



COMMUNITY COLLEGE STUDY ON EARNING FTE FOR INSTRUCTION IN LOCAL JAILS

A Report to the:

Joint Legislative Education Oversight Committee

House Appropriations Committee on Education

Senate Appropriations Committee on Education/Higher Education

Fiscal Research Division

Office of State Budget and Management

Submitted by The State Board of Community Colleges

Section 9.10(b) of S.L. 2018-5

December 1, 2018

EXECUTIVE SUMMARY

Section 9.10(b) of Session Law 2018-5, *Community College Study on Earning FTE for Instruction in Local Jails*, directed the State Board of Community Colleges to study the cost changes in activity within local jails and prisons:

1. Earning regular budget full-time equivalents (FTE) for community college courses offered in local jails.
2. Reporting FTE student hours for correction education programs on the basis of student membership hours instead of contact hours.

Session Law 2010-31, s. 8.3(b) and General Statute 115D-5(c1) which impact these areas respectively restrict a community college's ability to serve specific populations of students and place undue documentation requirements to mitigate risk that is no longer present.

BACKGROUND

Prior to 2009, local jails, with interest and capacity, collaborated with community colleges to provide educational programs in adult literacy, employability skills and short-term occupational skills to individuals within the jails' population. This opportunity to provide incarcerated individuals with workforce skills was changed when S.L. 2010-31, sec. 8.3 (b) was enacted. This law states that "Courses offered in federal prison or local jails shall not earn regular budget full-time equivalents but may be offered on a self-supporting basis" which significantly limits the ability for colleges to serve this population.

Individuals housed in North Carolina county jails include those with active sentences within the county as well as individuals involved in the Statewide Misdemeanant Confinement Program (SMCP).

Under the current language, community colleges are, for practical purposes, unable to support individuals housed in county jails from receiving educational services that would impact their ability to re-enter their local communities in a positive way. Further, the current law places local sheriffs and counties at a significant disadvantage when in the market to provide short-term educational programs to reduce recidivism within their communities. Current law requires them to cover the full cost of instruction using local tax dollars rather than at the state set rates for tuition and registration. Most counties simply lack the funds to cover the self-supporting cost of instruction within their facilities.

G.S. 115D-5(c1)

Community colleges shall report full-time equivalent (FTE) student hours for correction education programs on the basis of contact hours rather than student membership hours. No community college shall operate a multi-entry/multi-exit class or program in a prison facility, except for a literacy class or program.

This language mitigated risk of potential over reporting of student membership hours when incarcerated students were eligible for a registration fee waiver for community college courses. The prison inmate fee waiver was repealed in S.L. 2011-45, s. 8.12(a). North Carolina Department of Public Safety now receives a budget allocation for prisoner education and prison facilities work collaboratively with community colleges to identify and offer appropriate courses tied to job skills, transition needs, or both as required by General Statute 115D-5(c).

With the repeal of the prison inmate fee waiver authority and the language within 115D-5 that the State Board and the Department of Public Safety shall collaborate to ensure programs match the average length of stay of an individual in a prison facility, the risk of over reporting student membership hours is nominal. Conversely there is a cost in resources to the college to maintaining hourly reporting documentation on the over 2,500 course sections with more than 35,000 registrations on average for programs offered in prison facilities throughout the state.

Earning Budget FTE in Local Jails

Instructional opportunities would impact two primary populations within the local jails, misdemeanor active sentences and misdemeanants. Reach into facilities would be dependent on local jail capacity to support educational programs for incarcerated individuals. Based on survey information obtained from local jails, with the support of the North Carolina Sheriffs' Association, approximately 40% of jail facilities have the capacity to support educational programs through community colleges.

Using that number paired with average length of stay information, an estimated impact of providing instruction within county jails is 514 budget FTE with a budget value of approximately \$1.1 million.

Average population counts, discounted to 40%, and average sentences are outlined in the chart below:

Misdemeanors*	Average Population (40%)	Average Sentence - Days	Average Instructional Hours	FTE	FTE Value
Class AI	1,396	34	40	109	\$ 243,124
Class I	6,082	18	24	285	\$ 635,677
Misdemeanants**	512	228	120	120	\$ 267,583
					\$ 1,146,385

*FY 2017 Sentencing and Policy Advisory Commission, *Structured Sentencing Statistical Reports for Felonies and Misdemeanors*, February 2018.

**FY 2017-18 Statewide Misdemeanant Confinement Program Annual Report

Where facilities have space, there is significant willingness and interest in providing those incarcerated in local jails access to training that prepares them to enter the workforce upon release. There is general agreement that educational intervention for those currently housed in local jails would be positive for both the individuals and the communities in which they will eventually reside. A quote from a jail

administrator responding to the survey reflects the general perspective, “I would love to see programs in the jail which may affect a person's choice upon release and deter them from returning to jail.”

Reporting FTE Student Hours in Correction Education

In response to how colleges report FTE student hours for correction education, a review of student membership hours across the 43 community colleges providing training in prison facilities indicates a modest increase in budget FTE in a transition away from contact hour reporting for skills training programs. The average increase in budget FTE, across the three most recent reporting years (2015 – 2017), is 800 budget FTE across all institutions. Applied against the 2017 funding tier values, this change would have generated an increase of approximately \$2.3 million in budget FTE.

The documentation requirement for hourly reporting within the prison facilities increases workload for instructors, registrars and compliance personnel in addition to creating an exposure to loss for colleges. This exposure manifests when a college begins a course section at a facility and the prison must move a prisoner or prisoners out of the instructional environment. The college has incurred the cost of operating the course with an expectation of a given number of students/hours and regardless of original intent is now operating the course at a loss due to the contact hour reporting structure.

RECOMMENDATION

Amend S.L. 2010-31, sec. 8.3(b)

Courses in federal prisons ~~or local jails~~ shall not earn regular budget full-time equivalents but may be offered on a self-supporting basis.

This amendment is supported by the North Carolina Sheriffs' Association and the State Reentry Council Collaborative's – Education and Vocational Sub-committee.

Amend G.S. 115D-5(c1)

~~Community colleges shall report full time equivalent (FTE) student hours for correction education programs on the basis of contact hours rather than student membership hours. No community college shall operate a multi entry/multi exit class or program in a prison facility, except for a literacy class or program.~~

The State Board shall work with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety on offering classes and programs that match the average length of stay of an individual in a prison facility.

This amendment supports the colleges' ability to effectively provide training programs and removes a documentation burden that no longer serves its original purpose of mitigating risk.

This amendment is supported by the State Reentry Council Collaborative's – Education and Vocational Sub-committee.

CONCLUSION

The amendment of S.L. 2010-31, s. 8.3(b) and G.S. 115D-5(c1) enables colleges to better serve their communities and to do so in a more efficient manner.

Striking the language of ‘...local jails...’ from existing session law will provide educational opportunities around literacy and employability skills to individuals incarcerated by the county and those involved in the SMCP in local jails giving them skills necessary to re-enter their local communities and the workforce in productive capacities. The link to local community colleges established by restoring this training provides the opportunity for individuals to make positive connections to continue their educational pathway leading to careers in living wage occupations upon completion of their sentence. Education can significantly impact recidivism rates and can shift the direction of individuals serving misdemeanor or misdemeanant eligible sentences away from escalating involvement with law enforcement and towards productive community engagement.

Striking the language that requires colleges to report all student membership hours as contact hours will reduce documentation and limit exposure of loss for colleges. This documentation provides no additional benefit to the educational process and no value towards risk mitigation. Providing the ability to report prison courses as regularly scheduled allows the colleges to operate more efficiently and utilize their resources in more effective capacities.