REGULATION AND POLICY MANAGEMENT BRANCH
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July 29, 2026

NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

Pursuant to the provisions of Government Code Section 11346.8(c) and Section 44 of Title 1 of the California Code of Regulations (CCR), the California Department of Corrections and Rehabilitation (CDCR or the department) hereby provides notice of proposed changes made to CCR sections regarding Waiting Lists and Rehabilitative Program Assignments. The department proposes to amend sections 3000, 3040, 3040.1, 3040.3, 3043.3, 3043.5, 3044, 3044.1, 3044.2, 3046, 3077.3, 3294.5, 3375, 3375.6, 3376.2, and 3404 within the CCR, Title 15, Division 3, Chapter 1.

In addition, the automated Education Progress Record (03/2025) is updated to (09/2025) to streamline the incarcerated person's educational program progress information. The previous form was overly detailed and made determining the incarcerated person's anticipated progress difficult to read. To simplify and improve readability, the updated version focuses on the percent of the program completed along with the associated instructional hours. All other aspects of the Education Progress Record remain the same.

You are receiving this notice because you provided comments or expressed an interest in receiving notice of changes to the proposed regulations concerning Waiting Lists and Rehabilitative Program Assignments.

Notice of Change to Regulations 26-02 was noticed to the public on February 6, 2026. The full text of the originally proposed amendments is shown in its original single underline and ~~single strikethrough~~ format. The changes provided in the 15-Day Re-Notice Text of Proposed Regulations are indicated by **bold double underline** for additional added text**,** and **~~bold double strikethrough~~** for additional deleted text to the originally proposed text.

Only those comments relating directly to the amendments indicated by **bold double underline** or **~~bold double strikethrough~~** and identified in this Notice of Change to Text as Originally Proposed will be considered.

In the attached text the following changes are made:

Section 3000:

The definition for the term Cognitive Behavioral Interventions (CBI) is amended to remove the "s" at the end of "Cognitive Behavioral Interventions" and add the word "programs" to the end of the term name, as the term represents a collection of programs. This provides for an accurate title/name of the term. Additionally, the word "treatment" is replaced with "the programs" for better clarity and consistency with how this term is used throughout CDCR regulations. Not all CBI programs offered by CDCR are considered treatment.

The definition for the term Rehabilitative Programs is amended to move the phrase "managed by the Division of Rehabilitative Programs (DRP)" directly after "Rehabilitative Programs" for better clarity and consistency with how this term is used throughout CDCR regulations. Although there are many programs at CDCR with rehabilitative benefits, this modification makes the definition specific to only those rehabilitative programs managed by the Division of Rehabilitative Programs. In addition, the term Cognitive Behavioral Interventions (CBI)" is relocated to the end of the sentence and is replaced with "Cognitive Behavioral Intervention (CBI) programs associated with the Integrated Substance Use Disorder Treatment (ISUDT) program" to improve clarity about which CBI programs DRP manages.

Section 3040

In subsection **3040(f)** the reference to 3040.1"(d)" is revised to "(e)" due to the renumbering of section 3040.1.

Section 3040.1

Section 3040.1 title heading is amended to remove the "s" from the word "Interventions" and add the word "Programs" after "Cognitive Behavioral Intervention" for consistency with the update to the definition in section 3000 and as used throughout these regulations.

New subsection **3040.1(a)** is added to clarify the Cognitive Behavioral Intervention (CBI) programs that exist within the Integrated Substance Use Disorder Treatment (ISUDT) program. This is necessary to provide clarity and understanding of the CBI programs that are included within the ISUDT program. This subsection also clarifies that the CBI Intensive Outpatient program is a treatment program managed by health care services, however, the rest of the CBI programs are educational programs managed by the Division of Rehabilitative Programs (DRP).

Existing subsection **3040.1(a) is renumbered 3040.1(b)** due to the addition of a new subsection 3040.1(a) as described above, and language is added to clarify that "Assignments to CBI programs shall be for a set length of time and participation is required to complete the program." This language is necessary to establish that required participation for a set length of time is necessary for the program to be considered complete, at which point the incarcerated person can earn Milestone Completion Credits in accordance with the Milestone Completion Credit Schedule (MCCS) (Rev. 01/26), which is incorporated by reference into CCR, Title 15, Division 3, subsection 3043(c). Except for CBI Short Term Education, each CBI program has a unique curriculum offered over a specified number of weeks that incarcerated persons must complete in order to complete the program. Establishing required participation ensures completion of the multi-week curriculum and builds relapse prevention and pro-social skills. For grammatical and consistency purposes and general acronym conventions, the language "Cognitive Behavioral Interventions" is replaced with the acronym "CBI," and due to this revision, for grammatical purposes the word "the" prior to "CBI" is removed. The department's practice is to spell out acronym terms once per section and then use the acronym for the rest of the section. Lastly, for clarification purposes, the last sentence

adds the language “programs managed by DRP” to clarify that the eligibility criteria and priority placement in the following subsections are for CBI programs “managed by DRP,” and not for the CBI program managed by health care services.

Existing subsection **3040.1(a)(1) is renumbered (b)(1)** and is amended to remove reference to the CBI Intensive Outpatient program as that program is managed by health care services and is addressed in California Correctional Health Care Services (CCHCS) policies and memoranda. This subsection, as well as subsections 3040.1(b)(2)-(4) describe the eligibility criteria and priority placement into CBI programs managed by DRP. Additionally, the regulations are updated to change the name of the CBI Outpatient program to CBI SUD program to clarify that participants in the program are not patients as the CBI SUD program is not managed by health care services. The word “referral” is changed to “assessment” to clarify that an assessment is performed by health care services to determine eligibility criteria and placement prioritization for the CBI SUD for those incarcerated persons who have a Substance Use Disorder (SUD). The CBI SUD program provides essential SUD education to incarcerated persons with a SUD. Language related to criminogenic needs identified by automated risk or needs assessment tools is removed because it is no longer relevant. Health care services is responsible for all of the screening and assessment for CBI programs. Additionally, for grammatical and consistency purposes and general acronym conventions, the language “substance use disorder” is replaced with the acronym “SUD.” The department’s practice is to spell out acronym terms once per section, then use the acronym.

Existing subsection **3040.1(a)(2) is renumbered (b)(2)** and is amended to add the word “program” after “CBI Life Skills” for better clarity and understanding that CBI Life Skills is a program. Language related to criminogenic needs identified by automated risk or needs assessment tools is removed because it is no longer relevant. Health care services is responsible for all of the screening and assessment for CBI programs. The word “referral’ is replaced with “assessment” to better reflect health care’s role in program placement. Additionally, for grammatical and consistency purposes and general acronym conventions, the language “substance use disorder” is replaced with the acronym “SUD.” The department’s practice is to spell out acronym terms once per section, then use the acronym.

Subsection **3040.1(a)(3) is renumbered (b)(3)** and is amended to add the word “program” after “CBI Aftercare” for better clarity and understanding that CBI Aftercare is a program. Additionally, for grammatical and consistency purposes and general acronym conventions, the language “substance use disorder” is replaced with the acronym “SUD.” The department’s practice is to spell out acronym terms once per section, then use the acronym.

Subsection **3040.1(a)(4) is renumbered (b)(4)** and is amended to add the word “program” after “CBI Short Term Education” for better clarity and understanding that CBI Short Term Education is a program. The word “referral’ is replaced with “assessment” to better reflect health care’s role in program placement.

Subsection **3040.1(a)(5) is renumbered (b)(5)** and is amended to replace the reference to subsection 3040.1“(d)”(1) to “(e)”(1) due to the renumbering of this section.

Subsection **3040.1(a)(6) is renumbered (b)(6)** but is otherwise unchanged.

Subsection **3040.1(a)(7) is renumbered (b)(7)** and the language “unless designated as temporary medical or psychiatric unassignment or medically disabled in accordance with subsection 3044.1(d)(2)(A)-(B)” is added to ensure that when an incarcerated person’s documented limitations are such that even with reasonable accommodation the incarcerated person is unable to perform the essential functions of the CBI programs, they are not required to participate in CBI programs.

Existing subsection **3040.1(b) is renumbered 3040.1(c)** and is amended to replace the word “referral’ with “assessment” to better reflect health care’s role in program placement.

Subsection **3040.1(c) is renumbered (d)** and the language “by health care services” is replaced with “managed by DRP” to provide clarity that this subsection refers specifically to attendance of CBI programs managed by DRP. The language “health care services“ is removed as it was determined to be unnecessary.

Subsection **3040.1(d) is renumbered (e)** and is amended to add the language “managed by health care services” after “CBI Intensive Outpatient program” to clarify that the CBI Intensive Outpatient program is managed by health care services and therefore is excluded from the DRP CC III’s ability to remove an incarcerated person from CBI programs.

Subsections **3040.1(d)(1) through (2) are renumbered (e)(1) through (2)** but are otherwise unchanged.

Subsection **3040.1(e) is renumbered (f)** and the language “managed by DRP” is added to clarify which CBI programs incarcerated persons may be removed from by the DRP CC III. Language is revised to consolidate language regarding the DRP CC III’s review of the incarcerated person’s program attendance with their review and consideration of any relevant disability accommodations provided to the incarcerated person, if applicable, to allow the incarcerated person to participate in the program. The addition of this language ensures that any disability accommodations are taken into account for the incarcerated person to be able to participate in the CBI program, prior to the DRP CC III removing them from the CBI program. This language will help to ensure equity for disabled persons.

Subsection **3040.1“(e)”(1) is renumbered “(f)”(1)** but is otherwise unchanged.

Subsection **3040.1(f) is renumbered (g)** and is amended to change the reference in this subsection from 3040.1“(d)” to 3040.1“(e)” due to renumbering of the section.

Subsection **3040.1(g) is renumbered (h)** but is otherwise unchanged.

Section 3040.3

In subsection **3040.3(a)** the language “managed by the Division of Rehabilitative Programs (DRP)” is added after “Rehabilitative Programs” for consistency with the amended definition in section 3000. The amended definition provides better clarity and consistency with how this term is used throughout CDCR regulations. The language “Subject to section 3379” is added to reinforce that reassignments and transfers are made in accordance with section 3379. In the second reference to “Rehabilitative Programs” the language “as defined in section 3000” is removed and the language “managed by DRP” is added for consistency with the amended term and consistency with how the term is used throughout these regulations, however the acronym “DRP” is used consistent with the department’s acronym conventions.

In subsection **3040.3(a)(1)** the language “unless designated as temporary medical or psychiatric unassignment or medically disabled in accordance with subsection 3044.1(d)(2)(A)-(B)” is added to ensure that when an incarcerated person’s documented limitations are such that even with reasonable accommodation the incarcerated person is unable to perform the essential functions of the Adult Basic Education and Adult Secondary Education programs, they are not required to participate in these programs.

In subsection **3040.3(a)(1)(A)** the name of the “Office of Correctional Education” is revised to “Office of Academic and Career Development (OACD).” The name change is made to align language with the department’s shift to remove terms with potentially negative connotations and reduce stigma on the incarcerated population.

In subsection **3040.3(b)(1)** the paragraph is separated into two sentences for better clarity and to avoid a lengthy run-on sentence. The language “Placement decisions” assists with the beginning of the new sentence and provides clarity. In addition, the language “and pursuant to subsection 3040(a)” is added to ensure incarcerated persons are not denied an assignment on the basis of their disability as long as they meet the eligibility requirements for participation.

In subsections **3040.3(b)(2) through 3040.3(b)(4)(C)** the name of the “Office of Correctional Education” is revised to “Office of Academic and Career Development (OACD).” This name change is made to align language with the department’s shift to remove terms with potentially negative connotations and reduce stigma on the incarcerated population. The acronym “DRP” is added in subsection (b)(4) prior to “OACD” to provide better specificity and clarity. The date of the automated Education Progress Record is revised from “03/2025” to “09/2025,” as this form was revised to streamline the student progress information and provide better readability. The name of the “Assignment Office” is revised to “Incarcerated Assignment Office (IAO)” for better identification and understanding.

Section 3043.3

In subsections **3043.3(b)(1) through 3043.3(b)(3)** language is amended to revise the name of the “Office of Correctional Education” to “Office of Academic and Career Development (OACD).” This name change is made to align language with the department’s shift to remove terms with potentially negative connotations and reduce

stigma on the incarcerated population. In addition, “Division of Rehabilitative Programs (DRP)” is added prior to “Office of Academic and Career Development” to provide better specificity and clarity. Acronyms are used, where appropriate, consistent with the department’s practice of spelling out acronyms once per section, then using the acronym.

Section 3043.5

In subsections **3043.5(c)(1) through 3043.5(c)(3)** language is amended to revise the name of the “Office of Correctional Education” to “Office of Academic and Career Development (OACD).” This name change is made to align language with the department’s shift to remove terms with potentially negative connotations and reduce stigma on the incarcerated population. In addition, “Division of Rehabilitative Programs (DRP)” is added prior to “Office of Academic and Career Development” to provide better specificity and clarity. Acronyms are used, where appropriate, consistent with the department’s practice of spelling out acronyms once per section, then using the acronym. In subsection (c)(2) 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 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).

Section 3044

In subsection **3044(b)(1)(A)** the language “the Division of Rehabilitative Programs” is added prior to the acronym “DRP” for consistency purposes of spelling out acronyms once per section, then using the acronym.

In subsection **3044(b)(1)(C)** language is revised to allow incarcerated persons enrolled in full-time college to take additional programs to maximize their work and programming opportunities, therefore the language “half-time” and “equating to a full-time assignment” is removed, and for clarity purposes the word “assignment” is added after the word “program.” Additionally, the language “For the purposes of this section, a full-time” is added to limit the definition of a full-time college program specifically to this section to prevent any conflict of the definition of a full-time college program outside of these regulations.

Section 3044.1

In subsection **3044.1(e)(1)(B)1.** language is revised for consistency with these regulations replacing the word “facility’s” with “institution’s.” Additionally, the name of the “Assignment Office” is revised to “Incarcerated Assignment Office” for better identification and understanding.

Section 3044.2

In subsection **3044.2(a)(4)(A)7.** the term “Career Technical Education” is replaced with the acronym “CTE” for consistency within these regulations and the department’s practice of spelling out acronyms once per section, then using the acronym.

Section 3046

In subsection **3046(b)** language is revised for consistency within these regulations and replaces language which specified “incarcerated person assignment office” with “Incarcerated Assignment Office.” The name of the “Assignment Office” is revised to “Incarcerated Assignment Office” for better identification and understanding.

Section 3077.3

In subsection **3077.3(b)** language is revised to remove the word “Inmate” replacing it with “Incarcerated” for consistency within these regulations, which re-names the term “Inmate Assignment Office” to “Incarcerated Assignment Office” for better identification and understanding. In recent regulations, the department replaced the outdated term “inmate” with “incarcerated person” to remove potentially negative connotations and reduce stigma. Additionally, the words “his or her” are replaced with “their” for consistency with recent regulations, and the department’s shift to replace these terms with gender-neutral terms which provide equity and respect for all persons.

Section 3294.5

In subsection **3294.5(g)** language is updated for consistency within these regulations, which re-named the “incarcerated person assignment office” as “Incarcerated Assignment Office” for better identification and understanding.

Section 3375

In subsection **3375(c)** the term “Cognitive Behavioral Interventions (CBI)” is revised to “Cognitive Behavioral Intervention (CBI) programs” for consistency with the term as identified in section 3000, and for a more accurate title/name of the term, as the term represents a collection of programs. The word “referral’ is replaced with “assessment” to better reflect health care’s role in program placement.

Section 3375.6

In subsection **3375.6(a)(3)** a grammatical edit is made to the term “Substance Use Disorder” making it lower-case rather than upper case. This term as referenced in this subsection is not referencing the name of a program, and making lower-case will provide consistency with the other categories listed in the sentence.

In subsection **3375.6(c)(7)** the term “Prison Industry Authority” is revised to “California Correctional Training and Rehabilitation Authority (CALCTRA)” to align with the new name of this entity which became effective January 1, 2026.

Section 3376.2

In subsection **3376.2(e)(2)** the word “Person” is removed for consistency with these regulations, which re-names the “Incarcerated Person Assignment Office” to “Incarcerated Assignment Office” for better identification and understanding.

Section 3404

In subsection **3404(e)** language is added stating that the "Warden's review and decision shall be in accordance with Penal Code sections 7465 and 7466." This language is necessary to provide clarity regarding the authority for the standard review and decision-making process related to approving an ex-offender to work as a volunteer or contractor within the institution.

In subsection **3404(e)(2)** the language "or court from the county of supervision" is removed and relocated to new subsection 3404(e)(3) for more appropriate placement, as this language refers specifically to persons on informal probation which is now identified in new subsection 3404(e)(3). The word "supervised" is added prior to "probation" for clarification purposes.

New subsection **3404(e)(3)** relocates language from 3404(e)(2), and is added to provide clarity, specifying that "Prior to the Warden's approval as referenced in subsection 3404(e), the written approval of the court or representative of the court from the county of supervision, is required if the volunteer or contractor is on informal probation." This language clarifies the requirements for those on informal probation seeking to work as a volunteer or contractor within an institution. This language is necessary to ensure prospective volunteers and contractors on informal probation are reviewed for potential security concerns before providing services in an institution. The information provided by the court supports the Warden's decision making.

The comment period on these changes begins on **July 29, 2026** and shall close on **August 13, 2026**. Please submit comments to Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001; or e-mail to rpmb@cdcr.ca.gov before the close of the comment period. Only those comments relating directly to the enclosed changes indicated by **bold double underline** or ~~**bold double strikethrough**~~ in the 15-Day Re-Notice Text of Proposed Regulations and identified in this Notice of Change to Text as Originally Proposed will be considered.

Ying Sun

YING SUN, Associate Director
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation

Attachment(s)

15-DAY RE-NOTICE TEXT OF PROPOSED REGULATIONS

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

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.]

Cognitive Behavioral Intervention~~s~~ (CBI) **programs** are evidence based interventions which help incarcerated persons understand the thoughts and feelings that influence behaviors. CBI **programs** are generally short-term and focused on helping incarcerated persons deal with a specific problem. During the course of ~~**treatment**~~ **the programs**, incarcerated persons learn how to identify and change thought patterns which have a negative influence on behavior.

Rehabilitative Programs **managed by the Division of Rehabilitative Programs (DRP)** ~~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, **and Cognitive Behavioral Intervention (CBI) programs associated with the Integrated Substance Use Disorder Treatment (ISUDT) program**.

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. ~~Cate~~* ~~***Dept. of***~~

~~***Corrections***~~ ***Cate*** (~~USDC~~ N.D. Cal. C90-3094 TEH); *Sassman v. Brown* (E.D. Cal. 2015) 99 F.Supp.3d 1223; *Mitchell v. Cate*~~,~~ (~~USDC~~ 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)~~**(e)** and 3040.3(b)(1)-(4), ~~A~~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.

[Section 3040.1 title heading is amended to read:]

3040.1. Integrated Substance Use Disorder Treatment and Cognitive Behavioral Intervention~~s~~ Programs Criteria.

[New subsection 3040.1(a) is adopted to read:]

(a) The Integrated Substance Use Disorder Treatment (ISUDT) program includes the following Cognitive Behavioral Intervention (CBI) programs: CBI Intensive

Outpatient, CBI Substance Use Disorder (SUD), CBI Life Skills, CBI Aftercare, and CBI Short Term Education. The CBI Intensive Outpatient program is a treatment program managed by health care services; all of the other CBI programs within the ISUDT are educational programs managed by the Division of Rehabilitative Programs (DRP).

[Existing subsection 3040.1(a) is renumbered (b) and is amended to read:]

~~**(a)**~~**(b) Assignments to CBI programs shall be for a set length of time and participation is required to complete the program.** Eligibility criteria and priority placement into ~~**the Cognitive Behavioral Interventions (CBI)**~~ **CBI programs managed by DRP** are as follows:

[Subsection 3040.1(a)(1) is renumbered (b)(1) and is amended to read:]

(1) CBI ~~**Intensive Outpatient and CBI Outpatient**~~ **SUD program** eligibility criteria and priority placement shall be for incarcerated persons based upon a health care services ~~**referral**~~ **assessment** for incarcerated persons who have a ~~**substance use disorder**~~ **SUD**~~**, or for incarcerated persons who have a criminogenic need for any CBI program as identified by the automated risk or needs assessment tools as listed in sections 3375.6 and 3768.1**~~.

[Subsection 3040.1(a)(2) is renumbered (b)(2) and is amended to read:]

(2) CBI Life Skills **program** eligibility criteria and priority placement shall be for incarcerated persons based upon a health care services ~~**referral**~~ **assessment** for incarcerated persons who do not have a specific ~~**substance use disorder**~~ **SUD** ~~**or for incarcerated persons who have a criminogenic need for any CBI program as identified by the automated risk or needs assessment tools as listed in sections 3375.6 and 3768.1**~~.

[Subsection 3040.1(a)(3) is renumbered (b)(3) and is amended and adopted to read:]

(3) CBI Aftercare **program** 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**~~ **SUD** and have completed or are pending enrollment in CBI Life Skills.

[Subsection 3040.1(a)(4) is renumbered (b)(4) and is amended and adopted to read:]

(4) CBI Short Term Education **program** criteria and priority placement shall be for incarcerated persons who have a health care services ~~**referral**~~ **assessment** 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 renumbered (b)(5) and is amended and adopted to read:]

(5) Incarcerated persons removed from program pursuant to section 3040.1~~(d)~~**(e)**(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 renumbered (b)(6) and is amended and 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 renumbered (b)(7) and is amended and 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 **unless designated as temporary medical or psychiatric unassignment or medically disabled in accordance with subsection 3044.1(d)(2)(A)-(B)**.

[Existing subsection 3040.1(b) is renumbered (c) and is amended to read:]

~~**(b)**~~**(c)** Assignments and changes within CBI programs can be made based upon a health care services ~~**referral**~~ **assessment** without a classification committee action.

[Subsection 3040.1(c) is renumbered (d) and is amended and adopted to read:]

~~**(c)**~~**(d)** With the exception of CBI Short Term Education, incarcerated persons referred to a CBI program ~~**by health care services**~~ **managed by DRP** 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 renumbered (e) and is amended and adopted to read:]

~~**(d)**~~**(e)** With the exception of the CBI Intensive Outpatient program **managed by health care services**, 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 renumbered (e)(1) through (2) and 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 renumbered (f) and is amended and adopted to read:]

~~(e)~~**(f)** Prior to considering the removal of an incarcerated person from the CBI program(s) **managed by DRP**, 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**~~. **The DRP CC III shall review and consider the incarcerated person's program attendance, and if applicable, any relevant disability accommodations provided to the incarcerated person to allow them to participate in the program.** 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 renumbered (f)(1) and 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 renumbered (g) and is amended and adopted to read:]

~~(f)~~**(g)** Incarcerated persons removed from the CBI program(s) pursuant to section 3040.1~~(d)~~**(e)** 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 renumbered (h) and is adopted to read:]

~~(g)~~**(h)** 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 **managed by the Division of Rehabilitative Programs (DRP),** as defined in section 3000, and work assignments. **Subject to section 3379, ~~R~~r**eassignment or transfer of an incarcerated person to another facility or institution while they are assigned to R~~r~~ehabilitative P~~p~~rograms**~~, as defined in section 3000,~~ managed by DRP,** 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 course~~s~~ 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)**, unless designated as temporary medical or psychiatric unassignment or medically disabled in accordance with subsection 3044.1(d)(2)(A)-(B)**.

[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 ~~D~~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**~~ **Academic and Career Development (OACD)** 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:

Adult Basic and Secondary Education ~~Program~~ Courses	*Reading Level*
ABE I	0-3~~.9~~
ABE II	4-6~~.9~~
ABE III	7-8~~.9~~
GED/High School Diploma	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~~**. Placement decisions** 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 **and pursuant to subsection 3040(a)**.

[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**~~ **OACD** staff via the automated Education Progress Record (0~~3~~**9**/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 **Incarcerated** Assignment Office **(IAO)** upon receipt of the completed automated Education Progress Record (0~~3~~**9**/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**~~ **IAO** upon the ~~**Assignment Office**~~ **IAO**'s receipt of the completed automated Education Progress Record (0~~3~~**9**/2025) from the institution's school principal or designee. The

~~Assignment Office~~ IAO 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~~ IAO** upon the **~~Assignment Office~~ IAO**'s receipt of the completed automated Education Progress Record (0**~~3~~9**/2025) from the institution's school principal or designee. The **~~Assignment Office~~ IAO** 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 amended and adopted to read:]

(3) Assignment of an incarcerated person to a traditional education program shall be completed by the **~~Assignment Office~~ IAO** 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 amended and 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 **~~Office of Correctional Education~~ DRP OACD** staff on an automated Education Progress Record (0**~~3~~9**/2025) and signed by the institution's school principal or designee. The unassignment shall be processed by the **~~Assignment Office~~ IAO** upon receipt of the completed automated Education Progress Record (0**~~3~~9**/2025).

[Subsection 3040.3(b)(4)(A) is amended and 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~~ IAO**, without a classification committee action.

[Subsection 3040.3(b)(4)(B) is amended and 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~~ IAO**, without a classification committee action.

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

(C) Incarcerated persons who complete a CRT or Transitions program shall be unassigned from the program by the **~~Assignment Office~~** **IAO**, 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) are unchanged]

[Subsection 3043.3(b)(1) is amended to read:]

(1) **Division of Rehabilitative Programs (DRP),** Office of **~~Correctional Education~~** **Academic and Career Development (OACD)** staff shall conduct a review for any information located in the Strategic Oversight Management System (SOMS) and the Electronic Records Management System (ERMS) indicating the incarcerated person has received their high school diploma, High School Equivalency (HSE) certificate, or college degree conferred by an educational institution accredited by an accrediting agency approved by the United States Department of Education. This review shall also include review for any claims by the incarcerated person that they have received a high school diploma, HSE certificate, or college degree.

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

(2) **~~Office of Correctional Education~~** **DRP OACD** 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~~** **DRP OACD** 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.

[Subsection 3043.3(b)(3) is amended to read:]

(3) ~~Office of Correctional Education~~ DRP OACD staff shall document their review and verification of an incarcerated person's educational history in the education section of SOMS. Documentation of the review and verification shall include: the date of the request for the release of the transcript, HSE certificate, or letter confirming the incarcerated person received a HSE certificate; the name of the entity to which the request was submitted; the date that the transcript, HSE certificate, or letter confirming the incarcerated person received a HSE certificate was received; whether the incarcerated person earned their high school diploma, HSE certificate, or college degree; and the date, time, and name of any staff person who entered any of the above information into SOMS. ~~Office of Correctional Education~~ DRP OACD staff shall scan a copy of the transcript, HSE certificate, or letter confirming the incarcerated person received a HSE certificate into ERMS. If ~~Office of Correctional Education~~ DRP OACD staff cannot verify the incarcerated person's receipt of a high school diploma or HSE certificate, the incarcerated person shall be eligible to participate in a high school diploma or high school equivalency program, which shall allow them to earn MCC awards.

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.

3043.5. Educational Merit Credit.

[Subsections 3043.5(a) through (c) are unchanged]

[Subsection 3043.5(c)(1) is amended to read:]

(1) **Division of Rehabilitative Programs (DRP),** Office of ~~Correctional Education~~ **Academic and Career Development (OACD)** staff shall conduct a review for any information located in the Strategic Oversight Management System (SOMS) and the Electronic Records Management System (ERMS) indicating the incarcerated person has received their high school diploma, High School Equivalency (HSE) certificate, or college degree conferred by an educational institution accredited by an accrediting agency approved by the United States Department of Education. This review shall also include review for any claims by the incarcerated person that they have received a high school diploma, HSE certificate, or college degree.

[Subsection 3043.5(c)(2) is amended to read:]

(2) ~~Office of Correctional Education~~ DRP OACD 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~~ DRP OACD 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.

[Subsection 3043.5(c)(3) is amended to read:]

(3) ~~**Office of Correctional Education**~~ **DRP OACD** staff shall document their review and verification of an incarcerated person's educational history in the education section of SOMS. Documentation of the review and verification shall include: the date of the request for the release of the transcript, HSE certificate, or letter confirming the incarcerated person received a HSE certificate; the name of the entity to which the request was submitted; the date that the transcript, HSE certificate, or letter confirming the incarcerated person received a HSE certificate was received; whether the incarcerated person earned their high school diploma, HSE certificate, or college degree; and the date, time and name of any staff person who entered any of the above information into SOMS. ~~**Office of Correctional Education**~~ **DRP OACD** staff shall scan a copy of the transcript, HSE certificate, or letter confirming the incarcerated person received a HSE certificate into ERMS. If ~~**Office of Correctional Education**~~ **DRP OACD** staff cannot verify the incarcerated person's receipt of a high school diploma or HSE certificate, the incarcerated person shall be eligible to participate in a high school diploma or high school equivalency program, which shall allow them to earn Education Merit Credit awards.

[Subsections 3043.5(d) through (h) are unchanged.]

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 2053.1 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 **the Division of Rehabilitative Programs (**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**~~ **For the purposes of this section, a full-time** 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 (e)(1)(B) are unchanged.]

[Subsections 3044.1(e)(1)(B)1. is amended to read:]

1. A committee concurring with an evaluation's light duty recommendation shall refer the matter to the ~~**facility's**~~ **institution's Incarcerated** ~~**a**~~**A**ssignment ~~**o**~~**O**ffice which shall attempt to provide an assignment within the incarcerated person's capabilities. Incarcerated persons assigned to such light duty shall be scheduled for semi-annual review.

[Subsections 3044.1(e)(1)(B)2. 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, or ~~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 e~~ligible, ~~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~~D) ~~Fifth~~ 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~~E) ~~Fourth~~ 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 amended and adopted to read:]

7. For ~~**Career Technical Education**~~ **CTE** 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 3.6. Incarcerated Person Work Benefits

3046. Workers' Compensation for Incarcerated Persons.

[Initial paragraph through subsection 3046(a) are unchanged.]

[Subsection 3046(b) is amended to read:]

(b) Incarcerated persons will have access to, and be given a copy upon request, of the department's guidelines covering workers' compensation for incarcerated persons. Such guidelines will be available at each institution's ~~**i**~~**I**ncarcerated ~~**person**~~ ~~**a**~~**A**ssignment ~~**o**~~**O**ffice or the office of the official responsible for incarcerated person assignments; the incarcerated person law libraries; each camp; and at or near the incarcerated person's work location through the incarcerated person's work supervisor.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2601(i), 5054 and 5069, Penal Code; and Sections 3370 and 3351, Labor Code.

Article 6.7. Transfer of Incarcerated Person Assessment Responsibility

3077.3. Senate Bill 618 Participant Institutional Programming.

[Subsection 3077.3(a) is unchanged.]

[Subsection 3077.3(b) is amended to read:]

(b) Upon completion of the Initial Classification Committee, the ~~**Inmate**~~ **Incarcerated** Assignment Office shall assign the SB 618 Participant into assignments that correspond with ~~**his or her**~~ **their** Life Plan.

[Subsections 3077.3(b)(1) through (f)(4) are unchanged.]

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 667.5(c), 1203.8 and 5054, Penal Code.

Subchapter 4. General Institution Regulations

Article 2. Security

3294.5. Incarcerated and Supervised Person Name Change.

[Subsections 3294.5(a) through (f) are unchanged.]

[Subsection 3294.5(g) is amended to read:]

(g) Within five business days of receiving from the court a certified court order granting a name change, the Correctional Case Records Manager (CCRM) shall ensure the new name is reflected within the Strategic Oversight Management System (SOMS), as defined in section 3000. Once the new name is changed within SOMS, the incarcerated person shall be provided an updated identification card reflecting their new name and shall be charged for the replacement cost unless the incarcerated person has been determined to be indigent as defined in section 3000. The CCRM shall notify the incarcerated or supervised person, the incarcerated person's assigned correctional counselor, ~~**i**~~**I**ncarcerated ~~**person**~~ ~~**a**~~**A**ssignment ~~**o**~~**O**ffice, mailroom, receiving and release, visiting room, and the Office of Victim and Survivor Rights Services if an incarcerated person; or shall notify the agent of record if a supervised person. The court order shall be placed in the miscellaneous section of the incarcerated or supervised person's ERMS file, along with any other documents related to the request for a name change.

[Subsection 3294.5(h) is unchanged.]

Note: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Section 1279.5, Code of Civil Procedure.

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 Intervention~~s~~ (CBI) **programs** which can be made without a classification committee action based upon a health care services ~~**referral**~~ **assessment**;

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 ~~**S**~~**s**ubstance ~~**U**~~**u**se ~~**D**~~**d**isorder, ~~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 amended and 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**~~ **California Correctional Training and Rehabilitation Authority (CALCTRA)** 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.

3376.2. Classification of Incarcerated Persons in the Developmental Disability Program.

[Subsections 3376.2(a) through (e)(1) are unchanged.]

[Subsection 3376.2(e)(2) is amended to read:]

(2) If removal from educational programming is approved, the Incarcerated ~~**Person**~~ Assignment Office shall un-assign an incarcerated person from the class and may reassign them to an appropriate alternate assignment or waitlist.

Note: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference Sections 3020, 5054 and 5068, Penal Code; *Clark v California* (2002) USDC-ND (No. C-96-1486-CRB); and Americans with Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328.

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 amended and 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). **The Warden's review and decision shall be in accordance with Penal Code sections 7465 and 7466.**

[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 amended and 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 **supervised** probation.

[Subsection 3404(e)(3) is adopted to read:]

(3) Prior to the Warden's approval as referenced in subsection 3404(e), the written approval of the court or representative of the court from the county of supervision, is required if the volunteer or contractor is on informal 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**s** 5054**, 7465 and 7466**, Penal Code.

(03/2025) Education Progress Record

CALIFORNIA DEPARTMENT of Corrections and Rehabilitation

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

DELETE

(09/2025) Education Progress Record

CALIFORNIA DEPARTMENT of Corrections and Rehabilitation

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

Program Progression

EPR Report Period	Percent of Program Completed	Instructional Hours (Cumulative)	Instructional Hours (For the Period)

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

ADOPT