



Department of Corrections and Rehabilitation
NOTICE OF CHANGE TO REGULATIONS

Sections:	NCR Number:	Publication Date:	Effective Date:
3000, 3040, 3040.1, 3040.3, 3043.3, 3044, 3044.1, 3044.2, 3045, 3375, 3375.6, 3404	26-02	February 6, 2026	To Be Determined

INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the proposed amendment and adoption of several sections of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, regarding Waiting Lists and Rehabilitative Program Assignments.

PUBLIC COMMENT PERIOD

The public comment period will close on **March 24, 2026**. Any person may submit written comments about the proposed regulations by mail to the California Department of Corrections and Rehabilitation (CDCR), Regulation and Policy Management Branch (RPMB), P.O. Box 942883, Sacramento, CA 94283-0001, or by e-mail to RPMB@cdcr.ca.gov. All written comments must be received or postmarked no later than **March 24, 2026**.

PUBLIC HEARING INFORMATION

A public hearing regarding these proposed regulations will be held **March 24, 2026, from 10:00 a.m. to 11:00 a.m.** in Building C, Room 101, located at 8260 Longleaf Drive, Elk Grove CA 95758. The purpose of the hearing is to receive comments about the proposed regulations. It is not a forum to debate the proposed regulations. No decision regarding the permanent adoption of these regulations will be rendered at this hearing. Written comments submitted during the prescribed comment period are given the same significance and weight as oral comments presented at the hearing. This hearing site is accessible to the mobility impaired.

POSTING

This Notice shall be posted immediately upon receipt at locations accessible to incarcerated or supervised persons, and employees in each department facility and field office not later than five calendar days after receipt. Also, institutions and facilities shall make this Notice available for review by incarcerated persons in restricted housing who do not have access to the posted copies and shall distribute it to incarcerated person law libraries and advisory councils. CDCR Form 621-A (Rev. 05/19), Certification of Posting, shall be returned to RPMB by mail or email. See Department Operations Manual Section 12010.6.7 for posting and certification of posting procedures.

CONTACT PERSON

Inquiries regarding this Notice should be directed to Sarah Pollock, by mail to California Department of Corrections and Rehabilitation, RPMB, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (279) 223-2308, or e-mail to RPMB@cdcr.ca.gov. Inquiries regarding the subject matter of these regulations should be directed to Abby Steinmetz, Division of Rehabilitative Programs, at (279) 300-5877.

Original signed by:

JASON D. JOHNSON
Undersecretary, Operations
California Department of Corrections and Rehabilitation

Attachment

NOTICE OF PROPOSED REGULATIONS
California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the department), proposes to amend sections 3000, 3040, 3040.1, 3040.3, 3043.3, 3044, 3044.1, 3044.2, 3045, 3375, 3375.6, and 3404 of Title 15, Division 3, Chapter 1, regarding Waiting Lists and Rehabilitative Program Assignments.

PUBLIC COMMENT PERIOD

The public comment period begins **February 6, 2026**, and closes on **March 24, 2026**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the contact person listed below.

CONTACT PERSONS

<u>Primary Contact</u>	<u>Back-Up</u>	<u>Program Contact</u>
S. Pollock Telephone: (279) 223-2308 Regulation and Policy Management Branch P.O. Box 942883 Sacramento, CA 94283-0001	Y. Sun Telephone: (916) 203-9779 Regulation and Policy Management Branch P.O. Box 942883 Sacramento, CA 94283-0001	Abby Steinmetz (279) 300-5877 Division of Rehabilitative Programs P.O. Box 942883 Sacramento, CA 94283-0001

PUBLIC HEARING

Date and Time:	March 24, 2026 – 10:00am to 11:00am
Place:	State of California, Building C, First Floor, Room 101 8260 Longleaf Drive Elk Grove, CA 95758

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

Additional Authority and Reference Citations cited in the amended CCR sections include:

Sections 186.22, 243, 314, 502, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203.8, 1364, 1389, 2053, 2053.1, 2080, 2081.5, 2084, 2600, 2601, 2684, 2690, 2694, 2700, 2701, 2717.1, 2717.3, 2717.6, 2905, 2932, 2932.5, 2933, 2933.05, 2933.3, 2933.6, 2935, 3000.03, 3003.5(a), 3007.05, 3020, 3021, 3041, 3070, 3411, 3414, 3450, 3550, 4570, 4576, 5005, 5009, 5058.3, 5068, 6250, 6250.5, 6252, 6258.1, 7000 et seq., 11180 and 11191, Penal Code; Sections 4525(a), 4526, 8550, 8567, 12838, 12838.7, and 14837, Government Code; Sections 1132.4 and 1132.8, 1182, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3, 10115.3(b), and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Sections 19011, and 19012 Welfare and Institutions Code; Section 12030, Education Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker* (1997) 55 Cal.App. 4th 1004; *Madrid v. Dept. of Corrections* (N.D. Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate* (E.D. Cal. 2:08-CV-01196-TLN-EFB); *In re Garcia* (2012) 202 Cal.App.4th 892; *Quine v. Beard* (N.D. Cal. C 14-02726 JST); Cal. Const., article I, Section 32(b); Cal. Const., article I, Section 32(a)(2); *In re Monigold*, 205 Cal.App.3d 1224 (1988); Title 20 United States Code Sections 6421, 6431, 6432, 6434; Title 34 Code of Federal Regulations Sections 200.90, 200.91.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Currently, incarcerated persons are assigned to work or program assignments via a classification committee who reviews the incarcerated person's case factors to determine proper placement. Assignments to work or programs via a classification committee takes more time and is a more involved process. These proposed regulations allow for reassignment, assignment, and unassignment (without adverse reasons for doing so) of incarcerated persons for education programs, to be completed by Assignment Office staff and, in some instances, the institution's school principal or designee. This workflow improvement will allow for changes to program waiting lists and program assignments to be made more quickly, enabling quicker placement of incarcerated persons and more efficient use of staff resources.

This action will:

- Establish the Cognitive Behavioral Interventions (CBI) programs: CBI Aftercare, and CBI Short Term Education, and their criteria, within section 3040.1, Integrated Substance Use Disorder Treatment and Cognitive Behavioral Interventions Criteria.
- Allow for Division of Rehabilitative Programs (DRP) Correctional Counselor (CC) IIIs to remove incarcerated persons from specific CBI programs in certain circumstances, without requiring a classification committee action.
- Establish the Peer Literacy Mentor Program and its criteria.
- Allow for assignments, unassignments, and reassignments to alternative education, education support, and voluntary education programs to be made by the institution school principal or designee, based on specific criteria, and without a classification committee action.
- Allow for reassignments to traditional education programs to be made by DRP Office of Correctional Education staff via the automated Education Progress Record (03/2025) and signed by the institution school principal or designee, based on specific criteria, without a classification committee action.
- Incorporate by reference the automated Education Progress Record (03/2025), into the California Code of Regulations, Title 15.
- Establish that incarcerated persons are placed in Adult Basic Education (ABE) or Adult Secondary Education (ASE) courses based upon their highest assessed reading level on their current term of incarceration, absent a health care recommendation.
- Revise and add primary determinants for priority placement on institution waiting lists.
- Adopt language which establishes educational and work programs that will be considered to have satisfied a medium to high need for employment based on the department's automated needs assessment tool.

- Adopt language that requires the Warden’s approval for the hiring of ex-offenders to be employed as a contractor or serve as a volunteer within an institution or perform duties that require communication with incarcerated persons.

DOCUMENTS INCORPORATED BY REFERENCE

Automated Education Progress Record (03/2025)

This note explains the department’s justification for incorporating forms by reference. The department uses over 1,500 forms, many of which are regulatory. It would be unduly cumbersome, expensive and impractical to print all of these forms in the CCR text, therefore the department has always incorporated forms by reference, except in specific circumstances which do not apply in the case of these regulations.

The adopted, amended, and/or repealed forms included in this rulemaking action are available to the public for review and are included in the notice of rulemaking sent to all parties who have requested notification.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will provide for greater flexibility of rehabilitation program assignments by allowing the Office of Correctional Education staff and/or the institution principal or their designee the authority to assign, reassign, and unassign incarcerated persons to or from rehabilitative programs when there are no adverse reasons for doing so and there are legitimate reasons to do so. This will enable quicker and more efficient processing, which will benefit incarcerated persons by putting them in the right programs at the right time to ensure their successful rehabilitation and aid in their success once released from prison. Additionally, it will benefit the department by streamlining processes and improving efficiencies statewide.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern Waiting Lists and Rehabilitative Program Assignments.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 - 17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Cost to any local agency or school district that is required to be reimbursed: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulations will have no effect on the creation of new, or the elimination of existing jobs or businesses within California or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will not have an impact on worker safety, and the State's environment. However, the health and welfare of California residents may benefit by incarcerated persons being processed more efficiently into appropriate rehabilitation programs and waiting lists, which may aid in incarcerated persons' quicker rehabilitation and success; and will also provide more efficient use of staff resources. New CBI programs will assist with the rehabilitation of incarcerated persons with substance use disorders, and their success once released back into society. Lastly, by obtaining a Warden's approval prior to the hiring of an ex-offender, it will ensure safety and security within the institutions.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

TEXT OF PROPOSED REGULATIONS

In the following, underline indicates additional text, and ~~strikethrough~~ indicates deleted text.

California Code of Regulations, Title 15, Crime Prevention and Corrections Division 3, Rules and Regulations of Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

3000. Definitions.

[Section 3000 is amended to alphabetically merge the definition below with those that exist in the regulations.]

Rehabilitative Programs ~~are~~ consist of programs managed by the Division of Rehabilitative Programs (DRP), to equip incarcerated persons with career opportunities, and to assist them in dealing effectively with the challenges of life, in preparation for successful reintegration into the community. These include, but are not limited to, Cognitive Behavioral Interventions (CBI), Academic Education, Career Technical Education (CTE), and Transitions programs.

NOTE: Authority cited: Sections ~~243(f)(4)~~, 2717.3, 3000.03, 3411, 3414, 5058, 5058.3, 6252 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2084, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 2905, 3003.5(a), 3007.05, 3020, 3450, 3550, 4570, 4576, 5005, 5009, 5050, 5054, 5068, 6250, 6250.5, 6258.1, 7000 et seq., ~~7286.5~~, 11180 and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Sections 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, (1997) 55 Cal.App. 4th 1004, ~~64 Cal. Rptr. 2d 679~~; *Madrid v. Gate Dept. of Corrections* (USDG N.D. Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*, (USDG E.D. Cal. 2:08-CV-01196-TLN-EFB); *In re Garcia* (2012) 202 Cal.App.4th 892; and *Quine v. Beard*, (N.D. Cal. No. C 14-02726 JST).

Article 3. Work and Education

3040. Participation.

[Subsections 3040(a) through (b) are unchanged.]

[Subsection 3040(c) is amended to read:]

(c) Except as provided in subsections 3040(e) and 3040.3(b)(1)-(4), a classification committee shall refer each incarcerated person to an appropriate work, Academic Education, Career Technical Education, therapeutic or other institution program, taking into account the:

[Subsections 3040(c)(1) through (5) are unchanged.]

[Subsections 3040(d) through (e) are unchanged.]

[Subsection 3040(f) is amended to read:]

(f) Except as provided in subsections 3040.1(d) and 3040.3(b)(1)-(4), Any staff request for removal of an incarcerated person from a program shall be submitted to the incarcerated person's correctional counselor on a CDC Form 128-B (Rev. 4/74), General Chrono, incorporated by reference Form. The counselor shall refer the request to a classification committee for consideration and action. If a request is for cause, defined as behavior that would result in loss of participation credit pursuant to section 3043.2(a), the incarcerated person may be temporarily relieved of the position and denied pay (if a paid position), pending classification committee action. Incarcerated persons shall not be removed due to their disability if they are able to complete the essential functions of the job assignment, with or without reasonable accommodation.

[Subsections 3040(g) through (l) are unchanged.]

NOTE: Authority cited: Sections 2700 and 5058, Penal Code. Reference: Section 1182, Labor Code; and Sections 502, 2933, 5054 and 5068, Penal Code.

3040.1. Integrated Substance Use Disorder Treatment and Cognitive Behavioral Interventions Criteria.

[Subsections 3040.1(a) through (a)(2) are unchanged.]

[Subsection 3040.1(a)(3) is adopted to read:]

(3) CBI Aftercare criteria and priority placement shall be for incarcerated persons with more than four months left to serve on their prison sentence, who have previously completed a CBI program for a substance use disorder and have completed or are pending enrollment in CBI Life Skills.

[Subsection 3040.1(a)(4) is adopted to read:]

(4) CBI Short Term Education criteria and priority placement shall be for incarcerated persons who have a health care services referral and have six months or less to serve on their prison sentence. CBI Short Term Education program attendance is not mandatory.

[Subsection 3040.1(a)(5) is adopted to read:]

(5) Incarcerated persons removed from a CBI program pursuant to section 3040.1(d)(1) may submit a CDCR Form 7362, Health Care Services Request Form (Rev. 03/19), which is incorporated by reference, to health care staff to request re-enrollment in a CBI program. Health care staff shall triage these requests in accordance with section 3999.303 and evaluate for CBI program placement.

[Subsection 3040.1(a)(6) is adopted to read:]

(6) Incarcerated persons may request to repeat a previously completed CBI program by communicating verbally or in writing with the Division of Rehabilitative Program (DRP) Correctional Counselor (CC) III.

[Subsection 3040.1(a)(7) is adopted to read:]

(7) Incarcerated persons who have appeared before the Board of Parole Hearings and have received a grant of parole shall be placed into a CBI program and prioritized by their parole grant date.

[Subsection 3040.1(b) is unchanged.]

[Subsection 3040.1(c) is adopted to read:]

(c) With the exception of CBI Short Term Education, incarcerated persons referred to a CBI program by health care services shall be required to attend the CBI program. Any refusal to attend class or unexcused absences may result in progressive discipline pursuant to sections 3312 et seq.

[Subsection 3040.1(d) is adopted to read:]

(d) With the exception of the CBI Intensive Outpatient program, a DRP CC III may remove an incarcerated person from CBI programs without requiring a classification committee action. The DRP CC III shall document the removal on a CDC Form 128-B (Rev. 4/74), General Chrono, which is incorporated by reference. The DRP CC III may remove an incarcerated person from CBI programs for any of the following circumstances:

[Subsections 3040.1(d)(1) through (2) are adopted to read:]

(1) Three unexcused absences during a 30-day period as a result of an incarcerated person demonstrating an unwillingness to attend or actively participate in class, as documented in SOMS by the DRP CC III or designee.

(2) Transfer to another facility or institution, or Restricted Housing Unit placement.

[Subsection 3040.1(e) is adopted to read:]

(e) Prior to considering the removal of an incarcerated person from the CBI program(s), the DRP CC III shall meet with the incarcerated person to determine whether removal is appropriate based upon communication with the incarcerated person and a review of their program attendance. If program removal is determined to be appropriate, the DRP CC III shall include the specific reason(s) for removal from the CBI program(s) on the CDC Form 128-B, General Chrono. The DRP CC III shall document any provision of effective communication used, as defined in section 3000. The DRP CC III shall provide the incarcerated person a copy of the completed CDC Form 128-B, General Chrono, upon any CBI program removal.

[Subsection 3040.1(e)(1) is adopted to read:]

(1) Incarcerated persons being considered for removal from the CBI program(s) due to their disability shall be temporarily unassigned by the DRP CC III and referred to a classification committee for review pursuant to subsection 3369.12(c).

[Subsection 3040.1(f) is adopted to read:]

(f) Incarcerated persons removed from the CBI program(s) pursuant to section 3040.1(d) shall retain their current classification status, unless otherwise determined by a classification committee review. No change shall occur to the incarcerated person's work/privilege group status prior to a committee action.

[Subsection 3040.1(g) is adopted to read:]

(g) When a Rules Violation Report directly impacting an incarcerated person's participation in a CBI program(s) is voided, dismissed, or adjudicated as not guilty, the DRP CC III shall assign the incarcerated person, with priority placement, into their previously assigned CBI program(s), subject to space availability.

NOTE: Authority cited: Sections 2694, 3070, and 5058, Penal Code. Reference: Section 5054, Penal Code.

3040.3. Education Assignments.

[Subsection 3040.3(a) is amended to read:]

(a) Institutions shall establish Adult Basic Education (ABE), Adult Secondary Education (ASE), Post-Secondary Education, Career Technical Education (CTE), Computer and Related Technologies (CRT), and Transitions ~~courses~~ programs that focus on increasing literacy and employability of incarcerated persons in preparation for release from state prison. Every effort shall be made to assign incarcerated persons concurrently to ~~education programs, r~~ Rehabilitative p ~~Programs~~, as defined in section 3000, and work assignments. Reassignment or transfer of an incarcerated person to another facility or institution while they are assigned to Rehabilitative Programs, as defined in section 3000, shall be discouraged in order to facilitate the incarcerated person's completion of the

rehabilitative program. Every effort shall be made to reasonably accommodate incarcerated persons 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~~ program, and in accordance with the following criteria:

[Subsection 3040.3(a)(1) is amended to read:]

(1) Adult Basic Education (ABE) and Adult Secondary Education (ASE) ~~Courses~~ Programs: The ABE program consists of ABE I and II courses. The ASE program consists of ABE III, High School Diploma (HSD), and General Education Development (GED)/High School Equivalency (HSE) courses. During the classification process, incarcerated persons shall be placed on a ~~one~~ waiting list for an ABE or ASE courses according to the incarcerated person's highest assessed reading level on their current term of incarceration, if they do not have a ~~nationally recognized~~ nationally recognized High School Diploma (HSD), High School Equivalency (HSE) certificate, or for incarcerated persons with ~~developmental disabilities~~, a Certificate of Completion (certificate of attendance and participation) Attendance and Participation (CAP).

[Subsection 3040.3(a)(1)(A) is amended to read:]

(A) Incarcerated persons are responsible for authorizing ~~official~~ school transcripts from a ~~regionally accredited school~~ accredited by an accreditation agency recognized by the United States Department of Education to be sent to the ~~Department~~ as proof that they have earned a HSD, HSE certificate, or ~~Certificate of Completion~~ CAP. Division of Rehabilitative Programs (DRP), Office of Correctional Education staff shall document their review and verification of an incarcerated person's graduation status in SOMS, pursuant to section 3043.3(b)(3). ~~Once the institution's school registrar receives the incarcerated person's official school transcripts, the registrar will note the incarcerated person's graduation status in the Strategic Offender Management System, and the student will be removed from the ABE or ASE waiting list or class.~~

[Subsection 3040.3(a)(1)(B) is amended to read:]

(B) Incarcerated persons 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 ABE or ASE course shall be in accordance with the incarcerated person's ~~most~~ recently highest assessed reading level on their current term of incarceration, as mandated by the California Department of Education per Welfare and Institutions Code sections 19011 and 19012, using a reading test approved by the National Reporting System for Adult Education. The following chart corresponds the incarcerated person's course placement with their reading level:

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

[Subsection 3040.3(a)(1)(C) is amended to read:]

(C) If an incarcerated person 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 ~~S~~section 3375(g). Incarcerated persons at the Enhanced Outpatient Program (EOP) level of care shall participate in ABE and ASE courses in accordance with ~~S~~section 3043.7(d)(1) 3044.1(d)(1).

[Subsection 3040.3(a)(1)(D) is amended to read:]

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

[Subsection 3040.3(a)(2) is amended to read:]

(2) ~~Post-Secondary Education Courses~~ Programs: Incarcerated persons with a verified HSD or HSE certificate are eligible to participate in post-secondary education provided by public or non-profit may apply to colleges or universities accredited by an accreditation agency recognized by a the United States Department of Education accrediting agency. ~~Incarcerated persons may participate via correspondence courses, or may attend onsite college courses when available and with the approval of the institution's school principal. Post-secondary education is provided in varied formats. Priority for assignment is given to face-to-face programs (classroom-based instruction), subject to space availability. Enrollment in post-secondary education is voluntary. Requests for post-secondary education program enrollment shall be submitted to the institution's school principal or designee. Incarcerated persons are responsible for the payment of tuition, loans, textbooks, and other associated fees. Courses shall be college level, shall not duplicate Department course content, and shall lead to a degree or certificate.~~

[Subsection 3040.3(a)(3) is amended to read:]

(3) ~~Career Technical Education (CTE) Courses~~ Programs: During the classification process, incarcerated persons with a medium to high need for employment based on the ~~D~~department's automated needs assessment tool, per ~~S~~section 3375.6, shall be placed on a up to two waiting lists for a-CTE ~~course~~ programs of their choice, and ~~on a waiting list for a CTE course recommended by the Education Administrator based on course program availability at the institution where the incarcerated person is housed.~~

Incarcerated persons with ~~six~~ eight months to ~~four years~~ 36 months prior to release shall receive priority assignment to a CTE ~~course~~ program in the order in which they appear on the waiting list, subject to space availability. Incarcerated persons who ~~have previously completed CTE courses~~ complete a CTE program that is a prerequisite for an advanced CTE program may be placed on the advanced CTE program waiting list and assigned to the advanced CTE program ~~are exempt from assignment to CTE courses~~. Incarcerated persons who are enrolled in full-time post-secondary education courses, or who are participating in the Occupational Mentor Certification Program, Peer Support Specialist Program, Firefighting Program, or other work training program leading to an industry certification, are exempt from the institution placing them on a CTE program waiting list or into a CTE program assignment. If an incarcerated person has satisfied their employment need, pursuant to section 3375.6, they may be placed on a CTE program waiting list of their choice and participate in a CTE program not previously completed.

[Subsection 3040.3(a)(3)(A) is amended to read:]

(A) Incarcerated persons with language ~~and cultural~~ barriers or developmental, cognitive, or physical impairments shall be ~~mainstreamed~~ placed in CTE ~~courses~~ programs and ~~are offered~~ additional assistance with ~~course~~ program assignments.

[Subsection 3040.3(a)(4) is amended to read:]

(4) Computer and Related Technologies (CRT) ~~Courses~~ Program: During the classification process, incarcerated persons shall be placed on a waiting list for the CRT ~~courses program~~. Incarcerated persons who have six months or more prior to release shall be assigned to the ~~course~~ program in the order in which they appear on the waiting list, subject to space availability. Incarcerated persons who have ~~previously completed the CRT courses program~~ are exempt from ~~assignment to CRT courses~~ the institution placing them on a CRT program waiting list or into a CRT program assignment.

[Subsection 3040.3(a)(5) is amended to read:]

(5) Transitions ~~Course~~ Program: During the classification process, incarcerated persons shall be placed on a waiting list for the Transitions ~~course~~ program. Incarcerated persons who are within ~~two years~~ 24 months of release or who have been granted parole by the Board of Parole Hearings during a hearing, shall be assigned to the ~~course~~ program in the order in which they appear on the waiting list, subject to space availability. Incarcerated persons who have ~~previously completed a Transitions course~~ program are exempt from the institution placing them on a Transitions program waiting list or into a Transitions program assignment, unless requested by the incarcerated person to a Transitions course.

[Subsection 3040.3(a)(6) through (a)(6)(A)(2) are adopted to read:]

(6) Peer Literacy Mentor Program (PLMP): The PLMP provides participants with training to be literacy mentors. The literacy mentors provide academic and literacy tutoring to other incarcerated persons preparing for their HSD or HSE certificate, and to those who seek to improve their academic and literacy skills.

(A) Incarcerated persons who meet all of the following criteria are eligible to apply to become PLMP mentors:

1. Incarcerated persons with a verified HSD or HSE certificate, with priority given to those with a college degree.
2. Incarcerated persons who are disciplinary free within six months before applying to the program.

[Subsection 3040.3(b) is amended to read:]

(b) All education programs, except post-secondary education programs, are open-entry and open-exit; incarcerated persons may be assigned, reassigned, or unassigned to courses at any time throughout the year. Voluntary education programs include all post-secondary education programs, eLearning, incarcerated persons utilizing a Peer Literacy Mentor, and those training to be a Peer Literacy Mentor. Alternative education programs are ABE and ASE programs administered in alternative settings (e.g., restricted housing, quarantine, etc.). Education support programs are education programs based upon an incarcerated person's age, medical or mental health status, or disability (e.g. Every Student Succeeds Act, Developmental Disability Program, and additional support as needed). Traditional education programs include ABE, ASE, CTE, CRT, and Transitions programs.

[Subsection 3040.3(b)(1) is amended to read:]

(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. Assignments, unassignments, and reassignments to alternative education programs, education support programs, and voluntary education programs may be made by the institution's school principal or designee without a classification committee action, and shall be based on program prerequisites, mental health or medical needs, disability, test history, or employment need as determined by the department's automated needs assessment tool, as long as assignments are made commensurate with institutional safety and security.~~

[Subsection 3040.3(b)(2) is amended to read:]

~~(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 incarcerated person has earned a HSD, HSE, Certificate of Completion, or college degree, incarcerated person release from prison, transfer of the incarcerated person to a different institution, incarcerated person disciplinary action, or the incarcerated person poses a threat to institutional safety and security. Reassignments to traditional education programs may be made without a classification committee action. Such requests shall be made by DRP Office of Correctional Education staff via the automated Education Progress Record (03/2025), located in SOMS, and incorporated by reference, and signed by the institution's school principal or designee. Reassignments shall be based on program prerequisites, mental health or medical needs, disability, test history, or employment need as determined by the department's automated needs assessment tool, as long as assignments are made commensurate with institutional safety and security. Reassignments shall be processed by the Assignment Office upon receipt of the completed automated Education Progress Record (03/2025).~~

[Subsection 3040.3(b)(2)(A) is amended to read:]

~~(A) Once incarcerated persons have completed educational courses, they shall be unassigned from the course. Incarcerated persons who complete an ABE or ASE course shall be unassigned from the course by the Assignment Office upon the Assignment Office's receipt of the completed automated Education Progress Record (03/2025) from the institution's school principal or designee. The Assignment Office shall place the incarcerated person on the next ABE or ASE course waiting list, without a classification committee action.~~

[Subsection 3040.3(b)(2)(B) is adopted to read:]

~~(B) Incarcerated persons shall be placed in an ABE or ASE course based upon their highest assessed reading level on their current term of incarceration, absent a health care recommendation. If the incarcerated person is assigned to an ABE or ASE course not associated with their highest assessed reading level on their current term of incarceration, the incarcerated person shall be unassigned from the course by the Assignment Office upon the Assignment Office's receipt of the completed automated Education Progress Record (03/2025) from the institution's school principal or designee. The Assignment Office shall place the incarcerated person in the appropriate ABE or ASE course, subject to availability, or on a course waiting list according to the incarcerated person's highest assessed reading level, without a classification committee action.~~

[Subsection 3040.3(b)(3) is adopted to read:]

(3) Assignment of an incarcerated person to a traditional education program shall be completed by the Assignment Office in the order in which the incarcerated person appears on the waiting list in accordance with subsections 3044.2(a)(3) through (a)(4).

[Subsection 3040.3(b)(4) is adopted to read:]

(4) Unassignment of an incarcerated person from a traditional education program for non-adverse reasons does not require a classification committee action. A request for unassignment for non-adverse reasons shall be submitted by DRP Office of Correctional Education staff on an automated Education Progress Record (03/2025) and signed by the institution's school principal or designee. The unassignment shall be processed by the Assignment Office upon receipt of the completed automated Education Progress Record (03/2025).

[Subsection 3040.3(b)(4)(A) is adopted to read:]

(A) When the department is in receipt of a school transcript, pursuant to subsection 3040.3(a)(1)(A), or the incarcerated person has earned a CAP, the incarcerated person shall be unassigned from ABE and ASE courses and removed from all ABE and ASE waiting lists by the Assignment Office, without a classification committee action.

[Subsection 3040.3(b)(4)(B) is adopted to read:]

(B) Incarcerated persons who complete a CTE program, shall be unassigned from the program and removed from all non-advanced CTE waiting lists by the Assignment Office, without a classification committee action.

[Subsection 3040.3(b)(4)(C) is adopted to read:]

(C) Incarcerated persons who complete a CRT or Transitions program shall be unassigned from the program by the Assignment Office, without a classification committee action.

[Subsection 3040.3(b)(5) is adopted to read:]

(5) Unassignment of an incarcerated person from a traditional education program due to adverse reasons, requires a classification committee action per sections 3040(f) and 3375(c). Reasons for unassignment due to adverse reasons include, disciplinary action, or the incarcerated person is placed in restricted housing.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2053, ~~and 2053.1,~~ and 3021, Penal Code, Sections 19011 and 19012, Welfare and Institutions Code.

Article 3.3 Credits

3043.3. Milestone Completion Credit.

[Subsections 3043.3(a) through (b)(1) are unchanged]

[Subsection 3043.3(b)(2) is amended to read:]

(2) Office of Correctional Education staff shall verify the incarcerated person's receipt of a high school diploma or college degree by obtaining the ~~official~~ transcript from the school from which the incarcerated person claims to have graduated. Office of Correctional Education staff shall verify the incarcerated person's receipt of a HSE certificate by obtaining the incarcerated person's HSE certificate from any general educational development database or obtaining a letter from the high school from which the incarcerated person took the HSE exam that confirms the incarcerated person received a HSE certificate.

Note: Authority cited: Cal. Const., article I, Section 32(b); and Sections 5054 and 5058, Penal Code. Reference: Cal. Const., article I, Section 32(a)(2); and Sections 2933.05 and 3041, Penal Code.

Article 3.4. Incarcerated Person Work and Privileges

3044. Incarcerated Person Work Groups and Privilege Groups.

[Subsections 3044(a) through (a)(2) are unchanged.]

[Subsection 3044(b) is amended to read:]

(b) Consistent with the provisions of section 3375, ~~all assignments or re-assignments~~ to a work group shall be approved by a classification committee.

[Subsection 3044(b)(1) is unchanged.]

[Subsection 3044(b)(1)(A) is amended to read:]

(A) Any incarcerated person assigned to a ~~required~~ Rehabilitative Program managed by DRP, as defined in section 3000, shall be assigned to Work Group A-1, except when the incarcerated person qualifies for the assignment of Work Group F or Work Group M pursuant to subsections 3044(b)(7) or 3044(b)(8).

[Subsection 3044(b)(1)(B) is unchanged.]

[Subsection 3044(b)(1)(C) is amended to read:]

(C) A full-time college program may be combined with a half-time work or ~~career technical education~~ program assignment equating to a full-time assignment. The college program shall consist of twelve units or more in credit courses ~~only leading to an associate's degree in two years or a bachelor's degree in four years.~~

[Subsections 3044(b)(1)(D)-through (b)(2)(B) are unchanged.]

[Subsection 3044(b)(3) is amended to read:]

(3) Work Group B (Half-Time Assignment). An incarcerated person willing and able to perform an assignment on a half-time basis shall be assigned to Work Group B, except when the incarcerated person qualifies for the assignment of Work Group M pursuant to section 3044(b)(8). Half-time programs shall normally consist of an assignment of four hours per workday, excluding meals, five-days-per-week, ~~or full-time enrollment in college consisting of twelve units in credit courses leading to an associate degree or bachelor's degree.~~ The work day shall be no less than three hours and the work week no less than fifteen hours.

[Subsections 3044(b)(4) through 3044(j) are unchanged.]

NOTE: Authority cited: Cal. Const., article I, Section 32(b); and Sections 2700, 2701 and 5058, Penal Code. Reference: Cal. Const., article I, Section 32(a)(2); Sections 2932, 2933, 2933.05, 2933.3, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal.App.3d 1224 (1988).

3044.1 Special Assignments.

[Subsections 3044.1(a) through (a)(2) are unchanged.]

[Subsection 3044.1(a)(3) is deleted.]

~~(3) Any Rehabilitative Program managed by the Division of Rehabilitative Programs (DRP), as defined in section 3000, assignment shall qualify as a full-time assignment to Work Group A-1.~~

[Subsections 3044.1(b) through (h) are unchanged.]

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

3044.2. Impact of Transfer on Work Groups and Waiting List Prioritization.

[Subsections 3044.2(a) through (a)(2) are unchanged.]

[Subsection 3044.2(a)(3) is amended to read:]

(3) An incarcerated person in ~~a work~~ an assignment at the sending institution shall be reevaluated by a classification committee at the ~~placed on an existing waiting list at the~~ receiving institution and placed on waiting lists based upon the incarcerated person's relevant case factors for the assignments being considered. If eligible, incarcerated persons on waiting lists at sending institutions shall be merged into the receiving institution's waiting lists based on credit earning status, release date, work group effective date, ~~and~~ the length of time they have spent on the sending institution's waiting list. ~~Incarcerated persons who are day-for-day eligible per Penal Code section 2933 shall be given priority for assignment with the exception of Senate Bill (SB) 618~~ Participants who, as defined in section 3000, pursuant to the provisions of subsection

~~3077.3(b)(1), and subject to the provisions of 3077.3(f), shall be placed at the top of an institution's waiting list and given priority for assignment. Incarcerated persons shall be merged into the receiving institution's waiting lists in the following manner:~~

[Subsection 3044.2(a)(3)(A) is amended to read:]

(A) First, SB 618 Participants. Those SB 618 Participants having the earliest release date shall be given first priority, pursuant to subsection 3077.3(b)(1).

[Subsection 3044.2(a)(3)(B) is amended to read:]

(B) Second, those incarcerated persons who are Penal Code section 2933 day-for-day credit eligible, approved for the program and are not assigned, and are in Work Group A-2. Incarcerated persons ~~eligible to earn credits per Penal Code section 2933 shall be given second priority for placement on waiting lists and the incarcerated person with the earliest release date shall be given priority.~~

[Subsection 3044.2(a)(3)(C) is amended to read:]

(C) Third, those incarcerated persons who are Penal Code section 2933 day-for-day credit eligible and are already designated Work Groups A-1, M, or F. Incarcerated persons ~~eligible to earn credits per Penal Code section 2933 shall be given next priority for placement on waiting lists and the incarcerated person with the earliest release date shall be given priority.~~

[Existing subsection 3044.2(a)(3)(E) is renumbered as (D) and is amended to read:]

~~(E)~~ Fourth, those incarcerated persons who are not Penal Code section 2933 ~~day-for-day credit~~ eligible, and are not assigned, and are in Work Group A-2. Incarcerated persons will be placed on waiting lists based upon the work group effective date.

[Existing subsection 3044.2(a)(3)(D) is renumbered as (E) and is amended to read:]

~~(D)~~ Fifth, those incarcerated persons who are not Penal Code section 2933 ~~day-for-day credit~~ eligible and are already designated Work Groups A-1 or M. Incarcerated persons will be placed on waiting lists based upon the work group effective date.

[Subsection 3044.2(a)(4) is amended to read:]

(4) An incarcerated person in ~~approved~~ Rehabilitative Programs managed by DRP, as defined in section 3000, at the sending institution shall be placed on the waiting list for the same or similar program~~(s)~~, at the receiving institution if available. ~~If the receiving institution's program is unavailable, the incarcerated person shall be placed on an existing waiting list at the receiving institution.~~

[Subsection 3044.2(a)(4)(A) is unchanged but is shown for reference.]

(A) The primary determinants for priority placement are as follows:

[Subsection 3044.2(a)(4)(A)1. is unchanged.]

[Subsection 3044.2(a)(4)(A)2. is amended to read:]

~~2. The incarcerated person's projected release date and the California Static Risk Assessment (CSRA) as described in Section 3768.1 shall be the primary determinants for priority placement into Academic Education, Career Technical Education, and Transitions. Incarcerated persons with a moderate or high-risk value on the California Static Risk Assessment (CSRA), as described in section 3768.1, shall take priority over those with a low-risk value for Academic Education and Career Technical Education (CTE).~~

[Subsection 3044.2(a)(4)(A)2.A. is renumbered as (a)(4)(A)3. and is amended to read:]

~~A. 3. Incarcerated persons with a moderate medium or high risk employment need on the automated needs assessment tool, as described in section 3375.6, shall take priority over those with a low risk need for Career Technical Education CTE programs.~~

[Subsection 3044.2(a)(4)(A)4. is adopted to read:]

4. For Adult Basic Education (ABE) and Adult Secondary Education (ASE) programs, incarcerated persons who are age 21 or younger shall take priority over those who are age 22 and older, pursuant to the Every Student Succeeds Act (20 U.S.C. section 6301 et seq.).

[Subsection 3044.2(a)(4)(A)5. is adopted to read:]

5. For ABE and ASE programs, incarcerated persons who have completed an ABE or ASE course within the previous 90 days and have not earned a HSD or HSE certificate, shall take priority over those on the next relevant waiting list.

[Subsection 3044.2(a)(4)(A)6. is adopted to read:]

6. For the Transitions program, incarcerated persons shall be placed on a Transitions program waiting list in the order of earliest release date, in accordance with section 3040.3(a)(5). Incarcerated persons who are in Work Group C or Work Group D are excluded from placement on the Transitions program waiting list. Incarcerated persons who have appeared before the Board of Parole Hearings and have received a grant of parole shall be placed on a Transitions program waiting list and prioritized by their parole grant date.

[Subsection 3044.2(a)(4)(A)7. is adopted to read:]

7. For Career Technical Education and Academic Education programs, incarcerated persons who will be reviewed for parole consideration by the Board of Parole Hearings within 36 months, shall be prioritized by their parole review date and take priority over those incarcerated persons who are not Penal Code section 2933 eligible.

[Subsection 3044.2(a)(4)(A)8. is adopted to read:]

8. For CTE programs, incarcerated persons who have satisfied their employment need in accordance with section 3375.6(c) and who request to participate in a non-advanced CTE program shall be prioritized below those who have not yet met their employment need.

[Subsections 3044.2(b) through (f) are unchanged.]

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.8, 1364, 2684, 2690, 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code. Title 20 United States Code Sections 6421, 6431, 6432, 6434; Title 34 Code of Federal Regulations Sections 200.90, 200.91; Section 12030, Education Code.

[Article 3.5 title heading is amended to read:]

Article 3.5. Incarcerated Person ~~Work~~ Timekeeping

3045. Timekeeping and Reporting.

[Subsection 3045(a) is amended to read:]

(a) Incarcerated person timekeeping logs. The attendance and participation of each assigned incarcerated person shall be recorded on an approved timekeeping log. If the assignment began or ended during the reporting month, the date(s) of such activity shall be recorded on the timekeeping log. Only the symbols designated on the timekeeping log shall be used to document the incarcerated person's attendance. The symbol(s) and applicable hours for each day shall be recorded in the space corresponding to the calendar day. Only assignments approved at the level of Undersecretary or above, administered with ongoing out of classroom learning (independent study model), may have attendance entered for a given week instead of a calendar day. This log shall be the reference for resolving grievances or appeals and shall be retained electronically in SOMS. ~~at a secure location designated by the facility management for a period of 4 years from the date of completion.~~

[Subsections 3045(a)(1) through (b) are unchanged.]

Note: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.05, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal.App.3d 1224.

Article 10. Classification

3375. Classification Process.

[Subsections 3375(a) through (b)(1) are unchanged.]

[Subsection 3375(c) is amended to read:]

(c) Each determination affecting an incarcerated person's placement within an institution or facility, transfer between facilities, program participation, privilege groups, or custody designation shall be made by a classification committee composed of staff knowledgeable in the classification process. Exceptions include waiting list placements and assignments to Cognitive Behavioral Interventions (CBI) which can be made without a classification committee action based upon a health care services referral; education programs pursuant to subsections 3040.3(b)(1)-(4); or a guilty finding pursuant to subsection 3315(g)(5)(J)2. or 3315(g)(5)(J)3.

[Subsections 3375(d) through (l) are unchanged.]

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.8, 3020, 5054, 5068 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Wright v. Enomoto* (1976) 462 F. Supp. 397; *Stoneham v. Rushen* (1984) 156 Cal.App.3d 302; and *Castillo v. Alameida, et al.*, (N.D. Cal., No. C94-2847).

3375.6. Automated Needs Assessment Tool.

[Subsections 3375.6(a) through (a)(2) are unchanged.]

[Subsection 3375.6(a)(3) is amended to read:]

(3) The automated needs assessment tool evaluates the incarcerated person's criminogenic needs in categories such as Substance Use Disorder, ~~Career Technical Education~~ employment, educational, criminal personality, family criminality, and anger/violence.

[Subsection 3375.6(b) is unchanged.]

[Subsection 3375.6(c) through (c)(8) are adopted to read:]

(c) Incarcerated persons who have completed one of the following will be considered to have satisfied a medium to high need for employment based on the department's automated needs assessment tool:

- (1) Career Technical Education program.
- (2) Post-secondary education program, having obtained an associate or bachelor's degree.
- (3) Occupational Mentor Certification Program, having obtained an Alcohol and Other Drug certification.

- (4) Peer Support Specialist Program, having obtained the California Mental Health Services Authority Peer Support Specialist Certification.
- (5) Correctional Construction Mentorship Program, having obtained an industry certification.
- (6) Institutional or Camp based Firefighter program, having earned good conduct credit for participation in the program in accordance with subsections 3043.2(b)(4)(B) and 3044(b)(7)(F).
- (7) Prison Industry Authority programs which provide an industry certification, having obtained an industry certification.
- (8) Other job assignments which provide industry certification(s), having obtained an industry certification.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3020, 5054 and 5068, Penal Code.

Subchapter 5. Personnel

Article 2. Employees

3404. Hiring of Ex-Offenders.

[Subsection 3404(a) is amended to read:]

(a) The Secretary's written approval is required for the initial appointment of an ex-offender to any civil service position within the department.

[Subsections 3404(b) through (d) are unchanged.]

[Subsection 3404(e) is adopted to read:]

(e) The Warden's written approval is required for an ex-offender to be employed as a contractor or serve as a volunteer within an institution or perform any duties that require communication with incarcerated persons, except as identified in subsection 3404(b).

[Subsection 3404(e)(1) is adopted to read:]

(1) Prior to the Warden's approval as referenced in subsection 3404(e), the written approval of the Division of Adult Parole Operations' District Administrator, is required if the volunteer or contractor is a supervised person on parole. If the request is denied by the District Administrator, it shall be forwarded to the Chief Deputy Regional Administrator for a final determination.

[Subsection 3404(e)(2) is adopted to read:]

(2) Prior to the Warden's approval as referenced in subsection 3404(e), the written approval of the Chief Probation Officer or designee, or court from the county of supervision, is required if the volunteer or contractor is on probation.

[Subsection 3404(f) is adopted to read:]

(f) For the purposes of this section, an ex-offender includes a supervised person, a person on probation, or a previously supervised person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

(03/2025) Education Progress Record



EDUCATION PROGRESS REPORT

Date of Report						
Name (Last, First)		CDC Number	Institution	School Name		
Assignment Date	Period Being Reviewed	Exit Date	Reassignment Recommendation		Reason	
Program Title					Program Grade	
Course/Component Name	Total Modules in Course Component	Modules Completed this Evaluation Period	Cumulative Modules Completed	Course/Component Complete	Course/Component Grade	Credit Earned
Module Name	Placement Test Type	Other Assessment	Grade	Test Date		
Employment Readiness/Behavior Assessment		Comments:				
Attitude						
Ethics						
Work Habits						
Cooperation						
Problem Solving						
Active Listening						
Current Testing						
Date	Test Type	Subtype	Level	Scores		
Additional Comments:						
Instructor/Teacher (Printed Name)		Date	Supervisory Review (Printed Name)		Date Approved	

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

For Reference Purposes Only - Unchanged -

PART I: TO BE COMPLETED BY THE PATIENT			
If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.			
REQUEST FOR:	MEDICAL <input type="checkbox"/>	MENTAL HEALTH <input type="checkbox"/>	DENTAL <input type="checkbox"/> MEDICATION REFILL <input type="checkbox"/>
NAME	CDCR NUMBER	HOUSING	
PATIENT SIGNATURE		DATE	
REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe your health problem and how long you have had the problem) _____			
NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM			
PART II: TO BE COMPLETED BY THE TRIAGE REGISTERED NURSE			
Date / Time Received:		Received by:	
Date / Time Reviewed by RN:		Reviewed by:	
S:	Pain Scale: 1 2 3 4 5 6 7 8 9 10		
O:	T:	P:	R: BP: WEIGHT:
A:			
P:			
<input type="checkbox"/> See Nursing Encounter Form			
E:			
APPOINTMENT SCHEDULED AS:	EMERGENCY (IMMEDIATELY) <input type="checkbox"/>	URGENT (WITHIN 24 HOURS) <input type="checkbox"/>	ROUTINE (WITHIN 14 CALENDAR DAYS) <input type="checkbox"/>
REFERRED TO PCP:	DATE OF APPOINTMENT:		
COMPLETED BY	NAME OF INSTITUTION		
PRINT / STAMP NAME	SIGNATURE / TITLE	DATE/TIME COMPLETED	

Unauthorized collection, creation, use, disclosure, modification or destruction of personally identifiable information and/or protected health information may subject individuals to civil liability under applicable federal and state law.

PART I: TO BE COMPLETED BY THE PATIENT				
If you believe this is an urgent/emergent health care need, contact the correctional officer on duty.				
REQUEST FOR:	MEDICAL <input type="checkbox"/>	MENTAL HEALTH <input type="checkbox"/>	DENTAL <input type="checkbox"/>	MEDICATION REFILL <input type="checkbox"/>
NAME	CDCR NUMBER		HOUSING	
PATIENT SIGNATURE			DATE	
REASON YOU ARE REQUESTING HEALTH CARE SERVICES. (Describe your health problem and how long you have had the problem)				
NOTE: IF THE PATIENT IS UNABLE TO COMPLETE THE FORM, A HEALTH CARE STAFF MEMBER SHALL COMPLETE THE FORM ON BEHALF OF THE PATIENT AND DATE AND SIGN THE FORM				

- Unchanged -
For Reference Purposes Only

INITIAL STATEMENT OF REASONS:

The California Department of Corrections and Rehabilitation (CDCR) proposes to amend sections 3000, 3040, 3040.1, 3040.3, 3043.3, 3044, 3044.1, 3044.2, 3045, 3375, 3375.6, and 3404 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1 regarding Division of Rehabilitative Programs (DRP) waiting lists, the Integrated Substance Use Disorder Treatment (ISUDT)/Cognitive Behavioral Interventions (CBI) program, and hiring of ex-offenders. These amendments are necessary to provide updated and consistent guidance to staff, incarcerated persons, and the public related to DRP waiting list placements, education program assignments, CBI programs, and hiring of ex-offenders.

California Penal Code, section 2053.1 amended and effective June 27, 2025, requires the department to implement programs to increase an incarcerated person's ability to read and advance their education. These programs must focus on increasing the reading ability of an incarcerated person to at least a 9th grade level. For those incarcerated persons who read at a 9th grade level or higher, the department helps them obtain a General Education Development (GED) certificate, a High School Equivalency (HSE) certificate, or a High School Diploma (HSD). For those incarcerated persons who have an HSD or a GED certificate, the department offers college, or post-secondary education programs for those who are interested. The department also offers supplemental literacy programs to assist incarcerated persons in meeting their literacy needs. The department offers Career Technical Education (CTE) programs as required by California Penal Code section 2053.5. All education programs are administered by the department's Superintendent of Correctional Education, but the classification process, administered by the Division of Adult Institutions, provides incarcerated persons access to programs by placing them on waiting lists for the programs.

Upon arrival to CDCR, incarcerated persons are processed through a Reception Center (RC) to complete an initial screening. The screening process is conducted by CDCR staff and includes completion of a needs assessment and a reading level assessment of the incarcerated person. Once the screening process is complete, the incarcerated person is transferred from the RC to a new facility. Within 14 days of arrival at a new facility, and every 12 months thereafter, the incarcerated person meets with a classification committee. The committee reviews the incarcerated person's case factors, including their assessment results, rehabilitative goals, program recommendations, and program performance history, as available. Pursuant to section 3040(c) of the CCR, Title 15, Division 3, the classification committee refers incarcerated persons to appropriate work or programs by placing them on relevant waiting lists. The incarcerated person's case factors are considered in waiting list placement/prioritization. When a position is available for a work or program assignment, CDCR Assignment Office staff assign the incarcerated person to the work or program assignment based on the order in which they appear on the associated waiting list, subject to potential scheduling or logistical issues.

On occasion, staff may request an incarcerated person be added to a program, or an incarcerated person may request to be referred to another program outside of a classification committee. In current regulations, all waiting list placements and assignment

decisions must be made by the classification committee, except for ISUDT/CBI program placements. These proposed regulations establish the ability for a reassignment, assignment, and unassignment (without adverse reasons for doing so) of incarcerated persons for education programs, to be completed by Assignment Office staff and, in some instances, the institution's school principal or designee. This workflow improvement will allow for changes to program waiting lists and program assignments to be made more quickly, enabling quicker placement of incarcerated persons and more efficient use of staff resources. The requirement of a classification committee review for an adverse action remains.

The ISUDT program was implemented in January 2020, as a joint effort between CDCR and California Correctional Health Care Services (CCHCS) to comprehensively treat Substance Use Disorders (SUD) among incarcerated persons using evidence-based practices. Between 2023 and 2024, the ISUDT program was expanded to include two additional CBI programs: CBI Aftercare and CBI Short Term Education. Currently, the CBI portion of ISUDT offers different levels of intervention provided through contracts managed by DRP. The CBI Outpatient, CBI Aftercare, and CBI Short Term Education programs are for incarcerated persons who have a SUD. The CBI Life Skills program is for all incarcerated persons. Incarcerated persons are screened by CCHCS staff to identify their CBI program need based upon their level of SUD. The screening results in a direct placement of the incarcerated person on a CBI program waiting list by health care staff without a classification committee action. The same screening and waiting list placement are completed for an incarcerated person who requests to voluntarily participate in a CBI program or repeat a CBI program. The DRP Correctional Counselor (CC) III assigns incarcerated persons to the DRP managed CBI programs from the waiting lists as space becomes available. The proposed regulations establish the new CBI programs and outline the process for incarcerated persons to request to repeat the CBI programs.

Once the DRP CC III assigns an incarcerated person to a DRP managed CBI program, their participation is mandatory for the length of the program, except for the CBI Short Term Education program. The CBI Short Term Education program is excluded because this program consists of one session with DRP managed contractor staff. Incarcerated persons who are unwilling to attend, have unexcused absences, or are unwilling to actively participate in CBI programs, are unable to learn the pro-social skills taught in the curriculum to address a SUD or other problem behaviors. If this occurs, the DRP CC III may initiate the progressive discipline process, potentially removing the incarcerated person from the program. An incarcerated person may also be removed from CBI programs by the DRP CC III if they are placed in a Restricted Housing Unit or transferred to another facility or institution. The proposed regulations establish the ability and the process for the DRP CC III to remove an incarcerated person from a CBI Outpatient, CBI Life Skills, and CBI Aftercare program assignment, without a classification committee action, and without a change to the incarcerated person's work or privilege group status. (The CBI Intensive Outpatient program assignments and removals are managed by health care staff.) The removal process requires a discussion between the incarcerated person and the DRP CC III, prior to a decision being made for their removal. This is intended to provide the incarcerated person an opportunity to make any changes

necessary to continue their assignment in the CBI program. This workflow will allow for changes to CBI program assignments to be made more quickly, enabling quicker placement of incarcerated persons and the more efficient use of staff resources.

The DRP managed contractors provide CBI programs and services to incarcerated persons statewide. The contractor staff are often ex-offenders. Programs can be enriched by the contributions of these individuals who share their experience and personal progress with the incarcerated population. In the proposed regulations, language is added to specify that the institutions' Wardens have the authority to approve or disapprove any ex-offenders from serving as a volunteer or working as a contractor within the institution. Additionally, only initial appointments to civil service positions would require the Secretary of Corrections' approval to hire an ex-offender for those types of positions. By securing the Secretary's approval for the initial appointment of an ex-offender to a civil service position within the department, it will help to ensure safety and security within the department. Volunteers and contractors are not department employees and do not need approval from the department Secretary, unless they are working in specific areas in an institution. The addition of this language is needed to reduce the amount of time it takes an ex-offender to be screened for hire, minimizing disruption of rehabilitative programming in the institutions. New language also protects the safety and security of the institution by securing a determination of ability to hire from the entity supervising the ex-offender's probation or parole.

Overall, the proposed regulations provide direction and clarity regarding CDCR education programs, education program waiting list prioritization, assignment criteria, CBI programs, and hiring of ex-offenders. This supports placing the right incarcerated persons in the right education programs at the right time.

BENEFITS OF THE REGULATIONS:

These regulations will provide statewide standardized processes, with the goal of upgrading efficiencies in all CDCR institutions. The proposed regulatory amendments will benefit both CDCR staff and incarcerated persons by allowing for a more efficient means of assigning, reassigning, and unassigning incarcerated persons to and from rehabilitative programs. This will benefit incarcerated persons by effectively placing them in appropriate programs that will benefit them and meet their criminogenic needs. Additionally, the proposed regulations will provide clarity concerning education programs criteria, waiting list prioritization, and assignments. All the proposed changes are designed to support the department's mission of providing a safe and secure environment, reducing recidivism, and providing equity, inclusivity, and non-discrimination for all incarcerated persons.

MATERIALS RELIED UPON:

In proposing additions and amendments to these regulations, the department has not identified, nor has it relied on any technical, theoretical, or empirical study, report, or similar document.

CONSIDERATION OF ALTERNATIVES:

The department must determine that no other reasonable alternatives considered, or otherwise identified and brought to the attention of the department, would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Currently, no alternatives have been brought to the attention of the department that would alter the department's initial determination.

ECONOMIC IMPACT ASSESSMENT:

In accordance with Government Code Section 11346.3(b), the CDCR has made the following assessments regarding the proposed regulations:

Significant Adverse Economic Impact on Business

The department has made an initial determination that the regulatory action will not have a significant adverse economic impact on business. The proposed regulations do not have a direct impact on California businesses as the proposed regulations only affect the internal management of CDCR institutions.

Creation of New, or Elimination of Existing Jobs within the State of California

The department has determined that the proposed regulations will not have an impact on the creation of new or the elimination of existing jobs within California as the proposed regulations only affect the internal management of CDCR institutions.

Creation of New, or the Expansion or Elimination of Existing Businesses within the State of California

The department has determined that the proposed regulations will not have an impact on the creation of new, or the expansion or elimination of existing businesses within California as the proposed regulations only affect the internal management of CDCR institutions.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The department has determined the proposed regulations will not have an impact on worker safety, and the State's environment. However, the health and welfare of California residents may benefit by incarcerated persons being processed more efficiently into appropriate rehabilitation programs and waiting lists, which may aid in incarcerated persons' quicker rehabilitation and success; and will also provide more efficient use of staff resources. New CBI programs will assist with the rehabilitation of incarcerated persons with substance use disorders, and their success once released back into society. Lastly, by obtaining a Warden's approval prior to the hiring of an ex-offender, it will ensure safety and security within the institutions.

Forms Incorporated by Reference:

- automated Education Progress Record (03/2025)

The automated Education Progress Record (03/2025) is incorporated by reference in these proposed regulations and is explained below in subsection 3040.3(b)(2). The department uses over 1,500 regulatory forms, and because of this, it would be unduly cumbersome, expensive, and impractical to print all the forms in Title 15. Therefore, department forms are incorporated by reference into Title 15 where appropriate. A copy of this form is made available in these proposed regulations.

The CDCR Form 7362 (Rev. 03/19), Health Care Services Request Form, has already been adopted in CCR, Title 15, Division 3, Chapter 2, Rules and Regulations of Health Care Services, section 3999.99, and is unchanged in this rulemaking. A copy of this form is provided for reference purposes only.

The CDC Form 128-B (Rev. 4/74), General Chrono, has already been adopted in CCR, Title 15, Division, 3, Chapter 1, Rules and Regulations of Adult Operations and Programs, and is carried over from regulations in existence prior to CCR, Title 15, and is unchanged in this rulemaking. A copy of this form is provided for reference purposes only.

SPECIFIC PURPOSE AND RATIONALE FOR EACH SECTION, PER GOVERNMENT CODE 11346.2(b)(1):

3000. Definitions.

Section 3000 is amended to clarify the definition of “Rehabilitative Programs” by providing examples of specific programs. The term “Rehabilitative Programs” is referenced in several regulatory sections in Title 15, so providing examples of the specific programs that are meant by use of the term provides improved clarity when the term is used. Additionally, a grammatical change is made to replace the word “are” with “consist of.”

3040. Participation.

Subsection 3040(c) is amended to add the exception of subsections 3040.3(b)(1)-(4) to the process by which a classification committee refers an incarcerated person to a program. Together, these subsections allow for the DRP Office of Correctional Education along with the Assignment Office to assign, reassign, or unassign an incarcerated person to traditional education assignments (for non-adverse actions), without a classification committee action. These subsections also allow the institution’s school principal or designee to assign, reassign, or unassign incarcerated persons to voluntary education programs, alternative education programs, and education support programs, without a classification committee action. By adding the reference to subsections 3040.3(b)(1)-(4) as an additional exemption that applies to subsection 3040(c), the language refers the reader to another process for program placements and waiting lists, when appropriate.

Subsection 3040(f) is amended to add the exceptions of subsections 3040.1(d) and

3040.3(b)(1)-(4) to the process by which a staff person could request removal of an incarcerated person from a program via a correctional counselor and classification committee. Together, subsections 3040.3(b)(1)-(4) allow for the DRP Office of Correctional Education along with the Assignment Office to assign, reassign, or unassign an incarcerated person to traditional education assignments (for non-adverse actions) without a classification committee action and also allow the institution's school principal or designee to assign, reassign, or unassign incarcerated persons to voluntary education programs, alternative education programs, and education support programs, without a classification committee action. Subsection 3040.1(d) authorizes a DRP CC III to remove an incarcerated person from specified CBI programs for lack of participation, transfer to another facility or institution, or Restricted Housing Unit placement, without a classification committee action. By adding the reference to subsections 3040.1(d) and 3040.3(b)(1)-(4) as an exemption in subsection 3040(f) the language refers the reader to another process for program placements and waiting lists, when appropriate. Language is updated to change "job" to "assignment" to clarify an incarcerated person shall not be removed from any assignments if they are able to complete the essential functions.

3040.1. Integrated Substance Use Disorder Treatment and Cognitive Behavioral Interventions Criteria.

Subsection 3040.1(a)(3) is adopted to establish the CBI Aftercare program as part of the ISUDT and CBI Program. This subsection also establishes the timeframe and requirements for placing an incarcerated person in the CBI Aftercare program. The CBI Aftercare program provides essential reinforcement for relapse prevention, and language in this subsection is necessary to ensure timely placement of incarcerated persons into the program. Placing relevant incarcerated persons in the program who have more than four months left on their sentence is necessary to ensure the incarcerated person can complete the multi-week curriculum.

Subsection 3040.1(a)(4) is adopted to establish the CBI Short Term Education program as part of the ISUDT and CBI Program. This subsection also establishes the timeframe for placing an incarcerated person in the CBI Short Term Education program, and that it is not a mandatory program. The CBI Short Term Education program is necessary to ensure all participants, with six months or less, are offered CBI education prior to being released, this will help ensure incarcerated persons' success once released into their communities.

Subsection 3040.1(a)(5) is adopted to establish the process for an incarcerated person who was removed from a CBI program pursuant to section 3040.1(d)(1), and did not complete a CBI program, to request re-enrollment in a CBI program. The CDCR Form 7362 (Rev. 03/19), Health Care Services Request Form, is used by the incarcerated person to request re-enrollment to a CBI program. This form has already been adopted in CCR, Title 15, Division 3, Chapter 2, Rules and Regulations of Health Care Services, section 3999.99, and is unchanged in this rulemaking, however, a copy is provided in this rulemaking for reference purposes only. Upon receipt of the CDCR Form 7362, health care staff shall triage the incarcerated person's request and evaluate the incarcerated person for CBI program enrollment. This language will assist incarcerated persons who

previously had unexcused absences or were unwilling to attend or actively participate in a CBI program, by giving them another opportunity to participate in a CBI program, which may assist in their rehabilitation.

Subsection 3040.1(a)(6) is adopted to establish the process for an incarcerated person who completed a CBI program to request to repeat a CBI program. Incarcerated persons may communicate verbally or in writing with the DRP Correctional Counselor III at any time. Written communication may be achieved with a simple note, written letter, or use of any other forms provided by the department. This provision gives an incarcerated person the opportunity to repeat a program if they would like to refresh or increase their education to support their rehabilitation and recovery.

Subsection 3040.1(a)(7) is adopted to allow for incarcerated persons who have received a grant of parole from the Board of Parole Hearings to be added to a CBI program and prioritized by their parole grant date. A person who receives a grant of parole typically has approximately 5 months of time before their potential release from prison as a result of the Board of Parole Hearings' decision review and the Governor's review. The CBI programs are 13 to 22 weeks long and provide substance use disorder treatment and life skills education. This language is added to provide clear direction regarding how incarcerated persons on CBI program waiting lists should be prioritized and will enable the assignment of incarcerated persons with a pending release due to a parole grant by the Board of Parole Hearings to complete a CBI program prior to release.

Subsection 3040.1(c) is adopted to establish that when an incarcerated person is referred to the CBI programs by health care staff, it is mandatory to attend (with the exception of CBI Short Term Education) and may result in progressive discipline if the incarcerated person does not attend. Language in this subsection is necessary to ensure each participant gains the knowledge and tools needed to address their SUD and problem behaviors, which will help support pro-social behavior.

Subsection 3040.1(d) is adopted to establish that a DRP CC III may remove an incarcerated person from CBI programs without requiring a classification committee action, except for CBI Intensive Outpatient programs, which are completed by health care staff. Language in this subsection sets forth the process by which the DRP CC III may remove an incarcerated person from CBI programs without a classification committee action. This allows for unwilling or unengaged CBI assigned persons, or CBI assigned persons that have been transferred to another facility or institution, or placed in Restricted Housing, to be removed from the CBI assignment efficiently, allowing other incarcerated persons on CBI waiting lists to be assigned to CBI programs expediently, without having to go to a classification committee. The CDC Form 128-B (Rev. 4/74), General Chrono, is used by the DRP CC III to document the removal. This form has already been adopted in CCR, Title 15, and is carried over from regulations in existence prior to CCR, Title 15, and is unchanged in this rulemaking. A copy of the CDC Form 128-B is provided in this rulemaking for reference purposes only.

Subsections 3040.1(d)(1) through (2) are adopted to provide the circumstances for which an incarcerated person may be removed from CBI programs. Subsection

3040.1(d)(1), which specifies “three unexcused absences during a 30-day period as a result of an incarcerated person demonstrating an unwillingness to attend or actively participate in class, as documented in SOMS by the DRP CC III or designee” is necessary because an incarcerated person who repeatedly misses class or is not a willing participant in class does not benefit from the program. CDCR recognizes there are legitimate reasons someone may miss a class which is why the absences are limited to “unexcused” absences. The department determined that three unexcused absences was a reasonable number to allow, as more than three unexcused absences is excessive. Subsection 3040.1(d)(2), which specifies “transfer to another facility or institution, or Restricted Housing Unit placement” is necessary because an incarcerated person who is no longer at the facility or is placed in restrictive housing is not available to participate in the program.

Subsection 3040.1(e) is adopted to establish that prior to the DRP CC III’s removal of an incarcerated person from CBI programs, the DRP CCIII shall meet with the incarcerated person to discuss their possible removal from the program and allow the incarcerated person to provide their response for the DRP CC III’s consideration before the DRP CC III makes a final decision about removal. The DRP CCIII shall provide a copy of the decision to the incarcerated person for their records or to have in the event they want to appeal the removal decision. The DRP CCIII shall document the use of effective communication, as needed. The CDC Form 128-B (Rev. 4/74), General Chrono, is used by the DRP CC III to document the removal. This form has already been adopted in CCR, Title 15, and is carried over from regulations in existence prior to CCR, Title 15, and is unchanged in this rulemaking.

Subsection 3040.1(e)(1) is adopted to add language stating that if an incarcerated person is being considered for removal from a CBI program due to their disability, they shall be temporarily unassigned and referred to a classification committee for review pursuant to subsection 3369.12(c), which provides guidance to a classification committee. This language is necessary to ensure non-discrimination of incarcerated persons with disabilities in assignment decisions regarding a CBI program, by ensuring, as stated in subsection 3369.12(c), an assignment or removal decision “shall be made on a case-by-case basis, taking into consideration the totality of the incarcerated person's case factors and the department's ability to reasonably accommodate the incarcerated person.”

Subsection 3040.1(f) is adopted to establish that only a classification committee can change an incarcerated person’s work/privilege group status if they are removed from a CBI program. This is necessary because being removed from a CBI program does not impact work/privilege group status which would require review by a classification committee.

Subsection 3040.1(g) is adopted to establish a reinstatement process for incarcerated persons who are removed from CBI programs due to a pending RVR directly impacting an incarcerated person’s participation in the CBI program. This language is necessary to ensure that incarcerated persons who have a CBI program-related Rules Violation Report (RVR) that is voided, dismissed, or adjudicated as not guilty, are able to be assigned to

their previously assigned CBI program as if the RVR had never occurred. This change will minimize disruption to the incarcerated person's CBI program participation if the RVR is voided, dismissed, or adjudicated as not guilty.

3040.3. Education Assignments.

Subsection 3040.3(a) is amended to add language to provide clear direction regarding retaining incarcerated persons in programs to facilitate their completion. By keeping incarcerated persons in their assigned rehabilitative programs, it promotes sustained progress by ensuring the incarcerated person's continuity in the program, which will aid in their success to reintegrate into society once released from prison. Language is updated to use the term "program(s)" as an umbrella term for all courses and subparts of courses, which support overall program completion, as the term "courses" is considered individual classes, and can be misinterpreted as to what is included in the program. Additionally, language is revised to correct the name of the Computer and Related Technologies program, and the Transitions program.

Subsection 3040.3(a)(1) is amended to define the Adult Basic Education (ABE) and Adult Secondary Education (ASE) programs. Clarification is added to state which programs fall under ABE and ASE. Language is updated for clarity purposes, to specify that an incarcerated person may be added to one ABE or ASE waiting list according to their "highest assessed reading level on their current term of incarceration." The use of this phrase is necessary to address past instances of incarcerated persons intentionally performing poorly on a reading level assessment in order to be assigned to a lower level of ABE or ASE, which the incarcerated person could then quickly complete to earn Milestone Completion Credits per section 3043.3 or Educational Merit Credits per section 3043.5. This language is necessary to combat fraudulent manipulation, abuse, and misuse of the education system by incarcerated persons. Reference to the current term of incarceration clarifies to staff that reading levels from a prior term of incarceration should not be considered. Language is updated to remove the word "developmental" in reference to "developmental disabilities" because an incarcerated person may have received a Certificate of Attendance and Participation (CAP) while having any type of disability. Minor grammatical changes are made for correction and readability purposes. The word "certificate" is added after "High School Equivalency" for clarity and consistency purposes.

Subsection 3040.3(a)(1)(A) is amended to revise language for more appropriate wording regarding the review and verification process for school transcripts. The word "official" is removed to allow the department to receive unofficial school transcripts to verify an incarcerated person's graduation status, in anticipation the documents would be received faster. The unofficial transcript must be received directly from the school. For clarification purposes "regionally accredited" is removed and replaced with "accredited by an accreditation agency" for consistency with current accreditation practices. For clarification purposes, a reference to subsection 3043.3(b)(3) is added, which requires the DRP, Office of Correctional Education (OCE) staff to document their review and verification of an incarcerated person's educational history in the education section of SOMS. Language regarding the school registrar noting the incarcerated person's

graduation status in SOMS once the incarcerated person's official transcripts are received and removing the student from the ABE or ASE waiting list or class, is removed due to the newly added language which references subsection 3043.3(b)(3). Reference to this subsection provides for a more relevant description of the process for removing an incarcerated person from ABE or ASE programs.

Subsection 3040.3(a)(1)(B) is amended to provide better clarity on program eligibility and program assignment for ABE or ASE programs. For clarification purposes, "ABE or ASE" is added to name the specific course placement. Additionally, language is added to clarify the types of reading tests which are acceptable for use by CDCR. The language "most recently" is replaced with "highest" to support the addition of new subsection 3040.3(b)(2)(B), which describes the use of the "highest assessed reading level on their current term of incarceration" to be used for placement into the appropriate ABE or ASE course. The use of this phrase is necessary to address past instances of incarcerated persons intentionally performing poorly on a reading level assessment in order to be assigned to a lower level of ABE or ASE, which the incarcerated person could then quickly complete to earn Milestone Completion Credits per section 3043.3 or Educational Merit Credits per section 3043.5. This language is necessary to combat fraudulent manipulation, abuse, and misuse of the education system by incarcerated persons. Reference to the current term of incarceration clarifies to staff that reading levels from a prior term of incarceration should not be considered.

In the chart, the heading title is amended for correction purposes to add the words "and Secondary," and remove the word "Program," replacing it with the word "Courses." The Reading Level numbers are changed from decimal numbers to whole numbers because the reading test the department currently utilizes (Comprehensive Adult Student Assessment Systems (CASAS)) produces test scores as whole numbers. The word "Diploma" is added to clarify the goal for completing the course.

Subsection 3040.3(a)(1)(C) is amended to update the referenced section "3043.7(d)(1)" to "3044.1(d)(1)" because this section was renumbered to 3044.1(d)(1) in regulations that were adopted in 2022. Minor capitalization edits are made for consistency purposes.

Subsection 3040.3(a)(1)(D) is amended to provide clarity and consistency with language in section 3040.3(a)(3)(A). The word "mainstreamed" is replaced with "placed" to provide more appropriate wording and a clear understanding. The word mainstreamed is a term of art for accommodating a student with disabilities in a classroom for the general population, instead of in a special education class. Amending the regulations to provide the same meaning but without using a term of art will make the language clearer for all readers.

Subsection 3040.3(a)(2) is amended to provide clear direction on program eligibility and assignment for Post-Secondary Education Programs. Language is updated to use the term "program(s)" as an umbrella term for all courses and subparts of courses which support overall program completion, as the term "courses" is considered individual classes and can be misinterpreted as to what is included in the program. Language is added to clarify the types of colleges or universities permitted for post-secondary

education by incarcerated persons per Penal Code section 2053.1. This section also specifies that post-secondary education is provided in varied formats with priority given to face-to-face (classroom-based instruction), subject to space availability. Face-to-face instruction is prioritized by Penal Code section 2053.1, as a more enriching education environment. Additionally, language specifies that enrollment is voluntary, and requests for enrollment shall be submitted to the institution's school principal or designee. Language regarding tuition and other costs is removed because pursuant to California Penal Code section 2053.1(a)(3)(B)(vii), amended and effective June 27, 2025, the department shall prioritize colleges and universities that do not charge incarcerated persons or their families for tuition, course material, and other educational components. Being imprisoned, most incarcerated persons do not have the funds to pay for college, and payment would create a burden on the incarcerated person and/or their families to enable the incarcerated person to attend college. Penal Code 2053.1 alleviated this requirement so that now incarcerated persons can attend college, which will aid in their rehabilitation, and assist with their success when released from prison. The department partners with colleges and universities that do not charge for these things; therefore, this language is no longer necessary. Language that specified "courses shall be college level, shall not duplicate Department course content, and shall lead to a degree or certificate" is removed, as it was determined to be unnecessary.

Subsection 3040.3(a)(3) is amended to provide clear direction on waiting list placement and program assignment for Career Technical Education (CTE) programs. The number of waiting lists for CTE programs that an incarcerated person can choose to be placed on at the institution where they are housed is revised to allow for two CTE programs of their own choice, allowing the incarcerated person to select programs based on their greatest interests and prevents them from being assigned to programs of which they have no interest. The language which previously provided that incarcerated persons would be placed on a waiting list for a CTE program recommended by the Education Administrator is removed to allow the incarcerated person the ability to choose CTE programs of their own choice, which provides respect for an incarcerated person's choice and will likely result in more successful completions of CTE programs, as an incarcerated person is more likely to engage in a program of their choosing. Additionally, the number of months considered for priority assignment of incarcerated persons to CTE programs is revised from "six months to four years prior to release" to "eight months to 36 months prior to release." This is necessary to ensure sufficient time for completion of the program, and to ensure that more incarcerated persons close to their release date have an opportunity to be assigned to CTE programs. Revisions also provide clear direction regarding advanced CTE programs for incarcerated persons who have completed a non-advanced CTE program. Language specifies that those who complete a CTE program that is a prerequisite for an advanced CTE program may be placed on the advanced CTE program waiting list and assigned to the advanced CTE program. Language is added to provide clear direction that incarcerated persons who are enrolled in full-time post-secondary education, or are participating in the Occupational Mentor Certification Program, Peer Support Specialist Program, Firefighting Program, or other work training program leading to an industry certification, are exempt from the institution placing them on a CTE program waiting list or into a CTE program assignment. The department recognizes the importance of these other programs to address an incarcerated person's identified employment

needs in lieu of CTE programs. Language is added to allow an incarcerated person, who has satisfied their employment need, to be placed on a CTE program waiting list of their choice for a CTE program they have not previously completed. This will provide for fairness by allowing those who have not already taken a specific CTE program to have an opportunity to take the program. Language is updated to use the term “program” as an umbrella term for all courses and subparts of courses which support overall program completion, as the term “courses” is considered individual classes and can be misinterpreted as to what is included in the program. Grammatical changes are made for clarity, consistency, and readability.

Subsection 3040.3(a)(3)(A) is amended to provide consistency with the language in section 3040.3(a)(1)(D). The words “and cultural” are removed because this was the only reference in the section to “culture” and it was determined to be unclear, as it had no definition or explanation. The word “mainstreamed” is changed to “placed” to provide clear direction for the placement of all incarcerated persons in CTE programs. The word mainstreamed is a term of art for accommodating a student with disabilities in a classroom for the general population, instead of in a special education class. Amending the regulations to provide the same meaning but without using a term of art will make the language clearer for all readers. Language is updated to use the term “program” as an umbrella term for all courses and subparts of courses which support overall program completion, as the term “courses” is considered individual classes and can be misinterpreted as to what is included in the program.

Subsection 3040.3(a)(4) is amended to clarify waiting list placement and program assignment for Computer and Related Technologies (CRT) programs. The name of the program is changed for correction purposes. Language is updated to use the term “program” as an umbrella term for all courses and subparts of courses which support overall program completion, as the term “courses” is considered individual classes, and can be misinterpreted as to what is included in the program. Grammatical changes are made for clarity and readability, and to remove unnecessary language. For better clarity, the language “assignment to CRT courses” is replaced with “the institution placing them on a CRT program waiting list or into a CRT program assignment.”

Subsection 3040.3(a)(5) is amended to provide clear direction regarding waiting list placement and program assignment for the Transitions program. For consistency, language is updated to use the term “program” as an umbrella term for all courses and subparts of courses which support overall program completion, as the term “courses” is considered individual classes and can be misinterpreted as to what is included in the program. For better clarity and specificity, the timeframe language of “two years” is modified to “24 months.” Additional language is added to include a new category of incarcerated persons in the program eligibility criteria, specifically those who have been granted parole by the Board of Parole Hearings. This modification will allow for more incarcerated persons who are close to release to be assigned to the Transitions program. The Transitions program provides incarcerated persons nearing release from prison with helpful education and tools for transitioning to living outside prison and adjusting to their communities. The word “previously” is removed as it is redundant and unnecessary. For better clarity, language is amended to specify that “Incarcerated persons ... are exempt

from the institution placing them on a Transitions program waiting list or into a Transitions program ...,” and language is added to allow incarcerated persons to retake the program if requested. This will provide for those who feel they need additional assistance with transitioning to life outside prison, to receive the assistance they feel they need, which will aid in their successful rehabilitation.

Subsections 3040.3(a)(6) through (a)(6)(A)(2) are adopted to define and establish the criteria and purpose of the Peer Literacy Mentor Program (PLMP). This program provides valuable assistance to incarcerated persons without a High School Diploma (HSD) or High School Equivalency (HSE) certificate, who need help with literacy and academics. The program also provides skills to those individuals providing the mentoring services by instilling them with accountability and responsibility, which will provide them with skills they can use after incarceration. Incarcerated persons with sufficient literacy skills are needed to tutor those incarcerated persons who do not have sufficient literacy skills. Peer mentors need to have an HSD or HSE certificate to ensure they have the necessary literacy and academic skills to mentor other incarcerated persons. Priority for becoming a peer mentor is given to those incarcerated persons with a college degree as they have literacy and academic skills beyond those of someone with an HSD or HSE certificate, making them more knowledgeable mentors. They also have demonstrated sustained commitment to academic education, which makes them a role model to other incarcerated persons. The requirement for remaining disciplinary free for six months ensures peer mentors can demonstrate their ability to abide by prison rules to maintain program stability.

Subsection 3040.3(b) is amended to establish and define four categories of education programs offered by DRP Office of Correctional Education (OCE): Voluntary education programs, Alternative education programs, Education support programs, and Traditional education programs. Additionally, for clarification purposes, new language establishes that all education programs “except post-secondary education programs” are open-entry and open-exit.

Subsection 3040.3(b)(1) is amended to replace the language in its entirety to describe the assignment, unassignment, and reassignment process for alternative education, education support, and voluntary education programs. New language establishes the institution’s school principal or designee’s authority to assign, unassign, and reassign incarcerated persons to alternative education, education support programs, and voluntary education programs, without a classification committee action. By not processing assignments, unassignments, and reassignments through a classification committee, this will enable quicker processing of these actions and will benefit incarcerated persons by including them in programs that are appropriate for them. The CDC Form 128-B is no longer needed in this section because the process for documenting traditional education program assignments, reassignments, and unassignments is located in subsections 3040.3(b)(2) through 3040.3(b)(4). Criteria are provided for consideration in assignment, unassignment, and reassignment decisions. These criteria are updated in this regulatory section and include “program prerequisites, mental health or medical needs, disability, test history, or employment need as determined by the department’s automated needs assessment tool.” The change from mental health or medical “diagnosis” to mental health

or medical “needs” allows an incarcerated person to access programs without having to have a documented diagnosis shared with non-medical or non-mental health care staff, protecting health care privacy. The word “disability” is added to ensure incarcerated persons who have been identified as having disabilities not related to a medical or mental health need are accommodated. The addition of “as determined by the department’s automated needs assessment tool” is added to reference the department’s automated needs assessment tool, which is used to determine an incarcerated person’s employment need, and is described in section 3375.6. Program prerequisites are the relevant requirements for the assignment being considered. Additionally, an incarcerated person with medical, mental health, or disability factors may need special support or accommodation in education programs. History of testing is relevant to determining an incarcerated person’s placement in education programs or needs for additional support. Finally, an incarcerated person’s identified need for employment training is relevant to determining which program will be valuable for them. Specifying these criteria ensures an incarcerated person’s assignment, unassignment, or reassignment for alternate education, education support, and voluntary education programs is based on the incarcerated person’s individual needs.

Subsection 3040.3(b)(2) is amended to replace the language in its entirety to describe the reassignment process for traditional education programs. New language allows the Assignment Office’s authority to reassign incarcerated persons to traditional education programs upon receipt of the Education Progress Record (03/2025), without a classification committee action. This will enable quicker processing of these reassignments. Criteria are provided for DRP OCE staff consideration in reassignment decisions. These criteria are explained above for subsection 3040.3(b)(1). This section establishes the automated Education Progress Record (03/2025), which is located in SOMS, and is incorporated by reference. A copy of the automated Education Progress Record is provided in this rulemaking action. The Education Progress Record includes details about the incarcerated person’s education assignment, their behavior while in program, and recommendations around continuing or changing the assignment. The Education Progress Record (03/2025) is completed by DRP OCE staff, approved by the institution’s school principal or designee who confirms the incarcerated person’s need for reassignment, and then it is forwarded in SOMS to the Assignment Office for processing. Due to reorganization of the section, previous language in this subsection regarding “unassignments” is relocated to subsections 3040.3(b)(4)-(5).

Subsection 3040.3(b)(2)(A) is amended to replace the language in its entirety. New language provides that upon receipt of the completed Education Progress Record (03/2025) from the institution’s school principal or designee, the Assignment Office shall unassign incarcerated persons who complete an ABE or ASE course and place them on the next ABE or ASE course waiting list, without a classification committee action. The Education Progress Record (03/2025) is completed by DRP OCE staff, approved by the institution’s school principal or designee who confirms the incarcerated person’s completion of the ABE or ASE course, and then SOMS forwards it to the Assignment Office for processing. The automated Education Progress Record is incorporated by reference in subsection 3040.3(b)(2), and a copy is made available in this rulemaking. These changes will enable quicker processing of unassignments and waiting list

placements once an incarcerated person has completed an ABE or ASE course and may enable an incarcerated person to obtain their HSD or HSE certificate sooner due to the quicker turnaround.

Subsection 3040.3(b)(2)(B) is adopted to clarify that incarcerated persons shall be placed in an ABE or ASE course based upon their highest assessed reading level on their current term of incarceration, absent a health care recommendation. This clarification as well as additional language addressing incarcerated persons assigned to ABE or ASE courses not associated with their highest assessed reading level, is necessary to address past instances of incarcerated persons intentionally performing poorly on a reading level assessment in order to be assigned to a lower level of ABE or ASE, which the incarcerated person could then quickly complete to earn Milestone Completion Credits per section 3043.3 or Educational Merit Credits per section 3043.5. This language is necessary to combat fraudulent manipulation, abuse, and misuse of the education system for incarcerated persons. This subsection includes an exception to allow the use of a lower reading level assessment for assignment decisions based on information received from health care professionals. The exception is necessary to account for instances when an incarcerated person's disability or medical or mental health status may impact their assessed reading level. This language shall enable the department to place incarcerated persons in the most appropriate ABE or ASE course based on their individualized abilities.

Subsection 3040.3(b)(3) is adopted to clarify the Assignment Office's authority to assign incarcerated persons to traditional education programs based upon the order in which they appear on the program waiting list. Additional language references subsections 3044.2(a)(3) through (a)(4) which outline the prioritization of the waiting lists. These changes will enable quicker processing of assignments and provide clarity on how incarcerated persons are to be selected from the waiting lists.

Subsection 3040.3(b)(4) is adopted to provide direction regarding non-adverse unassignments from traditional education programs. By allowing unassignments from traditional education programs to be done without a classification committee action it will enable quicker processing of these unassignments, which may lead to the assignment of the incarcerated person to another program sooner and may also lead to another incarcerated person being assigned to the resultant opening in a traditional education program sooner. The Education Progress Record (03/2025) is completed by DRP OCE staff, approved by the institution's school principal or designee who confirms whether the incarcerated person needs to be unassigned from a traditional education program, then SOMS forwards the Education Progress Record to the Assignment Office for processing. The automated Education Progress Record is incorporated by reference in subsection 3040.3(b)(2), and a copy is made available in this rulemaking.

Subsection 3040.3(b)(4)(A) is adopted to establish that incarcerated persons shall be removed from any ABE or ASE assignment and waiting list by the Assignment Office once their school transcript has been received by the department indicating they have earned a HSD or HSE certificate, or the incarcerated person has earned a Certificate of Attendance and Participation. This will enable quicker processing of these unassignments, which may lead to the assignment of the incarcerated person to another

program sooner and may also lead to another incarcerated person being assigned to the resultant opening in an ABE or ASE program sooner.

Subsection 3040.3(b)(4)(B) is adopted to establish that incarcerated persons who complete a CTE program, shall be unassigned from the program and removed from all non-advanced CTE waiting lists by the Assignment Office, without a classification committee action. This will enable quicker processing of these unassignments, which may lead to the assignment of the incarcerated person to another program sooner and may also lead to another incarcerated person being assigned to the resultant opening in a CTE program sooner.

Subsection 3040.3(b)(4)(C) is adopted to establish that incarcerated persons who have completed CRT and Transitions programs shall be unassigned from those programs by the Assignment Office, without a classification committee action. This will enable quicker processing of these unassignments, which may lead to the assignment of the incarcerated person to another program sooner and may also lead to another incarcerated person being assigned to the resultant opening in a CRT or Transitions program sooner.

Subsection 3040.3(b)(5) is adopted to provide direction regarding adverse unassignments from traditional education programs. By requiring a classification committee action for unassignment of an incarcerated person from a traditional education program due to adverse reasons, it will ensure due process is provided by giving the incarcerated person an opportunity to provide their input on the decision whether to remove them from a traditional education program.

3043.3. Milestone Completion Credit.

Subsection 3043.3(b)(2) is amended to remove the word “official,” to allow the department to receive unofficial school transcripts to verify an incarcerated person’s graduation status, in anticipation the documents will be received faster. The unofficial transcript must be received directly from the school. This language is updated to align with changes to subsection 3040.3(a)(1)(A).

3044. Incarcerated Person Work Groups and Privilege Groups.

Subsection 3044(b) is amended to remove the word “all” because it is determined to be unnecessary. The words “or re-assignments” are removed because they are no longer necessary for this subsection. Incarcerated persons in work groups are not reassigned, but rather they are removed from a work group and then assigned to another.

Subsection 3044(b)(1)(A) is amended to broaden the scope of Work Group A-1 by removing the word “required,” in that the department recognizes that rehabilitative programming, whether voluntary or mandatory, shall result in Work Group A-1 placement, as an incentive to participate in rehabilitative programs. The Work Group designation of F, and the citation reference to subsection 3044(b)(7) are added to clarify the exceptions for Work Group A-1 when an incarcerated person is assigned to a rehabilitative program. Grammatical changes are made for clarity purposes.

Subsection 3044(b)(1)(C) is amended to remove language referring to “career technical education.” Removing this language prevents a conflict with the changes made to subsection 3040.3(a)(3), as incarcerated persons enrolled in full-time post-secondary education are exempt from participating in a CTE program or being placed on a CTE program waiting list as enrollment in both would be two full-time assignments. Language is added to enable an incarcerated person who is enrolled in full-time college to take additional half-time programs to maximize an incarcerated person’s programming opportunities. Penal Code section 2053.1 historically prevented incarcerated persons enrolled in full-time college programs from participating in other programs because the penal code designated those persons as having a full-time work or training assignment. However, the penal code was amended with the 2025-26 Budget Act, and became effective June 27, 2025, removing the restriction preventing incarcerated persons in full-time college assignments from participating in additional half-time work or program assignments. The language referring to an “associate’s degree” or “bachelor’s degree” is removed as it is unnecessary, because the number of units is how a full-time college enrollment is defined.

Subsection 3044(b)(3) is amended to remove language that made full-time college assignments treated as half-time for purposes of relevant Work Group assignment. Penal Code section 2053.1, amended with the 2025-26 Budget Act, effective June 27, 2025, established the same Work Group status for those incarcerated persons who are assigned to a full-time college program as those who are assigned to a full-time work or program assignment. They are not considered half-time.

3044.1 Special Assignments.

Subsection 3044.1(a)(3) is deleted to remove language that is no longer necessary for this section, as it is duplicative of the language located in section 3044(b)(1)(A).

3044.2. Impact of Transfer on Work Groups and Waiting List Prioritization.

Subsection 3044.2(a)(3) is amended to clarify that an incarcerated person in an assignment (not just a *work* assignment) at the sending institution shall be reevaluated by a classification committee at the receiving institution, and incarcerated persons shall be placed on waiting lists based upon the incarcerated person’s relevant case factors related to the assignment being considered. The “work group effective date” is added to the list of things that determine how an incarcerated person will be merged onto a waiting list at a receiving institution. The work group effective date is added for comprehension, clarity, and consistency with the language in this section. Language which referred to “incarcerated persons who are day for day eligible per Penal Code section 2933, and Senate Bill 618 Participants” is removed and relocated to subsequent subsections within 3044.2, where the prioritization for these eligible persons is further defined. Grammatical changes are made for clarity and readability.

Subsection 3044.2(a)(3)(A) is amended to reference subsection 3077.3(b)(1), which establishes the waiting list priority of SB 618 Participants.

Subsection 3044.2(a)(3)(B) is amended to remove the language related to “day for day credit” because credit earning schemas have changed with the implementation of new laws (e.g., The Public Safety and Rehabilitation Act of 2016 (Proposition 57)) and as a result day-for-day credit is not always applicable. It is more precise to refer to these incarcerated persons as “eligible for Penal Code section 2933.” Language regarding “incarcerated persons who are eligible for Penal Code section 2933 shall be given second priority for placement on waiting lists” is deleted because an institution that does not have SB 618 participants will use this category as the first priority. Grammatical changes are made for clarity and readability.

Subsection 3044.2(a)(3)(C) is amended to remove the language related to “day for day credit” because credit earning schemas have changed with the implementation of new laws (e.g., The Public Safety and Rehabilitation Act of 2016 (Proposition 57)) and as a result day-for-day credit is not always applicable. It is more precise to refer to these incarcerated persons as “eligible for Penal Code section 2933.” The work group designations of “M” and “F” are added to include these work groups for clarity purposes, and to make sure these work groups are not overlooked in this waiting list priority. Language regarding “incarcerated persons who are eligible for Penal Code section 2933 shall be given next priority for placement on waiting lists” is deleted as it is redundant. Grammatical changes are made for clarity and readability.

Existing subsection 3044.2(a)(3)(E) is renumbered to 3044.2(a)(3)(D) and is amended to change the prioritization of this group of incarcerated persons from “fifth” to “fourth” because incarcerated persons with Work Group A-2 do not have an assignment. The department prioritizes placing individuals who are not assigned over those who are assigned to provide all incarcerated persons an opportunity to participate in prosocial activities. It is important that incarcerated persons are placed into assignments to achieve rehabilitative goals and prepare these individuals for reintegration into the community. Language related to “day-for-day credit” is removed because credit earning schemas have changed with implementation of new laws (e.g., The Public Safety and Rehabilitation Act of 2016 (Proposition 57)) and as a result day-for-day credit is not always applicable. It is more precise to refer to these incarcerated persons as “not eligible for Penal Code section 2933.” Grammatical changes are made for clarity and readability.

Existing subsection 3044.2(a)(3)(D) is renumbered to 3044.2(a)(3)(E) and is amended to change the prioritization of this group of incarcerated persons from “fourth” to “fifth” because incarcerated persons in these work groups have an assignment, and priority is given to those who do not have an assignment. Language related to “day-for-day credit” is removed because credit earning schemas have changed with the implementation of new laws (e.g., The Public Safety and Rehabilitation Act of 2016 (Proposition 57)) and as a result day-for-day credit is not always applicable. It is more precise to refer to these incarcerated persons as “not eligible for Penal Code section 2933.” The work group designation of “M” is added to include this work group for clarity purposes, and to make sure this Work Group is not overlooked in this waiting list priority. Grammatical changes are made for clarity and readability.

Subsection 3044.2(a)(4) is amended to remove unnecessary and redundant language

as general provisions regarding waiting lists are already addressed in other subsections. There are no separate approval requirements for rehabilitative programs to place an incarcerated person on a waiting list. Grammatical changes are made for clarity and readability.

Subsection 3044.2(a)(4)(A)2. is amended to provide clear direction for how the California Static Risk Assessment scores are to be prioritized. Language regarding the release date criteria is removed because it is included within subsection 3044.2(a)(3) for general waiting list criteria. The Transitions program is removed from the language as the CSRA assessment is no longer used for eligibility into the Transitions program. This will ensure all incarcerated persons who are close to release will be able to enroll in the Transitions program.

Subsection 3044.2(a)(4)(A)2.A. is renumbered to 3044.2(a)(4)(A)3. and amended to provide clear direction and reference to the automated needs assessment tool scoring for Career Technical Education programs. The subsection is renumbered for correction purposes, as this subsection should have previously been numbered as 3044.2(a)(4)(A)3., which is the correct organization for this subsection language. Terminology is updated from “moderate” to “medium,” and “risk” to “employment need,” to align with the actual scoring labels used in the automated needs assessment tool.

Subsection 3044.2(a)(4)(A)4. is adopted to allow incarcerated persons who are age 21 or younger to be prioritized over those who are age 22 or older for ABE and ASE programs. To satisfy the requirements for the funding received via the Every Student Succeeds Act, this cohort needs to be prioritized for these academic programs. This language is added to provide clear direction about how incarcerated persons on ABE and ASE waiting lists should be prioritized.

Subsection 3044.2(a)(4)(A)5. is adopted to prioritize incarcerated persons who have not earned an HSD or HSE certificate and who have completed an ABE or ASE course within the previous 90 days to be prioritized on the next waiting list for an ABE or ASE course. This will ensure that incarcerated persons progressing through ABE and ASE courses will maintain their learning gains and avoid a loss of knowledge during a break in assignment.

Subsection 3044.2(a)(4)(A)6. is adopted to allow for incarcerated persons who have received a grant of parole from the Board of Parole Hearings to be added to the Transitions program waiting list and prioritized by their parole grant date to participate in the Transitions program. A person who receives a grant of parole typically has approximately 5 months of time before their potential release from prison as a result of the Board’s decision review and the Governor’s review. The Transitions program is 8 weeks long and provides job preparation and financial literacy skills for those who are within 24 months of release. This language is added to provide clear direction regarding how incarcerated persons on Transitions program waiting lists should be prioritized and will enable the assignment of incarcerated persons with a pending release due to a parole grant by the Board of Parole Hearings to complete a Transitions program prior to release.

Subsection 3044.2 (a)(4)(A)7. is adopted to allow for incarcerated persons who will be reviewed for parole consideration by the Board of Parole Hearings within 36 months to be prioritized by their parole review date for Academic Education and CTE programs over those incarcerated persons who are not Penal Code section 2933 eligible. This will enable them to meet educational and employment needs to prepare for their Board of Parole Hearings review and satisfy Board of Parole Hearings' recommendations from previous reviews. This language was added to provide clear direction about how incarcerated persons on Academic Education and CTE waiting lists should be prioritized.

Subsection 3044.2(a)(4)(A)8. is adopted to provide that those incarcerated persons who have satisfied their employment need per section 3375.6(c) shall be prioritized below those who have not yet met their employment need. Because they have already satisfied their employment need they will be placed at the bottom of the waiting list to allow those incarcerated persons who have not yet met their employment need to be assigned first. This will enable as many incarcerated persons as possible to meet their employment need.

Subsection 3045(a) is amended because incarcerated persons enrolled in independent study meet with teachers weekly to track progress and review assignments. Language is added to provide clear direction for programs with an independent study component (as approved by the Undersecretary or above) to be able to record program attendance in SOMS on a weekly basis. Language regarding the log being retained at a secure location designated by the facility management for a period of 4 years from the date of completion is removed because timekeeping logs are now maintained electronically in SOMS.

3375. Classification Process.

Subsection 3375(c) is amended to add subsections 3040.3(b)(1)-(4) to the exceptions by which a classification committee refers an incarcerated person to a program. The referenced subsections allow the Assignment Office to assign, reassign, or unassign an incarcerated person to traditional education assignments (for non-adverse actions), without a classification committee action. The referenced subsections also allow the institution's school principal or designee to assign, reassign, or unassign incarcerated persons to voluntary education programs, alternative education programs, and education support programs, without a classification committee action. By adding the reference to subsections 3040.3(b)(1)-(4) as an additional exemption that applies to subsection 3375(c), the language refers the reader to another process for program placements and waiting lists, when appropriate.

3375.6. Automated Needs Assessment Tool.

Subsection 3375.6(a)(3) is amended to remove "Career Technical Education" from the list of criminogenic need categories that the automated needs assessment tool evaluates and add "employment" as one of the criminogenic need categories that the automated needs assessment tool will evaluate. "Career Technical Education" is removed for correction purposes to align with the labels used in the automated needs assessment tool, as the needs assessment category has always been labeled "employment," and was

never labeled “Career Technical Education.” Additionally, vocational training like CTE is inherently included in what may be beneficial to address an employment criminogenic need. This correction will provide for the correct label used in the automated needs assessment tool.

Subsection 3375.6(c) and subsections (c)(1) through (8) are adopted to establish the educational and work programs which will be considered to have satisfied an incarcerated person’s medium to high employment need (based on the department’s automated needs assessment tool) when they have been completed by an incarcerated person. This language is necessary to provide the incarcerated person various methods of satisfying their employment need while allowing them to pursue their rehabilitative interests and goals and not forcing them into a single pathway towards rehabilitation.

3404. Hiring of Ex-Offenders.

Subsection 3404(a) is amended to provide clarification about the types of positions for which the department Secretary is required to provide written approval for the initial appointment of ex-offenders to departmental employment positions. The term “civil service” is added for clarity as a civil servant is another name for a government employee. Volunteers and contractors for the department are not considered department employees. By securing the Secretary’s approval for the initial appointment of an ex-offender to a civil service position within the department, it will help to ensure safety and security within the department.

Subsection 3404(e) is adopted to establish the authority for the Warden to approve ex-offenders as volunteers or contractors within the institution. This is necessary because volunteers and contractors are not department employees and do not need approval from the department Secretary, unless they are working in specific areas in an institution, as described in subsection 3404(b), or are being considered for a civil service position, as described in subsection 3404(a). This language is necessary so appointments of ex-offenders as volunteers or contractors are reviewed for potential security concerns before working or providing services in an institution.

Subsection 3404(e)(1) is adopted to establish a requirement for the Division of Adult Parole Operations’ (DAPO) District Administrator to approve of an ex-offender under parole supervision seeking to perform services as a volunteer or contractor within an institution. If the approval is denied by the District Administrator it must be forwarded to the Chief Deputy Regional Administrator for a final determination. The approval must occur prior to the Warden’s approval of a parole supervised ex-offender as a volunteer or contractor. This is necessary so appointments of ex-offenders as volunteers or contractors who are supervised on parole are reviewed for potential security concerns before providing services in an institution. The information provided by DAPO supports the Warden’s decision making.

Subsection 3404(e)(2) is adopted to establish the requirement for the Chief Probation Officer or designee, or court from the county of supervision, to approve of an ex-offender on probation seeking to work as a volunteer or contractor within an institution. The

approval must occur prior to the Warden's approval of an ex-offender on probation as a volunteer or contractor. This is necessary so appointments of ex-offenders as volunteers or contractors who are on probation are reviewed for potential security concerns before providing services in an institution. The information provided by the Chief Probation Officer or court supports the Warden's decision making.

Subsection 3404(f) is adopted to define the term "ex-offender" for the purposes of this section, to include a supervised person, a person on probation, or a formerly supervised person. This is necessary to specify the different types of ex-offenders who may be allowed to work in the department.