

# STATE OF NEW YORK

2323

2021-2022 Regular Sessions

## IN ASSEMBLY

January 14, 2021

Introduced by M. of A. AUBRY, O'DONNELL -- read once and referred to the Committee on Correction

AN ACT to establish a commission on post-secondary correctional education; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. The legislature finds that  
2 the availability of post-secondary correctional education has the poten-  
3 tial to reduce recidivism, increase employment opportunities for inmates  
4 upon release and have a positive impact on prison safety and security.  
5 The legislature further finds that there is currently a lack of avail-  
6 able post-secondary educational opportunities for inmates in the New  
7 York state prison system.

8 Studies have consistently found that the higher the level of education  
9 attained, the more likely a former inmate will be to obtain gainful and  
10 stable employment, and the less likely he or she will be to engage in  
11 future criminal activity. However, in 1994, federal tuition assistance,  
12 in the form of Pell Grants, for individuals incarcerated in federal and  
13 state correctional facilities was terminated with the enactment of the  
14 Violent Crime Control and Law Enforcement Act. Then, in 1995, New York  
15 prohibited inmates from accessing state funds through the Tuition  
16 Assistance Program (TAP) for post-secondary correctional education.  
17 According to a report published by the Correctional Association of New  
18 York in January, 2009, entitled "Education From the Inside, Out: The  
19 Multiple Benefits of College Programs in Prison," only four out of  
20 seventy post-secondary correctional education programs continued to  
21 operate in New York following the termination of TAP availability for  
22 inmates.

23 According to the Correctional Association of New York report, statis-  
24 tical evidence from several highly regarded studies demonstrates that

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 college programming in prison is a highly effective tool in reducing  
2 recidivism. For example, the report cites a 1991 study released by New  
3 York's department of correctional services that found inmates who earned  
4 a degree while incarcerated had a 26.4 percent recidivism rate whereas  
5 44.6 percent of participants who did not earn a degree were returned to  
6 custody. The report cites another influential study, published in 2004,  
7 "Post-Secondary Correctional Education and Recidivism: A Meta-Analysis  
8 of Research Conducted 1990-1999," that found inmates who participated in  
9 post-secondary correctional education programs recidivated 22 percent of  
10 the time and those who did not participate had a recidivism rate of 41  
11 percent. Further, the New York state commission on sentencing reform  
12 recently reported that post-secondary correctional education programs  
13 have been shown to reduce recidivism by up to 40% and the commission  
14 recommended that more post-secondary educational opportunities be made  
15 available to inmates.

16 The Correctional Association of New York report also asserts that  
17 in-prison college programs are a cost-effective method of improving  
18 public safety. The report states that "the cost differences in education  
19 versus incarceration in New York, plus the short- and long-term benefits  
20 of a better educated population, makes investment in higher education  
21 for incarcerated individuals and people in the community smart fiscal  
22 policy." The report cites one cost-benefit analysis that found the cost  
23 to a state per crime prevented by offering education to inmates is about  
24 \$1,600 while the cost per crime prevented by extending prison sentences  
25 is \$2,800. In other words, according to the study, a \$1 million invest-  
26 ment in incarceration will prevent about 350 crimes, while that same  
27 investment in education will prevent more than 600 crimes meaning that  
28 correctional education may be almost twice as cost effective as incar-  
29 ceration.

30 In addition, research suggests that post-secondary programs in prison  
31 can provide inmates with an incentive for good behavior and greatly  
32 enhance an inmate's problem-solving skills thereby reducing tension and  
33 violent interactions between inmates and staff and among inmates.  
34 Reportedly, inmates who attend post-secondary educational classes are  
35 among the best-behaved of the inmate population because there is a  
36 strong incentive to avoid conduct that could result in discipline and a  
37 loss of credit for the college program.

38 Despite the potential benefits of post-secondary correctional educa-  
39 tion programs, only a relatively small number of programs currently  
40 operate in the New York state prisons funded mostly through private  
41 sources, federal grants for youth offenders or through small legislative  
42 initiative grants.

43 § 2. A temporary state commission, to be known as the New York state  
44 commission on post-secondary correctional education, hereinafter  
45 referred to as the commission, is hereby created to examine, evaluate,  
46 and make recommendations concerning the availability, effectiveness and  
47 need for expansion of post-secondary education in the New York state  
48 prison system. The issues to be considered by the commission shall  
49 include, but not be limited to, the following:

- 50 a. the benefits of post-secondary correctional education in improving  
51 public safety by reducing recidivism;
- 52 b. the impact of post-secondary correctional education on an inmate's  
53 employment opportunities upon release from prison;
- 54 c. the impact of post-secondary correctional education on an inmate's  
55 reintegration into society upon release from prison;

1 d. the cost savings, if any, associated with reduced recidivism and  
2 the successful reintegration of released inmates who have participated  
3 in post-secondary correctional education;

4 e. the impact of post-secondary correctional education on prison safe-  
5 ty and security;

6 f. the need, if any, to expand post-secondary correctional educational  
7 programs in the New York state prison system and the costs associated  
8 with such an expansion; and

9 g. recommendations for funding options, including but not limited to  
10 the Tuition Assistance Program, to increase that availability of post-  
11 secondary correctional education in the New York state prison system.

12 § 3. The commission shall consist of fifteen members, to be appointed  
13 as follows: four members shall be appointed by the governor and shall  
14 include the commissioner of the department of correctional services, and  
15 one member each from the division of parole, the division of criminal  
16 justice services and the New York state higher education services corpo-  
17 ration; six members, with three appointments by the temporary president  
18 of the senate and three by the speaker of the assembly, shall be repre-  
19 sentatives of private providers of post-secondary education services in  
20 New York state prisons, criminal justice advocates, and academic profes-  
21 sionals; one member shall be appointed by the minority leader of the  
22 senate; and one member shall be appointed by the minority leader of the  
23 assembly. The remaining members shall be the chancellor, or his or her  
24 designee, of the city university of New York, the chancellor, or his or  
25 her designee, of the state university of New York and the commissioner  
26 of the state department of education. The commission shall be co-chaired  
27 by the commissioner of the state department of correctional services and  
28 the commissioner of the state department of education. The vice-chair-  
29 person of the commission shall be a representative of one of the private  
30 providers of post-secondary education services as appointed by the  
31 chairpersons. Vacancies in the membership of the commission shall be  
32 filled in the manner provided for original appointments.

33 § 4. The members of the commission shall receive no compensation for  
34 their services, but shall be allowed their actual and necessary expenses  
35 incurred in the performance of their duties hereunder. To the maximum  
36 extent feasible, the commission shall be entitled to request and receive  
37 and shall utilize and be provided with such facilities, resources, and  
38 data of any court, department, division, board, bureau, commission, or  
39 agency of the state or any political subdivision thereof as it deems  
40 necessary or desirable to carry out properly its powers and duties here-  
41 under.

42 § 5. For the accomplishment of its purposes, the commission shall be  
43 authorized and empowered to undertake any studies, inquiries, surveys or  
44 analyses it may deem relevant in cooperation with or by agreement with  
45 any other public or private agency. The commission shall meet and hold  
46 public hearings or private meetings within or without the state, and  
47 shall have all the powers of a legislative committee pursuant to the  
48 legislative law.

49 § 6. The commission shall make a report of its findings, including any  
50 recommendations for legislative action as it may deem necessary and  
51 appropriate, to the governor, the temporary president of the senate, the  
52 speaker of the assembly, the chairperson of the senate committee on  
53 crime victims, crime and correction and the chairperson of the assembly  
54 committee on correction no later than one year after the effective date  
55 of this act.

1 § 7. This act shall take effect immediately and shall expire and be  
2 deemed repealed one year after such effective date; provided that the  
3 appointment of members to the New York state commission on post-second-  
4 dary correctional education shall be completed within sixty days of such  
5 effective date.