

By: Representative Harness

To: Corrections

HOUSE BILL NO. 564

1 AN ACT TO CREATE THE MISSISSIPPI PRISON EDUCATION REFORM ACT
 2 OF 2022; TO REQUIRE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO
 3 ESTABLISH AND MAINTAIN EDUCATIONAL CLASSES FOR INMATES; TO PROVIDE
 4 THE CLASSES THAT MUST BE OFFERED; TO CREATE WITHIN THE DEPARTMENT
 5 OF CORRECTIONS THE CORRECTIONAL EDUCATION ADVISORY COMMITTEE; TO
 6 PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE; TO REQUIRE THE
 7 COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS, THE EXECUTIVE
 8 DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT SECURITY, THE
 9 COMMISSIONER OF THE STATE INSTITUTIONS OF HIGHER LEARNING, THE
 10 EXECUTIVE DIRECTOR OF THE COMMUNITY COLLEGE BOARD, THE BOARD OF
 11 TRUSTEES OF EACH MISSISSIPPI COMMUNITY COLLEGE AND THE CHAIRMAN OF
 12 THE STATE BOARD OF EDUCATION TO ENTER INTO INTERAGENCY AGREEMENTS
 13 IN ORDER TO PLAN AND DEVELOP PRISON-BASED EDUCATIONAL PROGRAMS; TO
 14 PROVIDE THE DUTIES OF THE DEPUTY COMMISSIONER OF EDUCATION; TO
 15 PROVIDE THE DUTIES OF THE CORRECTIONAL EDUCATION ADVISORY
 16 COMMITTEE; TO REQUIRE THE COMMITTEE TO SUBMIT A REPORT TO THE
 17 LEGISLATURE BY JANUARY 1, 2024; TO AMEND SECTION 47-5-26,
 18 MISSISSIPPI CODE OF 1972, TO CREATE THE DEPUTY COMMISSIONER OF
 19 EDUCATION POSITION WITHIN THE DEPARTMENT OF CORRECTIONS; AND FOR
 20 RELATED PURPOSES.

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

22 **SECTION 1.** This act shall be known and may be cited as the
 23 Mississippi Prison Education Reform Act of 2022.

24 **SECTION 2.** The Mississippi Department of Corrections shall
 25 establish and maintain educational classes for inmates by using
 26 personnel of the Mississippi Department of Education or the
 27 Mississippi Department of Employment Security, or by entering into



28 an agreement with the governing board of a school district or
29 private school or the governing boards of school districts under
30 which the district shall help maintain classes for such inmates.
31 The governing board of a school district or private school may
32 enter into such an agreement regardless of whether the institution
33 or facility at which the classes are to be established and
34 maintained is within or without the boundaries of the school
35 district.

36 **SECTION 3.** At least the following classes shall be made
37 available to inmates under the Mississippi Department of
38 Corrections: auto body repair, auto mechanics, auto painting,
39 barbering, beekeeping, braille transcription, building/industrial
40 maintenance, computer/office technology, cabinetry/carpentry,
41 commercial driver's license, computer/electronic repair (Microsoft
42 certification), cosmetology, customer service and computer
43 technology, diesel mechanics, drafting, electrical wiring, food
44 preparation/culinary arts, graphic arts/printing, heating & air
45 conditioning, masonry/tile setting, plumbing, veterinary assistant
46 (large and small animals), visual graphics, welding and
47 woodworking.

48 **SECTION 4.** (1) There is established within the Department
49 of Corrections the Correctional Education Advisory Committee. As
50 used in this act, "committee" means the Correctional Education
51 Advisory Committee.



52 (2) The committee shall be composed of eleven (11) members
53 selected as follows:

54 (a) The State Superintendent of Education, or his or
55 her designee. Any designee selected by the superintendent shall
56 have an interest and expertise in the area of adult education or
57 correctional education;

58 (b) An institutional supervisor of correctional
59 education programs from the Department of Corrections appointed by
60 the Commissioner of the Department of Corrections;

61 (c) A representative of the Mississippi Prison
62 Industries Corporation appointed by the Commissioner of the
63 Department of Corrections;

64 (d) A warden of a state prison appointed by the
65 Commissioner of the Department of Corrections;

66 (e) A vocational instructor from the Department of
67 Corrections appointed by the Commissioner of the Department of
68 Corrections;

69 (f) An academic teacher from the Department of
70 Education appointed by the Lieutenant Governor;

71 (g) A prison rights advocate appointed by the
72 Lieutenant Governor;

73 (h) A representative of the University of Mississippi,
74 appointed by the chancellor of the university;

75 (i) A representative of Mississippi State University,
76 appointed by the chancellor of the university;



77 (j) A representative of Jackson State University,
78 appointed by the president of the university; and

79 (k) A special education teacher from the Department of
80 Education appointed by the Governor.

81 (3) (a) Except for the terms of initial members, members
82 shall be appointed for terms of four (4) years. If a vacancy
83 occurs, the appointing authority, as specified in subsection (2)
84 of this section, shall appoint a member for the remainder of that
85 term. The terms of the initial members of the committee shall
86 expire as follows:

87 (i) The members selected under paragraphs (a),
88 (b), (c), and (d) of paragraph (a) shall expire on July 1, 2023.

89 (ii) The members selected under paragraphs (e),
90 (f), and (g) of paragraph (a) shall expire on July 1, 2024.

91 (iii) The members selected under paragraphs (h),
92 (i), (j), and (k) of paragraph (a) shall expire on July 1, 2025.

93 (b) Successor members shall hold office for terms to
94 commence on the expiration date of the term of the predecessor.

95 (4) Members of the committee shall serve without
96 compensation but shall be reimbursed for per diem and travel
97 expenses incurred in the performance of their duties. Members
98 employed by state agencies shall receive their normal state
99 salaries while serving on the committee.

100 (5) The members of the committee shall elect a chairperson
101 annually. The chairperson shall meet regularly with the



102 Commissioner of the Department of Corrections to ensure that all
103 actions taken by the committee are in accordance with Department
104 of Corrections' rules and regulations relating to security.

105 (6) The committee shall meet at least six (6) times each
106 year. The meetings may be called by the chairperson of the
107 committee.

108 **SECTION 5.** (1) In order to plan and develop prison-based
109 educational programs, the Commissioner of the Department of
110 Corrections, the Executive Director of the Department of
111 Employment Security, the Commissioner of the State Institutions of
112 Higher Learning, the Executive Director of the Community College
113 Board, the Board of Trustees of each Mississippi Community College
114 and the Chairman of the State Board of Education, shall enter into
115 interagency agreements. These agreements shall provide for, but
116 not be limited to, both of the following:

117 (a) A determination of the roles of the Department of
118 Corrections, the Department of Employment Security, the State
119 Institutions of Higher Learning, the community colleges and the
120 State Board of Education, in developing policy for prison-based
121 educational programs; and

122 (b) Joint policy and program planning.

123 (2) The Deputy Commissioner of Education, in consultation
124 with the committee, shall perform all of the following duties:

125 (a) Make recommendations on the use of instructional
126 television in these programs.



127 (b) Review and make recommendations relating to any
128 proposed budgets for these programs.

129 (c) Review and make recommendations relating to the
130 implementation of the interagency agreement.

131 (d) Adopt and enforce all necessary rules and
132 regulations for the management and operation of education programs
133 within the Department of Corrections, including operating
134 procedures and the goals of correctional education. All rules or
135 regulations adopted by the committee shall be in accordance with
136 the rules and regulations of the Department of Corrections
137 relating to security.

138 (e) Approve education programs of appropriate levels
139 and types in correctional institutions and adopt rules and
140 regulations for the admission of inmate students to these
141 education programs.

142 (f) Enter into agreements with public or private school
143 districts, community colleges, colleges, or universities, and
144 other entities, as appropriate, for the purpose of carrying out
145 the duties and responsibilities of the Deputy Commissioner of
146 Education. All agreements and contracts for instructional
147 services shall expressly prescribe the qualifications and
148 expectations for instructors and the educational objectives to be
149 met. In the identification and provision of special education
150 services, the Deputy Commissioner of Education, in consultation
151 with the committee, shall establish all appropriate interagency



152 agreements with service providers. All hiring decisions and other
153 personnel matters with respect to correctional education programs
154 shall be made by the Deputy Commissioner of Education or his or
155 her designee, in consultation with the committee, consistent with
156 civil service regulations.

157 (g) Visit and inspect the correctional schools, as the
158 committee deems necessary, and name each correctional school if
159 necessary.

160 (3) The Deputy Commissioner for Education, in consultation
161 with the committee and in conjunction with parole and other
162 aftercare programs and consistent with the policies adopted by the
163 Commissioner of Corrections, shall develop and implement a plan
164 for providing transitional educational services for inmates,
165 including, but not limited to, counseling and placement services.

166 (4) The Deputy Commissioner of Education, in consultation
167 with the committee, shall develop a plan and make every reasonable
168 effort to accomplish all of the following:

169 (a) Conduct annual reviews of program
170 cost-effectiveness and make recommendations, including, but not
171 limited to, improvement of programs to lower recidivism,
172 consolidation of administrative functions to lower costs, and ways
173 to reduce operational costs.

174 (b) Provide each of the educational opportunities set
175 forth in paragraphs (c) to (f), inclusive, to inmates while in
176 prison and in state-operated transitional facilities and programs.



177 (c) Provide each inmate with the opportunity to achieve
178 functional literacy, specifically the ability to read and write
179 the English language and to perform routine mathematical functions
180 at a 9th grade level before his or her release or expiration of
181 sentence. If the inmate demonstrates the intellectual capacity to
182 benefit from those opportunities, the committee shall provide that
183 inmate with the opportunity to obtain the equivalent of a high
184 school diploma.

185 (d) Provide every inmate with the opportunity to
186 achieve entry-level vocational skills in occupational fields in
187 which there is a demonstrable demand within the economy of this
188 state.

189 (e) Provide every inmate with life management skills
190 and social adaptation skills to allow the inmate to function
191 successfully in society.

192 (f) Provide inmates who demonstrate college-level
193 academic capacity with the opportunity to engage in college-level
194 academic programs within correctional facilities. The associated
195 costs of these programs shall be borne by the inmate or generated
196 by private or foundation funding, subject to evaluations for
197 cost-effectiveness and recommendations as provided in paragraph
198 (a).

199 (5) Notwithstanding the other provisions of this section,
200 the Commissioner of the Department of Corrections shall administer
201 all prison-based education programs.



202 **SECTION 6.** (1) The committee shall advise the Deputy
203 Commissioner of Education regarding all of the following goals and
204 objectives:

205 (a) Ensure that correctional education programs meet
206 minimum performance standards and provide 9th grade literacy
207 skills and marketable vocational skills.

208 (b) Develop by January 1, 2023, in cooperation with the
209 State Department of Education, a procedure to evaluate the
210 effectiveness of correctional education programs, including
211 criteria similar to those used by the State Department of
212 Education. An evaluation shall be done on a biennial basis
213 thereafter.

214 (c) (i) Ensure that all education staff are certified
215 in accordance with the State Department of Education's standards
216 by January 1, 2023. Provisions shall be made for the development
217 of individual plans, approved by the Deputy Commissioner of
218 Education, if a current education staff member does not qualify
219 for certification. Instead of certification, correctional
220 librarians shall hold a master's degree in library science from a
221 library program accredited by the American Library Association.

222 (ii) Ensure that in performing educational
223 services, the members of the education staff do not perform peace
224 officer duties.

225 (iii) Ensure that educational staff adhere to
226 institutional security standards and maintain safety status to



227 continue the institutional security and protection of the public
228 safety.

229 (d) Develop a procedure for maintaining a list of
230 substitute teachers so that students are not displaced if a
231 regular instructor is absent for any reason.

232 (e) Develop a mechanism to test all offenders committed
233 to the custody of the Department of Corrections for academic
234 achievement unless the offenders are specifically excluded from
235 the testing requirement by the Department of Corrections' policy.
236 Standards shall be in accordance with State Department of
237 Education's testing standards for academic achievement.

238 (f) Develop a five-year comprehensive plan for a
239 unified correctional school system by June 1, 2023. This unified
240 correctional school system shall not constitute a school district
241 or any other local educational agency. The plan shall have a
242 three-year phase-in schedule and shall do each of the following:

243 (i) Work with the Mississippi Prison Industries
244 Corporation to develop training programs for inmates.

245 (ii) Develop measurable objectives for
246 correctional education.

247 (iii) Develop quality control mechanisms for
248 correctional education.

249 (iv) Integrate academic education and vocational
250 education with participation in prison industry programs.



251 (g) Ensure that vocational education programs
252 complement existing Mississippi Prison Industry Corporation
253 programs whenever possible.

254 (h) Determine in conjunction with the Department of
255 Corrections, conditions under which an inmate may be removed from
256 an education program or the classroom. The conditions developed
257 for removal of an inmate from an education program or the
258 classroom shall be consistent with any regulations or policies of
259 the Department of Corrections as well as any federal laws.

260 (i) Conduct a survey of all correctional institutions
261 to identify inmates with special education needs and develop a
262 plan for addressing those special needs.

263 (j) Develop and implement an ongoing teacher training
264 program in correctional education.

265 **SECTION 7.** The committee shall submit a report to the
266 Legislature on or before January 1, 2024, with recommendations for
267 further restructuring of correctional education in this state.
268 The report shall focus on, but not be limited to, each of the
269 following:

270 (a) Attaining parallel education programs between
271 correctional education and public education.

272 (b) Correctional education governance system.

273 (c) Funding sources.

274 (d) Correctional education curriculum.

275 (e) Correctional library standards.



276 (f) Correctional education teacher training.

277 (g) Appropriate correctional education liaisons with
278 the greater educational community in this state.

279 **SECTION 8.** Section 47-5-26, Mississippi Code of 1972, is
280 amended as follows:

281 47-5-26. (1) The commissioner shall employ the following
282 personnel:

283 (a) A Deputy Commissioner for Administration and
284 Finance, who shall supervise and implement all fiscal policies and
285 programs within the department, supervise and implement all hiring
286 and personnel matters within the department, supervise the
287 department's personnel director, supervise and implement all
288 purchasing within the department and supervise and implement all
289 data processing activities within the department, and who shall
290 serve as the Chief Executive Officer of the Division of
291 Administration and Finance. He shall possess either:

292 (i) A master's degree from an accredited four-year
293 college or university in public or business administration,
294 accounting, economics or a directly related field, and four (4)
295 years of experience in work related to the above-described duties,
296 one (1) year of which must have included line or functional
297 supervision; or

298 (ii) A bachelor's degree from an accredited
299 four-year college or university in public or business
300 administration, accounting, economics or a directly related field,



301 and six (6) years of experience in work related to the
302 above-described duties, one (1) year of which must have included
303 line or functional supervision. Certification by the State of
304 Mississippi as a certified public accountant may be substituted
305 for one (1) year of the required experience.

306 (b) A Deputy Commissioner for Community Corrections,
307 who shall initiate and administer programs, including, but not
308 limited to, supervision of probationers, parolees and
309 suspensioners, counseling, community-based treatment, interstate
310 compact administration and enforcement, prevention programs,
311 halfway houses and group homes, technical violation centers,
312 restitution centers, presentence investigations, and work and
313 educational releases, and shall serve as the Chief Executive
314 Officer of the Division of Community Services. The Deputy
315 Commissioner for Community Corrections is charged with full and
316 complete cooperation with the State Parole Board and shall make
317 monthly reports to the Chairman of the Parole Board in the form
318 and type required by the chairman, in his discretion, for the
319 proper performance of the probation and parole functions. After a
320 plea or verdict of guilty to a felony is entered against a person
321 and before he is sentenced, the Deputy Commissioner for Community
322 Corrections shall procure from any available source and shall file
323 in the presentence records any information regarding any criminal
324 history of the person such as fingerprints, dates of arrests,
325 complaints, civil and criminal charges, investigative reports of



326 arresting and prosecuting agencies, reports of the National Crime
327 Information Center, the nature and character of each offense,
328 noting all particular circumstances thereof and any similar data
329 about the person. The Deputy Commissioner for Community
330 Corrections shall keep an accurate and complete duplicate record
331 of this file and shall furnish the duplicate to the department.
332 This file shall be placed in and shall constitute a part of the
333 inmate's master file. The Deputy Commissioner for Community
334 Corrections shall furnish this file to the State Parole Board when
335 the file is needed in the course of its official duties. He shall
336 possess either: (i) a master's degree in counseling, corrections
337 psychology, guidance, social work, criminal justice or some
338 related field and at least four (4) years' full-time experience in
339 such field, including at least one (1) year of supervisory
340 experience; or (ii) a bachelor's degree in a field described in
341 subparagraph (i) of this paragraph and at least six (6) years'
342 full-time work in corrections, one (1) year of which shall have
343 been at the supervisory level.

344 (c) A Deputy Commissioner for Institutions, who shall
345 administer institutions, reception and diagnostic centers,
346 prerelease centers and other facilities and programs provided
347 therein, and shall serve as the Chief Executive Officer of the
348 Division of Institutions. He shall possess either: (i) a
349 master's degree in counseling, criminal justice, psychology,
350 guidance, social work, business or some related field, and at



351 least four (4) years' full-time experience in corrections,
352 including at least one (1) year of correctional management
353 experience; or (ii) a bachelor's degree in a field described in
354 subparagraph (i) of this paragraph and at least six (6) years'
355 full-time work in corrections, four (4) years of which shall have
356 been at the correctional management level.

357 (d) A Deputy Commissioner for Programs, * * * Re-entry,
358 and Vocational Rehabilitation Services who shall initiate and
359 administer programs, including but not limited to, education
360 services, religious services, moral rehabilitation, alcohol and
361 drug rehabilitation, and court re-entry. The Deputy Commissioner
362 for Programs, * * * Re-entry, and Vocational Rehabilitation may
363 coordinate with any educational institution to develop a program
364 for moral rehabilitation with an emphasis on promoting effective
365 programs for release. The Deputy Commissioner for Programs * * *
366 Re-entry, and Vocational Rehabilitation shall focus on re-entry
367 programs aimed at reducing recidivism and adequately preparing
368 offenders for employment upon their release. The programs shall
369 incorporate a moral component focused on providing offenders with
370 an opportunity to make positive changes while incarcerated that
371 will enable them to be productive members of society upon their
372 release. Such deputy commissioner shall possess either:

373 (i) A master's degree in counseling, corrections,
374 psychology, guidance, social work, criminal justice or some
375 related field and at least four (4) years' full-time experience in



376 such field, including at least one (1) year of supervisory
377 experience; or

378 (ii) A bachelor's degree in a field described in
379 subparagraph (i) of this paragraph and at least six (6) years
380 full-time work in corrections, one (1) year of which shall have
381 been at the supervisory level.

382 (e) A Deputy Commissioner for Education who shall
383 initiate and administer programs related to education as provided
384 in this act. Such deputy commissioner shall possess either:

385 (i) A master's degree in education, counseling,
386 corrections, psychology, guidance, social work, criminal justice
387 or some related field and at least four (4) years' full-time
388 experience in such field, including at least one (1) year of
389 supervisory experience; or

390 (ii) A bachelor's degree in a field described in
391 subparagraph (i) of this paragraph and at least six (6) years
392 full-time work in corrections, one (1) year of which shall have
393 been at the supervisory level.

394 Out of the deputy commissioners employed under this
395 subsection (1), as set out in paragraphs (a) through (* * *e),
396 the commissioner shall designate one (1) of the commissioners as
397 an executive deputy commissioner who shall have the duties
398 prescribed under Section 47-5-8.

399 (2) The commissioner shall employ an administrative
400 assistant for parole matters who shall be selected by the State



401 Parole Board who shall be an employee of the department assigned
402 to the State Parole Board and who shall be located at the office
403 of the State Parole Board, and who shall work under the guidance,
404 supervision and direction of the board.

405 (3) The administrative assistant for parole matters shall
406 receive an annual salary to be established by the Legislature.
407 The salaries of department employees not established by the
408 Legislature shall receive an annual salary established by the
409 State Personnel Board.

410 (4) The commissioner shall employ a superintendent for the
411 Parchman facility, Central Mississippi Correctional Facility and
412 South Mississippi Correctional Institution of the Department of
413 Corrections. The Superintendent of the Mississippi State
414 Penitentiary shall reside on the grounds of the Parchman facility.
415 Each superintendent shall appoint an officer in charge when he is
416 absent.

417 Each superintendent shall develop and implement a plan for
418 the prevention and control of an inmate riot and shall file a
419 report with the Chairman of the Senate Corrections Committee and
420 the Chairman of the House Penitentiary Committee on the first day
421 of each regular session of the Legislature regarding the status of
422 the plan.

423 In order that the grievances and complaints of inmates,
424 employees and visitors at each facility may be heard in a timely
425 and orderly manner, each superintendent shall appoint or designate



426 an employee at the facility to hear grievances and complaints and
427 to report grievances and complaints to the superintendent. Each
428 superintendent shall institute procedures as are necessary to
429 provide confidentiality to those who file grievances and
430 complaints.

431 (5) For a one-year period beginning July 1, 2016, any person
432 authorized for employment under this section shall not be subject
433 to the rules, regulations and procedures of the State Personnel
434 Board, except as otherwise provided under Section 25-9-127(5).

435 **SECTION 9.** This act shall take effect and be in force from
436 and after July 1, 2022.

