

March 9, 2012

Testimony of Linda Ross Meyer, Professor of Law, Quinnipiac University, in support of S.B. 286: "An Act Exempting Institutions of Higher Education that Offer Free Courses to Inmates from State Contracting Requirements"

Dear Senators Slossberg and Meyer and Members of the Government Administration and Elections Committee,

I am here on behalf of many educators from several institutions of higher education in Connecticut to testify in support of Senate Bill 286. We hope that you will help to clarify that universities or colleges which donate courses to inmates in Connecticut correctional facilities do not thereby become "state contractors," because they are receiving no state money and are merely providing a benefit to the state as a public service.

In this time of tight state budgets, several Connecticut universities have been interested in donating college courses for credit to incarcerated persons in various prisons around the state. The Department of Correction (DOC) has been supportive, and Wesleyan now has a well-established and successful program at Cheshire State Correctional Facility, and is beginning to see a positive impact on reentry success and rehabilitation. Quinnipiac offered one credit-bearing course, on a trial basis, at the women's prison at York in the fall of 2011, and Trinity College is offering a 12-session seminar this Spring for which the College has approved credit. (Trinity has offered student-led educational opportunities to prisoners at York in past years, but not for college credit.)

However, the DOC requires universities wishing to teach college credit-bearing courses to enter into contracts with the DOC, rather than to remain "volunteers." Understandably, the DOC wants to protect inmates' expectations and establish clear liability and security parameters. Signing a DOC contract is not a problem in itself, except that the universities, according to the DOC and Attorney General's office, then become automatically, by statute, "state contractors," subject to numerous statutory regulations that by their terms seem to apply to all aspects of the universities' operations, not just to the provision of the prison course. For example, Conn. Rev. Stat. Sec. 46a-68j-23 requires state contractors to file workforce reports, affirmative action reports, and minority business reports. Since these reports and obligations would require analysis and statistics from the entire university, may conflict with or cause confusion with existing accreditation requirements, and would potentially subject the university to additional liability unrelated to the prison course, the cost of "giving" a single 3-credit course to York becomes quite expensive. This consequence was a deal-breaker for Quinnipiac, because it seemed irresponsible to spend possibly thousands of dollars in legal fees and administrative costs in order to DONATE a \$20,000 course to the state. The DOC allowed one Quinnipiac course to continue on an experimental basis without a contract, but will not do so again.

Because of concerns that conforming with these statutory obligations would potentially conflict with other accreditation regulations and/or make the cost of donating the courses prohibitive, we are asking that the legislature exempt college courses donated to incarcerated persons from these statutory state contractor requirements. DOC would, of course, remain free to negotiate contractual terms with universities on a case-by-case basis. The exemption would not apply to contracts for courses paid for by the state.

Studies have long shown that providing college educational opportunities to prisoners reduces recidivism from 20-60% and that educating prisoners is "the most cost-effective recidivism strategy."¹ We would ask your support of this bill, so that we might be able to continue to support higher education in Connecticut prisons.

Thank you,

Linda Meyer, Professor of Law, Quinnipiac University School of Law
Brad Saxton, Dean and Professor of Law, Quinnipiac University School of Law
Timothy Dansdill, Associate Professor of English, First Year Seminars
Coordinator, Quinnipiac University
Robert Werth, Assistant Professor of Sociology, Quinnipiac University

Sheila Fisher, Associate Academic Dean, Professor of English, Trinity College
Judy Dworin, Professor, Department of Theater and Dance, Trinity College

James Forman, Jr., Clinical Professor of Law, Yale Law School

Bette L. Mahon, RN and
John B. Mahon, Captain, USCG (ret), Professor Emeritus, USCG Acade,
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¹ Dennis J. Stevens & Charles S. Ward, "College Education and Recidivism: Educating Criminals is Meritorious," 48 *Journal of Correctional Education* 106 (1997)(meta-analysis of studies in 30 states); Eric L. Jensen, Gary E. Reed, "Adult Correctional Education Programs: An Update on Current Status Based on Recent Studies," 44 *Journal of Offender Rehabilitation* 81 (2006)(secondary, vocational, and post-secondary education are still "what works" to reduce recidivism).