \$400,000 appropriation for the 2023 biennium.

Both failed bills and the passed resolution seem to be getting at two issues:

- incarcerated individuals often have low levels of educational attainment which likely make it difficult to find and maintain gainful employment upon release and contribute to recidivism; and
- with Montana's criminal justice policy constitutionally founded on four principles, including reformation, education has a vital role to play.

This short final report will provide a chronological summary of the committee's work and links to relevant documents as well as some policy considerations. For a full record of the committee's work, including a list of committee members and meeting minutes and videos, please go to <https://leg.mt.gov/committees/interim/eic/>

TIMELINE OF THE COMMITTEE'S WORK

(Pictures from the committee's tour of Montana State Prison, Nov. 2021)

September 2021

- [DOC Education Facts brochure](#)
- [Montana Correctional Enterprises \(MCE\) slides](#)
- [MCE handout on pre-apprenticeship programs](#)



November 2021

- Toured Montana State Prison educational and vocational training programs



January 2022

- Toured Helena Prerelease
- [Crossroads education program overview](#)
- [DOC handout on inmate education level](#)
- Presentations from other state agencies with role in inmate education/workforce training (DLI, OCHE, OPI)

March 2022

- Panel on promising practices in other states (Michigan, Oregon, US Dept of Education)



June 2022

- Information from DOC on Montana Women's Prison (MWP), [mental health services](#), and educational staffing
- Discussion with Chairman Steve Hurd of the Montana Board of Pardons and Parole

OBSERVATIONS AND POLICY CONSIDERATIONS

The committee did not develop any formal findings and recommendations or develop any legislation to recommend to the 2023 Legislature related to HJ 47 but appreciated the opportunity to learn about education programs for the incarcerated. As the statistics to the right show, many incarcerated individuals have very low educational attainment, something that may impede their vocational pursuits, and contribute to recidivism. Educational/vocational programs for the incarcerated matter, and the committee enjoyed interacting with the inmates in these programs and appreciates the hard work of DOC educators.

In 2020, 67% of inmates did not have a verifiable diploma or high school equivalency credential at intake.

On average, nearly 4 out of 5 inmates participating in DOC education programs are at or below a 4th grade level in math and reading.

One thing DOC Director Brian Gootkin emphasized immediately as the committee began its tour of Montana State Prison in Deer Lodge is that educational programs cannot happen without sufficient numbers of correctional officers to ensure everyone's safety. In the current labor market with record low unemployment, ensuring an adequately staffed corrections system is essential.

One recurring question over the course of the interim was about the opportunities available at the various men's facilities as well as at MWP. The DOC shared with the committee its desire to see facility improvements at MWP to enhance the educational/vocational opportunities there. On the men's side, committee members wondered that if similar robust offerings cannot exist at all facilities, would it be possible for inmate placement to be based in part on educational/vocational opportunities.

Finally, one of the failed bills that led to HJ 47, proposed at least a partial return to a "good (or earned) time" policy. Good time policies create a formula system to incentivize good behavior (like earning educational/vocational credentials) by reducing sentence length or the time to parole consideration. This type of policy was among several policy recommendations made by Sean Addie, Director of Correctional Education at the US Department of Education, during a presentation to the committee in March 2022. The Montana Legislature eliminated good time in 1995 during a [period of much study and debate on criminal justice and sentencing reform](#). Currently, a prisoner's educational/vocational progress and attainment are among the factors that may be considered by the Montana Board of Pardons and Parole under [46-23-208, MCA](#). This question about the potential benefits of a return to good time policies may continue to percolate.