

Mandated In-Prison Education

New Jersey state law requires the DOC to provide academic services for all inmates under the age of 20 years who do not have a high school diploma or G.E.D. certificate. Of the inmates released in 2002, less than 1 percent were under 20-years-old. In 2001, only 23 percent of New Jersey prisoners participated in academic or vocational training – the same percentage that had participated in 1995 (“A Portrait of Prisoner Reentry in New Jersey,” 2003, Travis, et al).

Twenty-two states have passed mandatory education laws requiring inmates who score below a certain grade level on a standardized test, usually the Test of Adult Basic Education, to attend correctional education courses while in prison, with most requiring adults who score below the 8th grade level to participate in educational programming for a specified period of time or until they meet a set achievement level (see Figure 1 on page 2, “Mandatory Education by State”). Ten of the twenty-two ‘mandatory states’ now have achievement of the GED as the requirement for program completion. Of these twenty-two states, fifteen report legislative statute as the legal basis for the program (see Figure 2 on page 3, “Laws vs. Policy for Mandatory Programs”). While the 8th grade level continues to be the most common achievement level states use, more and more states are moving to the high school diploma or GED achievement level – and the percentage of states mandating some form of education has increased significantly since 1990 (see Figure 3 on page 4, “Comparison of Voluntary vs. Mandatory Programs”). The Federal Bureau of Prisons has also implemented a mandatory education policy, requiring federal inmates who do not have a high school diploma or a GED to participate in literacy programs for a minimum of 240 hours or until they obtain their GED (“Locked Up and Locked Out: An Educational Perspective on the U.S. Prison Population,” 2006, Educational Testing Service).

In addition to mandates, many states provide positive and/or negative incentives for inmates to enroll in education classes, such as earlier eligibility for parole, extending visitation privileges, and reinstating days required to be served prior to being eligible for parole, including:

Arizona: Attainment of 8th-grade literacy tied to earned release credit.

Delaware: ‘Good time’ earned for voluntary participation.

Florida: ‘Good time’ for GED completion.

Hawaii: Education a pre-condition for parole.

Kentucky: Pay and ‘good time’ for participation.

Minnesota: Diploma or GED tied to wage increases.

Montana: 3-month commitment signed; non-completion has parole consequences.

Oklahoma: GED completion influences parole decision.

Pennsylvania: No job assignment for refusal to participate in education.

Texas: Participation required for parole.

Source: Jerry McGlone, “Status of Mandatory Education in State Correctional Institutions,” U.S. Department of Education, Office of Vocational and Adult Education, 2002.

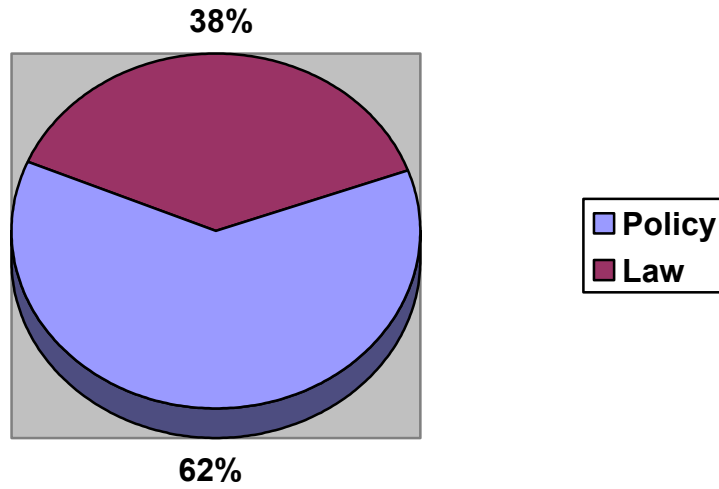
Figure 1: Mandatory Education by State

State	Mandatory Education	Legal Basis	Achievement Level	Program Length
Alabama	no			
Alaska	no			
Arizona	yes	law	8th grade	360 hours
Arkansas	yes	policy	GED	open
California	no			
Colorado	no			
Connecticut	no			
Delaware	no			
Florida	yes	law	9th	150 hours
Georgia	no			
Hawaii	yes	law	Participation or	Completion
Idaho	no			
Illinois	yes	law	> 6.0 Ave.	45 - 90 days
Indiana	no			
Iowa	yes	law	> 6th progress GED	open
Kansas	no			
Kentucky	no			
Louisiana	no			
Maine	no			
Maryland	yes	law	GED	120 days
Massachusetts	yes	law	> 5.9 TABE	4-6 months
Michigan	yes	law	GED	Waivers
Minnesota	no			
Mississippi	no			
Missouri	yes	policy	GED	open
Montana	yes	policy	> 6.0	1 year
Nebraska	no			
Nevada	no			
New Hampshire	no			
New Jersey	no			
New Mexico	yes	law	GED	up to < 18 months
New York	yes	policy	9th grade	open
North Carolina	yes	policy	6th grade	4 months
North Dakota	no			
Ohio	yes	law	GED	100 days
Oklahoma	yes	law	8th grade	open
Oregon	yes	law	< 230 on CASAS	135 hours
Pennsylvania	yes	policy	8th grade	200 hours
Rhode Island	no			
South Carolina	yes	policy	8th grade	open
South Dakota	no			
Tennessee	no			
Texas	yes	law	individualized	open
Utah	no			
Vermont	yes	law	< age 21	HS Diploma
Virginia	no			
Washington	yes	law	GED or >22	open to 22
West Virginia	no			
Wisconsin	no			
Wyoming	no			

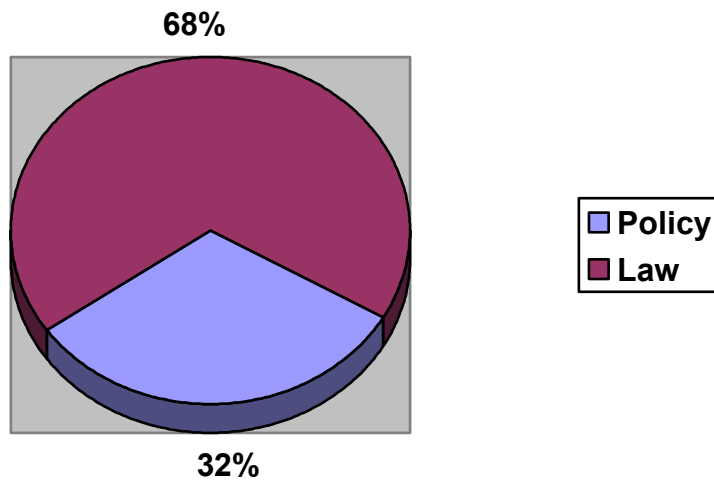
Source: Jerry McGlone, "Status of Mandatory Education in State Correctional Institutions," U.S. Department of Education, Office of Vocational and Adult Education, 2002.

Figure 2: Laws vs. Policy for Mandatory Programs

1990

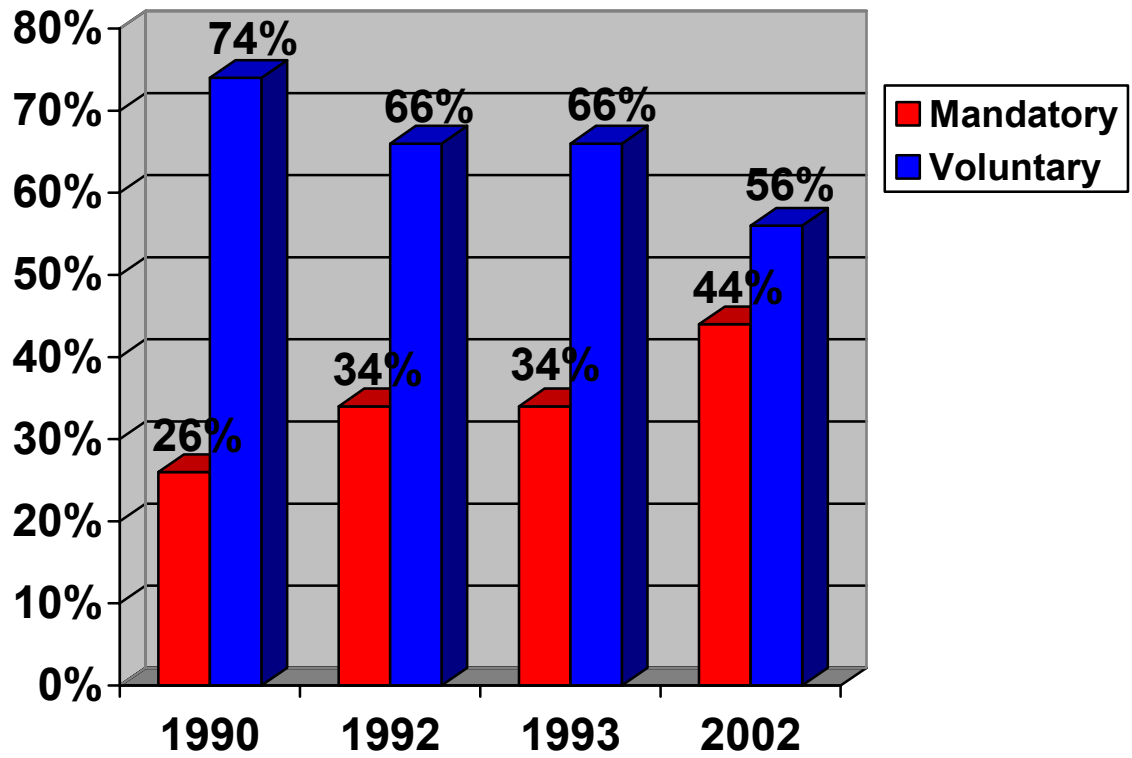


2002



Source: Jerry McGlone, "Status of Mandatory Education in State Correctional Institutions," U.S. Department of Education, Office of Vocational and Adult Education, 2002.

Figure 3: Comparison of Voluntary vs. Mandatory Programs



Source: Jerry McGlone, "Status of Mandatory Education in State Correctional Institutions," U.S. Department of Education, Office of Vocational and Adult Education, 2002.

Supporting Research

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