

# QUINNIPIAC UNIVERSITY

SCHOOL OF LAW

February 22, 2013

Testimony of Linda Ross Meyer, Professor of Law, Quinnipiac University, in support of H.B. 5602: "An Act Exempting Institutions of Higher Education that Offer Free Courses to Inmates from State Contracting Requirements"

Dear Senator Musto, Representative Jutila, Senator Meyer, Representative Lesser, Senator McLachlan, Representative Hwang, 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 H.B. 5602. We hope that you will help to clarify that universities or colleges which donate for-credit 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. This bill was introduced last year and passed by consent in the Senate, but reached the floor too late to receive a vote in the House of Representatives. The Department of Correction supports the bill, and the Connecticut Sentencing Commission also has recommended a similar bill, currently pending in the Judiciary Committee.

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 University now has a well-established and successful program at Cheshire State Correctional Facility, and, new this spring, at York Correctional Institution. The program at Wesleyan is beginning to see a positive impact on reentry success and rehabilitation.

Quinnipiac University also offered a credit-bearing course, on a trial basis, at the women's prison at York in the fall of 2011, and Trinity College offered a 12-session seminar in the Spring of 2012 for which the College approved credit.

For years, teachers have volunteered their time and taught in the prisons. But the inmates have received no credit for those courses and the teachers were considered "volunteers" rather than representatives of their university employers. However, the situation changes when a course is offered "for credit." Then, the DOC requires institutions of higher learning 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. Trinity College is also concerned about the ramifications of becoming a state contractor through provision of a donated prison course. (Wesleyan's Center for Prison Education currently has a contract with the state, but is also supportive of this bill.)

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 providing free courses on a case-by-case basis. The exemption would not apply to contracts for courses paid for by the state.

Nationally, those incarcerated are among the least well-educated.<sup>1</sup> 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."<sup>2</sup> My own experience teaching in the prisons confirms that offering college courses expands horizons, develops necessary oral and written communication skills, encourages a sense of community support for personal change through the mutual support inherent in a classroom, and that those who participate share their enthusiasm with others by recommending books or even using course materials in their peer-mentoring groups. Studies also demonstrate that peer influence matters: those who are friends with those who do well in school, are more likely to do well in school. The classroom creates a culture that supports change, growth, self-reflection, and a desire to give back to society. Allowing universities to give courses for credit also gives inmates a transcript to signal to potential future employers that the course, and the work and skills it required, was equivalent to a course offered outside the prison.

For me, the excitement among my prison students about learning is electrifying and makes it tremendously rewarding to teach them. Here is a quotation from one of my student's papers that sums up the experience better than I can:

*"During the middle of a class discussion, N. and Professor Meyer began to talk about the Constitution. I sat there listening and observing the interaction between teacher and student and was intrigued by the amount of information N. had to offer. My ears were listening but my eyes were soaking up all the things no one else would even think to pay attention to. Like me, N. has been incarcerated since she was 14 years old. She has been in prison longer than she has been free. How is it that this woman has the knowledge that she does? I stare at her in awe, mesmerized by this woman whom I met as a child. My thoughts drift off to a time when we had just met. She was 14 years old and I was 21. We were on the tier playing a game of scrabble and she became frustrated with her choice of words and in a rage she smacked the game to the ground and angrily reminded me that she has a grammar school education and it wasn't fair of me to use such 'big words.' I brought myself back to the present moment and continued to listen to the ... conversation ... I viewed N. as my hero. ... How is it that she's so smart? I watched her turn from an angry, bitter, thug. A child. Into a woman that exemplified class and dignity."*

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

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

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<sup>1</sup> C. HARLOW, BUREAU OF JUSTICE STATISTICS SPECIAL REPORT, EDUCATION AND CORRECTIONAL POPULATIONS (2003).

<sup>2</sup> 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). See also, Connecticut Sentencing Commission Recidivism Reduction Committee Draft Report,

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September 20, 2012, at 22-24 ("Moreover, there may be spill-over peer effects: even if it is only the most-motivated students who take advantage of these opportunities, and even if they would have succeeded anyway, they may serve as role-models and inspiration to others who may initially be less motivated to change. These peer effects have been studied in other educational settings, and, not surprisingly, the more redundant the peer influences, the stronger the effects.")

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