

**REGULATION AND POLICY MANAGEMENT BRANCH**

P.O. Box 942883  
Sacramento, CA 94283-0001



August 17, 2020

**NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED**

You are receiving this notice because you provided comments or expressed an interest in receiving notice of changes to the California Department of Corrections and Rehabilitation amendments to the California Code of Regulations concerning Education Assignments.

Notice of Change to Regulations 20-05 was noticed to the public on May 15, 2020. The full text of the originally proposed amendments is shown in its original single underline and ~~striketrough~~ format. The changes provided in this 1st Notice of Change to Text as Originally Proposed are indicated by **bold double underline** for additional added text, and ~~**bold double striketrough**~~ for additional deleted text to the originally proposed text.

In the attached text:

Section 3040.3 graph table is amended to add “/High School” after “GED” for clarity purposes.

Subsection 3040.3(a)(1)(D) is amended to remove the language “during course hours,” as support may be provided during or outside of class hours.

Subsection 3040.3(a)(2) is amended to omit the words “shall be transferrable,” as the Department is not authorized to determine the college courses that are transferrable to all colleges and universities. By removing this language it will reduce confusion to provide for a clearer understanding. This subsection also adds the words “or certificate” which is acceptable in addition to a degree, that courses shall lead to. The addition of this language provides for a clearer understanding.

Subsection 3040.3(a)(3)(A) is amended to remove the language “during course hours,” as support may be provided during or outside of class hours.

Subsection 3040.3(a)(4) is amended to clarify that inmates who are within six months or more prior to release shall be assigned to the course in the order in which they appear on the waiting list, subject to availability. This language is added to clarify that inmates must have at least 6 months prior to release before they can be assigned to Computer Related Technologies courses. This ensures that there is sufficient time for the course to be completed.

Subsection 3040.3(a)(5) is amended to add the language “During the classification process” prior to the word “inmates” for consistency purposes within the section. Additionally, the language “or two years prior to a parole consideration” is removed, as inmates who are within two years prior to a parole consideration are not required to be

placed on a waiting list for Transition courses. Minor grammatical changes were made for consistency purposes.

The comment period on these changes shall close on September 3, 2020. Please submit comments to Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001; fax to (916) 324-6075; or e-mail to [rpbm@cdcr.ca.gov](mailto:rpbm@cdcr.ca.gov) before the close of the comment period. Only those comments relating directly to the enclosed changes will be considered.



Ying Sun, Associate Director  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation

Attachment(s)

## 15-DAY RE-NOTICE TEXT OF PROPOSED REGULATIONS

In the following, **double underline** indicates additional text and **~~double strikethrough~~** indicates additional deleted text to the originally proposed text presented in the original single underline and strikethrough format.

### Chapter 1. Rules and Regulations of Adult Operations and Programs

#### Article 3. Work and Education

[New Section 3040.3 is adopted to read:]

#### **3040.3 Education Assignments**

(a) Institutions shall establish Adult Basic Education (ABE), Adult Secondary Education (ASE), Post-Secondary Education, Career Technical Education (CTE), Computer Related Technologies (CRT), and Transition courses that focus on increasing literacy and employability of inmates in preparation for release from state prison. Every effort shall be made to assign inmates concurrently to education programs, rehabilitative programs, and work assignments. Every effort shall be made to reasonably accommodate inmates with disabilities to enable their participation to the best of their abilities. Assignments to education programs shall be for the prescribed length of participation required to complete the course, and in accordance with the following criteria:

(1) Adult Basic Education (ABE) and Adult Secondary Education (ASE) Courses: During the classification process, inmates shall be placed on a waiting list for ABE or ASE courses if they do not have a nationally-recognized High School Diploma (HSD), High School Equivalency (HSE), or for inmates with developmental disabilities, a Certificate of Completion (certificate of attendance and participation).

(A) Inmates are responsible for authorizing official school transcripts from a regionally accredited school recognized by the United States Department of Education to be sent to the Department as proof that they have earned a HSD, HSE, or Certificate of Completion. Once the institution's school registrar receives the inmate's official school transcripts, the registrar will note the inmate's graduation status in the Strategic Offender Management System, and the student will be removed from the ABE or ASE waiting list or class.

(B) Inmates shall be assigned to the course in the order in which they appear on the waiting list, subject to space availability. Placement into the appropriate course shall be in accordance with the inmate's most recently assessed reading level on the Test of Adult Basic Education (TABE) or the Comprehensive Adult Student Assessment System (CASAS). The following chart corresponds the inmate's course placement with their reading level:

<b><u>Adult Basic Education</u></b>	<b><u>Reading Level</u></b>
<u>ABE I</u>	<u>0-3.9</u>
<u>ABE II</u>	<u>4-6.9</u>
<b><u>Adult Secondary Education</u></b>	<b><u>Reading Level</u></b>
<u>ABE III</u>	<u>7-8.9</u>
<u>GED/High School</u>	<u>9+</u>

(C) If an inmate is precluded from placement into an ABE or ASE course due to a medical or mental health diagnosis, disciplinary action, or safety or security threat, the preclusion shall be documented pursuant to Section 3375(g). Inmates at the Enhanced Outpatient Program (EOP) level of care shall participate in ABE and ASE courses in accordance with Section 3043.7(d)(1).

(D) Inmates with language barriers or developmental, cognitive, or physical impairments shall be mainstreamed in ABE and ASE courses and are offered additional assistance with course assignments ~~during course hours~~.

(2) Post-Secondary Education Courses: Inmates with a HSD or HSE may apply to colleges or universities recognized by a United States Department of Education accrediting agency. Inmates may participate via correspondence courses, or may attend onsite college courses when available and with the approval of the institution's school principal. Inmates are responsible for the payment of tuition, loans, textbooks, and other associated fees. Courses shall be college level, shall not duplicate Department course content, ~~shall be transferable~~, and shall lead to a degree or certificate.

(3) Career Technical Education (CTE) Courses: During the classification process, inmates with a medium to high need for employment based on the Department's automated needs assessment tool, per Section 3375.6, shall be placed on a waiting list for a CTE course of their choice, and on a waiting list for a CTE course recommended by the Education Administrator based on course availability. Inmates with six months to four years prior to release or six months to four years prior to a parole consideration shall receive priority assignment to a CTE course in the order in which they appear on the waiting list, subject to space availability. Inmates who have previously completed CTE courses are exempt from assignment to CTE courses.

(A) Inmates with language barriers or developmental, cognitive, or physical impairments shall be mainstreamed in CTE courses and are offered additional assistance with course assignments ~~during course hours~~.

(4) Computer Related Technologies (CRT) Courses: During the classification process, inmates shall be placed on a waiting list for CRT courses. Inmates who are within six months or more of prior to release shall be assigned to the course in the order in which they appear on the waiting list, subject to space availability. Inmates who have previously completed CRT courses are exempt from assignment to CRT courses.

(5) Transition Courses: **During the classification process,** ~~Inmates who are within two years of release or two years prior to a parole consideration~~ shall be placed on a waiting list for the Transition course. Inmates shall be assigned to the course in the order in which they appear on the waiting list, subject to space availability. Inmates who have previously completed a Transitions course are exempt from assignment to a Transitions course.

(b) Education programs are open-entry and open-exit; inmates may be assigned, reassigned, or unassigned to courses at any time throughout the year.

(1) Students may be reassigned to alternative ABE, ASE, CTE, CRT, or Transition courses on a case by case basis, with the approval of the institution's school principal. Reassignments shall be based on course prerequisites, mental health or medical diagnosis, test history, and employment need, as long as assignments are made commensurate with institutional safety and security as noted on a CDC Form 128-B (Rev. 4/74), General Chrono.

(2) Students may be unassigned from ABE, ASE, CTE, CRT, or Transition courses for good cause on a case by case basis. Reasons for unassignment include but are not limited to: Department receipt of official school transcripts indicating an inmate has earned a HSD, HSE, Certificate of Completion, or college degree, inmate release from prison, transfer of the inmate to a different institution, inmate disciplinary action, or the inmate poses a threat to institutional safety and security.

(A) Once inmates have completed educational courses, they shall be unassigned from the course.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2053 and 2053.1, Penal Code.