



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

March 28, 2023

The Honorable Michael Dembrow, Chair
Senate Committee on Education

Subject: Senate Bill 270

Chair Dembrow and members of the committee, my name is Larry Bennett, and I serve as Assistant Director of the Oregon Department of Corrections (DOC) Correctional Services Division. I am providing neutral testimony on Senate Bill (SB) 270.

What the Bill Does:

SB 270 would allow adults in custody to enroll in an academic program at any post-secondary educational program in which they are accepted, provided the program is consistent with DOC administrative rules and regulations.

Background and Impacts:

With the arrival of Pell Grant eligibility for individuals in custody starting in July 2023, DOC and its higher-education partners are eager to implement access to post-secondary education in DOC prisons. DOC believes the intent of this bill is to allow students eligible for Pell Grants to enroll in post-secondary education opportunities other than those offered by the community college serving the area in which their institution is located. However, as currently written, DOC and its partners would be unable to implement this bill.

First, the federal government regulations for Pell Grant prison education programs issued in October 2022 are burdensome on our education partners. These regulations are delaying their ability to be ready to provide post-secondary Pell Grant education programs when the grants are reinstated in July 2023. Further, each education partner must complete the Pell Grant eligibility requirements for every DOC institution in which they would like to provide programs. Because of the labor-intensive application process, many education institutions across the U.S. will not be ready to begin this fall. Some of our Oregon education institutions have already expressed their unwillingness to complete all the onerous requirements. Of those willing to complete the federal requirements – such as Portland State University, Treasure Valley Community College, and Portland Community College at our pilot online education program sites – time is also needed for each education program to work with DOC’s IT department to ensure their program’s Learning Management System (LMS) is secure and compatible with DOC systems. Even with all parties’ dedicated investment of time and effort, not every willing post-secondary education institution will be able to become a federally approved available option for AIC students as one of the “academic program(s) at any community college,” “post-

secondary distance education academic program,” or “any other post-secondary academic program that the adult in custody applies for and is accepted into” as proposed in the bill.

Secondly, DOC could not allow a student to select an in-person class from “any” college or university unless the college or university provides in-person classes at the institution in which they reside. For instance, an adult in custody could enroll in a University of Oregon in-person course at the Oregon State Penitentiary, but a student from the Two Rivers Correctional Institution in Umatilla could not enroll in an in-person University of Oregon course. As for online college, in September 2023, DOC will be able to provide online courses at two pilot institutions thanks to the passage of Senate Bill 1522 (2022); but DOC does not have the staff, equipment, nor IT resources to accommodate student enrollment in online courses at the remaining ten DOC facilities.

DOC’s current resources restrict the ability to comply with this bill. As much as DOC would like to expand the post-secondary education opportunities in its institutions, DOC does not have the staff needed to offer new post-secondary educational programs at every facility. Except for our pilot program locations, there are currently no DOC educational staff at any of our facilities. SB 1522 (2022) gave DOC two educational staff for both pilot online education programs at Coffee Creek Correctional Facility and Snake River Correctional Institution – one to supervise the computer lab for online college classes and the other one to be able to work with the colleges and coordinate both online and in person classes, do call outs for students, and coordinate classroom times and space. Without similar staffing at the remaining ten institutions, DOC would not have the resources needed to allow students to enroll and participate in the education programs as identified in this bill.

Together, this means it would be impossible for every potential student to be able to choose and enroll in a program with “any” post-secondary program as currently identified in this bill.

Also of concern is that while the bill references ORS chapter 341, and Section 2(1)(a) specifies community college academic programs, Sections 2(1)(b) and 2(1)(c) do not specify they pertain to programs offered through community colleges – this could open up the program to many unaccredited or even out-of-state programs.

Requested Action:

DOC is diligently working with existing education partners to help them process through the Pell Grant regulations. However, because of the amount of work and resources associated with the federal requirements, a number of college and university partners are not stepping up to go through this process. DOC is concerned this bill, if passed as currently written, could cause a great deal of frustration to adults in custody if they believed the new statutes would allow them to enroll with any education provider of their choosing.

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DOC fully supports offering post-secondary programming at all of its facilities but believes an amendment allowing DOC to engage with education providers outside of the correctional institution's local community college geographical district would better meet the intent of this bill. This would also allow DOC to comply with the federal Pell Grant requirements to select education programs that are in the best interests of its students.

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

Submitted by:

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