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TO: Members of the State Board of Education

FROM: Nancy S. Grasmick *Nancy*

DATE: September 23, 2008

SUBJECT: COMAR 13A.05.11 (NEW)
Programs for Correctional Education
Regulations for Mandatory Education Program
WITHDRAW PERMISSION TO PUBLISH

PURPOSE:

The purpose of this action is to seek to withdraw permission to publish proposed regulations to govern the provisions of mandatory education in Correctional Education Programs.

BACKGROUND:

Section 22-102 of the Education Article specifies that regulations be developed for the implementation of a mandatory education program for all inmates who do not have a GED or verified high school diploma and who have 18 months or more remaining to be served before a mandatory release date. Because the statute is so specific in outlining the requirements for participation in an education program, regulations have never been proposed. Rather than regulate, the Correctional Education program has relied on procedures, jointly developed by Maryland State Department of Education and the Division of Corrections in the Department of Public Safety and Correctional Services (DPSCS), to govern the referral, assessment, and enrollment of mandatory education students into instructional programs.

At a State Stat meeting, it was determined that the Maryland State Board of Education should develop regulations for mandatory education in all the institutions of DPSCS's Division of Correction. Most recently, it was suggested by DPSCS that the regulations be withdrawn.

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SUMMARY:

The new regulations reiterate the statutory eligibility requirements, establish priorities for placement and define the 120 calendar day participation requirement. The regulations further specify the educational assessments that will be used, referral and enrollment criteria, and conditions under which an inmate student can be removed from school. However, in light of the transfer of the Correctional Education Program from MSDE to DLLR, all agencies involved support the request to withdrawal permission to publish at this time.

ACTION:

We request withdrawal of permission to publish these new regulations.

NSG/KMO/mm