

Enrolled Senate Bill 189

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of Corrections)

CHAPTER

AN ACT

Relating to corrections education; creating new provisions; amending ORS 421.081, 421.084, 421.121 and 423.085; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The Corrections Education Advisory Committee is abolished.

SECTION 2. ORS 421.081 is amended to read:

421.081. *[(1) A Corrections Education Advisory Committee is established. Membership of the committee consists of:]*

[(a) The Administrator of Correctional Education, who shall be the chairperson of the committee;]

[(b) The Superintendent of Public Instruction, or a person designated by the superintendent;]

[(c) The Commissioner for Community College Services, or a person designated by the commissioner;]

[(d) The chairperson of the State Board of Parole and Post-Prison Supervision, or a person designated by the chairperson; and]

[(e) A public member, to be appointed by the Governor, with professional experience in correctional education.]

[(2)] (1) The Administrator of Correctional Education shall plan, design and implement a correctional *[educational delivery]* **education** system that can be operated within the existing correctional institutions for inmates of those institutions. *[The Corrections Education Advisory Committee shall advise the administrator in the planning, design and implementation.]*

[(3)(a)] (2)(a) The primary objective of the correctional education system is the *[functional literacy]* **adult basic skills development** program *[created]* **described** in ORS 421.084.

(b) The secondary objective is to provide professional and technical education that will *[insure]* **ensure** that inmates who complete the professional and technical program will possess, at a minimum, entry-level marketable professional and technical skills in an occupational field for which there is a demand in this state.

[(4) The Administrator of Correctional Education shall provide staff for the committee and shall have administrative control and accountability for the work of the committee.]

SECTION 3. ORS 421.084 is amended to read:

421.084. (1) *[The Corrections Education Advisory Committee shall assist in the development, and]* The Administrator of Correctional Education shall *[design a functional literacy]* **administer an adult basic skills development** program for all individuals in the custody of the Department of Corrections. The program shall:

(a) Test individuals for *[functional literacy level]* **basic reading and mathematics skills or, for individuals with limited English language proficiency, English speaking skills.** Testing for basic intelligence, learning disabilities, developmental disabilities and adaptive behavior skills shall be administered as needed except that the administrator may accept equivalent test results from other sources;

(b) Except as provided in subsection (2) of this section, be mandatory for all individuals testing below *[a functional literacy level which is defined as a score of 230 on the Oregon Basic Adult Skills Inventory System functional literacy test or]* a 8.0 grade equivalency on *[other standardized tests]* **a standardized reading test approved by the National Reporting System for Adult Education of the United States Department of Education and by the Adult Basic Skills Program of the Department of Community Colleges and Workforce Development;**

[(c) Consist of a minimum of 90 days of instruction in functional literacy consisting of one and one-half hours of instruction per day for five days per week, provide progress testing and certification and provide for voluntary attendance beyond the 90-day minimum program;]

(c) Provide progress testing and certification;

(d) Provide strong incentives for entering *[and successfully completing the literacy]* **the program and for [continuing in the program beyond the 90-day minimum period] achieving the minimum reading level and, for those individuals with demonstrated ability, provide incentives for making progress toward earning a General Educational Development (GED) certificate;** and

(e) Maintain records of an individual's achievement in the program and make those records available to the State Board of Parole and Post-Prison Supervision.

(2) Testing for *[functional literacy level]* **basic skills** and participation in the *[functional literacy]* **adult basic skills development** program are not required for inmates:

(a) Sentenced to **or otherwise confined by the department for less than one year;**

(b) Sentenced to life imprisonment without parole;

(c) Sentenced to death; *[or]*

(d) Who are developmentally disabled[.]; **or**

(e) Who are specifically exempted by the Department of Corrections for security or health reasons.

[(3) For the purposes of this section, "functional literacy" means those educational skills necessary to function independently in society, including but not limited to, reading, writing, comprehension and arithmetic computation.]

SECTION 4. ORS 423.085 is amended to read:

423.085. (1) The Director of the Department of Corrections shall appoint an unclassified employee to the position of Administrator of Correctional Education.

(2) The Administrator of Correctional Education shall be employed full-time with authority over, and responsibility for, statewide corrections education programs. The administrator shall:

[(a) Chair the Corrections Education Advisory Committee created in ORS 421.081;]

[(b)] **(a)** Plan, design and implement the correctional education *[programs]* **system** required in ORS 421.081; and

[(c)] **(b)** Recommend to the Director of the Department of Corrections rules as necessary to carry out the responsibilities of the office of Administrator of Correctional Education.

(3)(a) The Department of Corrections, through the Administrator of Correctional Education, may negotiate contracts with organizations and agencies to implement the provisions of ORS 421.081[,] **and** 421.084 and this section. The Department of Corrections, in discharging its duties under this section, shall honor provisions of existing collective bargaining agreements with current employees of the department that provide for contracting out.

(b) All moneys appropriated to the Department of Corrections for general, professional and technical education instruction shall be expended only for those purposes.

SECTION 5. ORS 421.121 is amended to read:

421.121. (1) Except as provided in ORS 137.635, each inmate sentenced to the custody of the Department of Corrections for felonies committed on or after November 1, 1989, *[shall be]* **is** eligible

for a reduction in the term of incarceration for appropriate institutional behavior, as defined by rule of the Department of Corrections, and for participation in the [functional literacy] **adult basic skills development** program described in ORS 421.084.

(2) The maximum amount of time credits earned for appropriate institutional behavior or for participation in the [functional literacy] **adult basic skills development** program described in ORS 421.084 [shall] **may** not exceed 20 percent of the total term of incarceration in a Department of Corrections institution.

(3) The time credits [shall] **may** not be used to shorten the term of actual prison confinement to less than six months.

(4) The department shall adopt rules pursuant to the rulemaking provisions of ORS chapter 183 to establish a process for granting, retracting and restoring the time credits earned by the offender as allowed in subsections (1) to (3) of this section.

SECTION 6. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by Senate February 26, 2007

.....
Secretary of Senate

.....
President of Senate

Passed by House March 21, 2007

.....
Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

.....
Secretary of State