



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

March 8, 2021

The Honorable Michael Dembrow, Chair
Senate Committee on Education

Subject: Senate Bill 234

Chair Dembrow and members of the committee, my name is Nathaline Frener, and I serve as Assistant Director of the Oregon Department of Corrections (DOC) Correctional Services Division. I am providing testimony on Senate Bill (SB) 234 to share the anticipated impacts of the bill and request amendments.

What the Bill Does:

SB 234 would require DOC to consider an adult in custody's (AIC) participation in certain education programs to qualify for any monetary performance reward program as allowed under Oregon Constitution Article 1, section 41 – if the program 1) consists of General Educational Development (GED)-type training or a post-secondary education program; and 2) the program is approved by the Higher Education Coordinating Commission (HECC).

Background and Impacts:

DOC recognizes education programming as qualifying assignments under its Performance Recognition and Award System (PRAS) (OAR 291-077). DOC already awards individuals participating in educational programming while incarcerated discretionary monthly monetary performance awards (i.e., PRAS points).

The discretionary monthly monetary awards DOC currently provides to AICs under its PRAS program (OAR 291-077) do not constitute "compensation" as described in Oregon Constitution Article 1, section 41, because they are not a quid pro quo for labor or work. The Oregon Department of Justice worked with DOC on the development of the PRAS monetary awards program. PRAS is a non-compensation-based, monetary award program developed as a means to encourage AIC participation in DOC programs and provide AICs with discretionary funds. These funds are beyond the restrictions related to "compensation" paid for participation in prison work and training programs described in Oregon Constitution Article 1, section 41.

This bill would require a second approval or certification by HECC of DOC education programs. All high school equivalency, work-based education, and post-secondary opportunities offered in DOC facilities through its education partners already meet HECC and/or other recognized standards including those that earn a GED, college credit, college certification, industry-recognized certifications or licenses, or are an apprenticeship program. Therefore, requiring

DOC to obtain a second approval of its education programs creates an additional work burden on HECC and DOC. First to establish a process for the second review and approval process; and then requiring DOC and HECC to undergo the approval process each time an education partner is willing to bring in a new education program before participating AICs would be eligible for monetary performance awards as outlined in SB 234. Furthermore, some of our AICs currently participate in correspondence courses with accredited colleges and universities, and it would be inappropriate for Oregon to certify or approve other states' recognized programs.

Requested Action:

For the reasons explained above, DOC does not believe this bill will accomplish anything beyond what the Oregon Constitution and DOC already have in place. However, if this bill is moved forward, the department respectfully requests an amendment to SB 234 to eliminate the requirement for HECC approval of the education programs inasmuch as 1) DOC contracts with partner agencies, including HECC, to ensure education programs meet HECC requirements; 2) post-secondary programs provided by partner educators meet recognized standards for college credit, licensing, etc.; and 3) correspondence courses are already required to be approved in accordance with OAR 291-113. Instead, DOC proposes the HECC approval requirement be replaced with: "The program earns one of the following: high school equivalency, college credit, college degree, college certification, industry-recognized certification or license, or an apprenticeship."

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

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