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Improving Reentry in Kentucky through Education and Supports for Inmates and Ex-Offenders

By Ashley Spalding

Kentucky gained national attention for passing legislation to reform its penal code, the “Penal Code and Controlled Substances Act” (HB 463) of 2011. The legislation laudably aims to keep more Kentuckians out of jail in order to reduce state costs and more effectively deal with those who commit minor crimes like drug offenses. However, in order to substantially improve the lives of those in the criminal justice system—and to sustainably reduce costs by keeping ex-offenders from returning to jail or prison—Kentucky must provide inmates with access to education and supports such as drug treatment that will help them obtain viable employment upon release. Those who are released also need opportunities and support to put their lives back on track.

While some education and support resources are available in jail/prison and during reentry, the current level of investment is not enough to considerably increase the number of Kentuckians moving up the ladder of economic success, nor to make serious progress on reducing the state’s prison population. This is an important issue for Kentucky because a significant portion of our state’s population is an ex-offender. More than a million people are in Kentucky’s state criminal history file, and over seven percent of the state’s population is a felon without voting rights (an even higher percentage of Kentuckians has been convicted of a felony).¹ Nearly 31 percent of former inmates recidivate—or return to prison—within two years.²

A 2008 report by the Legislative Research Commission focused its recommendations for reentry primarily on strengthening reentry programming—including dedicating staff to work with employers, housing owners and providers, among others, to identify where a released felon can get a job, find a place to live, or obtain substance abuse or mental health treatment.³ In contrast, this policy brief focuses on the importance of expanding educational opportunities as well as other supports in Kentucky’s state prisons and in the community.⁴

Kentucky’s Inmate Population

During much of the past fifteen years, Kentucky’s prison population has been one of the fastest growing in the nation. In 2007, Kentucky’s inmate population was 45 percent larger than it was in 2000—compared to 13 percent growth for the U.S. state prison system as a whole.⁵ After declining for several years, the state’s prison population increased again in 2011.⁶ Kentucky currently has 19,636 inmates.⁷ Three percent are in halfway houses; 33 percent are in local jails; 61 percent are in Department of Corrections (DOC) prisons; and three percent are in a privately managed prison.⁸ There are currently 13 state prisons in Kentucky, one of which is privately managed.⁹

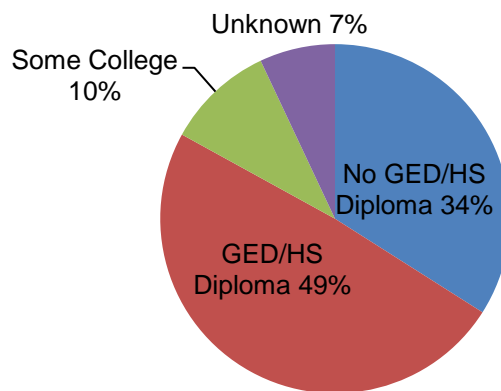
Nearly three-quarters of Kentucky’s inmate population is white, and almost a quarter is African American; comparatively, African Americans make up only eight percent of Kentucky’s general population.¹⁰ The average age of a Kentucky inmate is 36 years old. Just two percent are under age 21, and 12 percent are over 50. The majority of inmates—89 percent—are male.

19 percent of inmates are incarcerated for drug offenses, 38 percent for violent crimes, 12 percent for sex crimes, 24 percent for property crimes and 7 percent for “other.”¹¹ Those housed in prisons have been convicted of Class A, B, C or Capital Offense Felonies that carry with them more than a five-year sentence. Those who have been convicted of a Class D Felony receive no more than a five-year sentence and are housed in local jails. As an example, most drug-offenders in prison have been charged with trafficking, while those incarcerated for committing lesser drug offenses are in local jails.

Education levels of those in prison are typically very low.¹² Figure 1 shows the educational attainment levels of inmates released from state prison in Kentucky in 2013.

Figure 1

Educational Attainment Levels of Kentucky DOC Inmates Released in 2013



Source: Kentucky Department of Corrections, Personal Communication

The Importance of Education and Supports to Reentry

Good jobs help ex-offenders avoid reincarceration. Education and supports in prison can increase employment options after release and therefore reduce recidivism. But with low educational backgrounds and limited access to education both during and after incarceration, ex-offenders face significant barriers to gainful employment and successful reentry.

The DOC has acknowledged that employment—as well as treatment services and also housing—is a serious gap in reentry planning.¹³ Former Kentucky inmates have reported experiencing problems finding jobs.¹⁴ Criminal background checks are very common in the job application process, and many employers disqualify applicants who have been convicted of a crime. According to a recent survey, 69 percent of organizations conduct criminal background checks on all job candidates, 18 percent on select job candidates, and 14 percent do not conduct criminal background checks on any job candidates.¹⁵ Employers’ willingness to hire ex-offenders can be very limited—particularly in a weak job market like the current one.¹⁶ In addition, federal and state laws actually prevent some who have been convicted of a felony from gaining licensure and/or employment in particular occupations.¹⁷

The jobs that are available to ex-offenders with limited education often pay very poorly and do not enable them to make ends meet—particularly while supporting a family. In Kentucky in 2011, the hourly wage gap between those with a high school degree and those with a bachelor’s degree or higher was nearly \$10.00.¹⁸ Research shows that wages increase significantly when a person has at least a postsecondary certificate and a year of college coursework.¹⁹ And higher wages—not just employment—are associated with lower rates of recidivism.²⁰

In order to increase their employment opportunities and overcome existing barriers, many ex-offenders will need to further their education—either while in prison or after release—by enrolling in adult education (through which they can earn a GED), vocational education and/or postsecondary education. But inmates can have difficulty accessing these educational opportunities both in and out of prison. Waiting lists are typical and postsecondary education is expensive. In addition, financial aid is often unavailable to those with a criminal background. Through 1994's Violent Crime Control and Law Enforcement Act inmates became ineligible for federal Pell Grants.²¹ And the Higher Education Act of 1998 made students convicted of any misdemeanor or felony drug offense ineligible for federal financial aid including grants, loans and federal work study for one to two years post-conviction (the length of time depending on the student's criminal record and on the offense).²² At the state level, Kentucky's inmates are restricted from receiving state financial aid, although students who were formerly incarcerated are not disqualified from all of these programs.²³

Education is a critical aspect of increasing employment among ex-offenders and preventing recidivism, but participation in these programs alone is often not enough. For instance, for current and former inmates with drug problems, substance abuse treatment can play an important role in their success. Limited access to treatment not only increases the likelihood of continued drug use and recidivism but compromises ex-offenders' ability to take advantage of the employment and educational opportunities that are available to them.

Furthermore, while former inmates work to reestablish themselves, access to financial supports like Temporary Assistance for Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP) help put groceries on the table and pay for other immediate needs. But according to federal law, those convicted of a felony drug offense after August 22, 1996 are not eligible for TANF assistance or SNAP.²⁴ States have the option of passing legislation to limit or eliminate the ban, and Kentucky has modified the ban so that if the recipient has successfully completed a chemical dependency treatment program or is pregnant, they can remain eligible for TANF and SNAP.²⁵ However, Kentucky has not eliminated the ban entirely as twelve other states have done.²⁶ Given the many barriers that ex-offenders face in securing decent employment, these income supports can help former inmates get back on their feet while pursuing employment and educational opportunities. A recent Yale University study found that both complete and partial bans on SNAP for those convicted of drug felonies may lead to hunger and HIV risk. In order to secure food, former drug felons who regularly go hungry are much more likely to engage in HIV risk behaviors—including dangerous sexual behavior in exchange for money for food for themselves and their children—than those who had access to at least one meal each day.²⁷

Kentucky's Approach to Education and Supports for Offenders and Ex-Offenders

Kentucky's DOC offers a range of educational programs in its state prisons but the need is greater than what is accessible. There are waiting lists for all of the DOC education programs, and still more inmates who may not have expressed interest would benefit from participation. There are also waiting lists for many of Kentucky's adult education programs outside of prison, and the cost of postsecondary education—both for inmates and those who are not incarcerated—poses a serious barrier for many. Supports like substance abuse treatment are also difficult to access.

IN PRISON

HB 463 has ushered in a number of new DOC programs to help reduce recidivism, but adult, vocational and postsecondary education programs deserve greater emphasis and investment. While most of the new programs have been shown to decrease recidivism (called "evidence-based" programs and practices), adult, vocational and postsecondary education serve inmates in ways these new programs alone cannot. Increasing inmates' educational levels and helping them earn credentials and degrees will make them more marketable for good jobs. The state should further invest in education and supports both in prisons, for inmates, and outside of prison, for those with few economic resources—including ex-offenders.

Kentucky's state prisons offer adult education and vocational technical education, and most offer postsecondary education. Currently, about 20 percent of inmates participate. In 2012, more than 2,000

were enrolled in adult education; nearly 1,000 were enrolled in vocational programs; and over 400 were enrolled in postsecondary education.²⁸ Yet funds are limited, and there are waiting lists for all of these programs. Priority is based on numerous factors. Most inmates are able to access these programs within a couple of years of expressing interest.²⁹

Unlike in many states, in Kentucky inmates' participation in educational programming in prison is not mandatory—even for those below a certain educational level.³⁰ Mandatory education policies mean not only that inmates below a certain education level must participate—but that the prison has an obligation to provide education to these inmates.

The DOC does provide some incentives for completion of educational programs, but overall there seem to be more incentives to participate in non-education programs.³¹ 90 days of educational “good time credit”—which is 90 days taken off of an inmate’s sentence—is provided for inmates who successfully complete any six-month or longer program (educational, behavioral, substance abuse) available to inmates.³² However, while many prison programs are six months long, most education programs take much longer than six months to complete. Some vocational programs take a minimum of six months to finish and others take a minimum of 10 months. Adult education students must earn a GED in order to earn good time credit; those who earn a GED also receive \$100. Postsecondary education students must earn a degree or credential—typically an associate’s degree—in order to earn good time credit; this can take years.³³ Another incentive for participating in educational programs is that while all inmates must do some kind of work in the prison, enrollment in educational programs can also fulfill the work requirement. In addition, some of the more desirable jobs in each institution require a certain level of educational attainment.

Education is also often part of an inmate’s case management plan, although these programs do not receive special emphasis. As a result of HB 463, inmates are now given a risk and needs assessment to determine their “criminogenic needs,” or factors associated with criminal activity—including lack of education/employment and a history of substance abuse as well as anti-social attitudes, companions and personality; the assessment also determines their risk of recidivism based on those needs.³⁴ A case management plan to address these and other issues is then developed with the help of the inmate. Education programs are among those available to assist inmates in reaching their goals, but they are not necessarily prioritized. Other available programs include several cognitive behavioral treatment programs and substance abuse treatment. There is also a program that prepares inmates for reentry, New Directions, that the DOC views as promising.³⁵

Adult Education

Among the education programs offered in Kentucky’s state prisons, adult education has the largest number of participants—more than 2,000 in 2012. Each institution has two to three instructors total for all levels: literacy, adult secondary and adult GED level. Each instructor has around 15 students at a time, and each program usually lasts between 10 to 12 months. Many prisons offer both a morning and afternoon class, and some offer an evening option.

While adult education in Kentucky’s prisons is usually provided by the DOC—rather than KYAE—the DOC follows KYAE policies and guidelines to ensure that inmates can easily transition to adult education courses offered by KYAE in the community upon reentry. In addition, a couple of institutions do partner with KYAE to provide adult education in the evening. There is no charge for students who take adult education classes, including the cost of taking the GED. Last year, 475 inmates earned a GED.³⁶

Beginning in 2014, the DOC will have to deal with nationwide changes to GED testing including increased costs (the test will cost \$120 per person, double the current cost), a new requirement that the test be taken on the computer, and content changes to address college readiness standards.³⁷ In 2014, the DOC will continue to pay for an inmate’s first sitting for the test but now inmates will have to pay a portion of retests. In addition, the DOC will add computer skills to their adult education classes to prepare incarcerated students for the 2014 GED. However, due to the increased difficulty of the content, the DOC expects fewer inmates to take (and pass) the GED.³⁸

Vocational Education

Each Kentucky state prison offers vocational education to inmates who have at least a GED or high school diploma.³⁹ Kentucky DOC works to match its vocational programs to meet the demands of the job market in areas such as auto technology, auto collision, carpentry, computer specialist, electrical, masonry, horticulture and welding.⁴⁰ Typically two or more institutions offer each program so that if an inmate is transferred he/she can continue vocational education in the same track. Inmates who complete these programs receive an industry-recognized certificate.⁴¹ Because vocational education is no longer provided through a partnership with the Kentucky Community and Technical College System (KCTCS), a change that occurred July 1, 2010, inmates do not earn postsecondary education credit in these programs.⁴² Vocational programs can be completed in a minimum of six to 10 months. As with adult education courses, there is no charge for inmates to participate in the vocational programs.⁴³ In 2012, 5,486 vocational certificates were earned by inmates.⁴⁴

Postsecondary Education

Unlike adult and vocational education programs, postsecondary education is not offered in every Kentucky DOC institution. Due to the frequent unavailability and high cost of courses, access to postsecondary education is limited even for those who have the educational background necessary to enroll. Those who do participate can earn an associate's degree of arts, science or applied sciences. 400 inmates were enrolled in college credit bearing courses in 2012, and 21 graduated with a degree.⁴⁵

Courses are taught by instructors employed by a state college or university (usually KCTCS). The availability of courses depends on the instructors' schedules as well as the state college/university's willingness and financial ability to participate; due to recent budget cuts, postsecondary education institutions are increasingly less likely to participate and this year courses will not be offered in several prisons.⁴⁶

Unlike those enrolled in adult and vocational education, inmates must pay tuition for postsecondary education classes. Some scholarships are available through the Kentucky Centralized Inmate Commissary, Inc., a centralized canteen operation from which all profits are used exclusively for the benefit of the inmates, but inmates do not qualify for federal financial aid and are restricted from receiving state aid.⁴⁷

Supports

In addition to educational programs, drug abuse treatment programs can also significantly affect inmates' employment and recidivism rates. HB 463 has significantly increased the availability of drug treatment to offenders in Kentucky. However, access remains an issue.⁴⁸ The waiting list for the six-month residential Substance Abuse Program (SAP) through Kentucky's DOC is currently more than 2,000; the program is offered in nine of the 13 state prisons.⁴⁹ A new condensed 90-day substance abuse program, Living in Balance, has been created to help address the significant need, but those with severe substance abuse problems are ineligible to participate. Living in Balance is offered in one state prison as well as one jail and halfway house.⁵⁰ In 2014, General Fund savings from HB 463 will be appropriated to further expand substance abuse programs. The DOC also provides Narcotics Anonymous and Alcoholics Anonymous (NA and AA) programs in all prisons.

IN THE COMMUNITY

Access to education and support programs is also an issue after release—perhaps even more so than for those still in prison. While some programs and employment supports are offered through the DOC when inmates reenter the community, the available education programs are those offered to the general public—for instance, through KYAE. Access to drug treatment and income supports is also quite limited.

In the reentry process, DOC probation and parole officers are trained to provide referrals to local workforce development agencies, and some have completed the Offender Employment Specialist trainings that the Federal Bureau of Prisons has offered. However, average caseloads are very large, so

the amount and quality of help provided varies.⁵¹ For inmates in Louisville, the DOC also contracts with the Louisville area Workforce Investment Board (WIB) to provide job skills training and placement for those returning to the community.⁵²

As part of HB 463, the DOC is currently piloting programs to help reduce recidivism for ex-offenders after reentry. These include Moral Reconciliation Therapy, which works to increase the moral reasoning of ex-offenders, and 24/7 Dad, a program to improve attitudes toward fathering as well as to increase fathering knowledge and skills.⁵³ However, there are no DOC education and substance abuse programs specifically targeted to ex-offenders in the community.

Education

For the most part, ex-offenders have the same adult, vocational and postsecondary education opportunities as those who have never been incarcerated and experience the same barriers to participation in these educational programs. Adult education is offered in every county in Kentucky, but a 2009 survey of adult education programs showed that more than a third that responded in Kentucky reported waiting lists. While more than half had waits of less than a month, a large share had waits of two to four months—and funding for adult education has decreased since 2009.⁵⁴ Ex-offenders and other adult education students must also contend with the increased cost of taking the GED in 2014. In addition, tuition at Kentucky's public institutions has soared in recent years.⁵⁵ Even community college tuition is unaffordable for many; though relatively more affordable than the state's four-year institutions, KCTCS tuition is higher than the national average for community colleges.⁵⁶

Many ex-offenders are unable to pursue postsecondary education without financial aid, but access to aid is limited. At the federal level, ex-offenders may not qualify for grants, loans and work study. At the state level, ex-felons do not qualify for the merit-based Kentucky Educational Excellence Scholarship (KEES), even if they earned it before they were convicted of a felony crime. They can qualify for the need-based College Access Program (CAP) as long as they meet the other eligibility requirements. However, CAP funds are extremely limited, so an ex-offender's chances of attaining a CAP scholarship are not very good. In 2011, over 76,000 eligible students—67 percent of eligible applicants—were denied assistance from the CAP program because of limited funds.⁵⁷ This number was even higher in 2012.⁵⁸

Supports

Ex-felons' ineligibility for many income supports makes furthering their education even more difficult. As mentioned previously, those convicted of a felony drug offense after August 22, 1996 are not eligible for TANF assistance or SNAP unless they are pregnant or have successfully completed a chemical dependency treatment program.

For ex-offenders who need drug treatment, there has been very little available beyond NA and AA meetings—particularly for those with limited economic resources. A report prepared for the legislature in 2010 indicated that most treatment facilities have over 90 percent occupancy and many have waiting lists, some of which involve a wait of weeks or even months. Last year for the first time the state legislature approved the funding of 5,800 Medicaid slots for substance abuse treatment between 2013 and 2014, and House Bill 463 is projected to result in additional funds for treatment programs resulting from prison cost savings.⁵⁹ However, even with these investments the need will continue to exceed the supply.⁶⁰ Fortunately the Affordable Care Act (ACA) will help expand substance abuse treatment availability beginning in 2014. The ACA requires that both Medicaid and the insurance offered through the ACA's health care exchanges broadly cover substance abuse treatment. And because of the Governor's decision to expand Medicaid in Kentucky, more low-income Kentuckians—including ex-offenders—will be able to enroll in Medicaid.⁶¹

Policy Recommendations

The state has made some important reforms to the penal code, but in order for ex-offenders to successfully transition to the community and remain out of prison further measures are needed. In addition to increasing investment in DOC education programs, there need to be more opportunities for

education and income supports in the community. The DOC, like other state agencies, has been strained under the budget cuts of the last several years. At the same time, with the implementation of HB 463, the DOC has had increased demands. In order to implement many of these recommendations, additional funding for the DOC is needed. Other measures not involving Kentucky DOC would also require additional funding—and therefore additional state revenue.

FURTHER INVEST IN DOC EDUCATION PROGRAMS IN PRISON

Education programs in prison play an important role in helping ex-offenders get decent jobs and preventing recidivism. While the DOC offers a range of programs—adult, vocational and postsecondary—increased participation rates, among other changes, could mean increased benefits. In order to provide better access, promote educational attainment and otherwise improve educational opportunities in prison, the state should:

- Increase funding for educational programs so that more inmates can participate at a time. This would also likely increase GED and postsecondary degree attainment among inmates.
- Commit enough funding to ensure that all inmates have access to a basic education—for instance, by following the example set by states requiring inmates below a certain educational attainment level to participate in educational programming (i.e., those who test below a certain grade level or who do not have a high school diploma or GED).⁶²
- Further ensure that Kentucky DOC vocational education is targeted to occupations that provide inmates with a good chance of obtaining employment when they are released. For instance, in Louisiana the DOC bases the welding curriculum at one facility on the technical training provided by one of the state's largest employers; this way those who complete the program will be strong candidates for jobs with that company when released.⁶³
- Make sure that degree and credential attainment—not just earning credits or taking classes—is encouraged. For example, inmates could be guided at a very early stage of incarceration in terms of how to time degree completion with the length of their sentences.
- Further improve Kentucky DOC's system for collecting data on educational attainment and require a publicly available annual report on this data.⁶⁴ Currently educational data is not entered consistently into the Kentucky Offender Management System (KOMS), and very little data is collected on inmate outcomes after release. While recidivism is measured, outcomes for those who participate in the various educational programs are not.⁶⁵ For instance, do those with vocational certificates get employed at a higher rate and wage? Do participants in the various programs go on to pursue additional educational opportunities? Is there less recidivism for participants in the DOC education programs?

INCREASE ACCESS TO EDUCATIONAL PROGRAMS OUTSIDE OF PRISON

There are numerous barriers to educational attainment outside of prison as well, with financial constraints being among the greatest deterrents. Tuition at Kentucky's colleges and universities has skyrocketed in recent years, and financial aid opportunities are very limited. Funding for adult education has also been cut, leading to waiting lists that can deter some from participating. In order to improve access to educational programs outside of prison, the state needs to:

- Better fund postsecondary education to keep tuition costs down. Since 1998, tuition has increased over 200 percent at the state's colleges and universities—largely as a result of reduced state funding.⁶⁶ Even community colleges are unaffordable for many.⁶⁷ Better funding postsecondary education would not only benefit ex-offenders and inmates, but all Kentuckians who want or need to further their education and find it difficult to afford to do so.
- Increase financial aid opportunities. Currently there are few options available to ex-offenders, inmates and also low-income Kentuckians. The state should more fully fund its main need-based financial aid program, CAP.
- Better fund adult education. More adequate funding could help more Kentuckians access adult education and earn GEDs.

ENABLE EX-DRUG-OFFENDERS TO RECEIVE TANF ASSISTANCE AND SNAP

Income supports are also critical to the success of former inmates trying to rebuild their lives and attain employment and/or education. In 2012, more than 1,500 people in Kentucky were denied or discontinued for SNAP assistance because of a drug felony or fleeing felony conviction.⁶⁸ There were also nearly 1,500 active SNAP cases in which a member of the household was disqualified due to a drug felony, causing a reduction in the amount of benefits a household receives.⁶⁹ In Kentucky, the Governor's Reentry Task force recently recommended that the denial of TANF and SNAP to ex-offenders who were convicted of drug-related felonies be completely eliminated—in contrast to the current modified ban that enables those who complete drug treatment or are pregnant to qualify even if they were convicted of drug-related felonies.

To support ex-offenders during reentry, the state should:

- Eliminate the ban on TANF assistance and SNAP for ex-offenders convicted of drug felonies. This means changing Kentucky's modified ban to a complete elimination of the federal ban.

Conclusion

In order to further Kentucky's efforts to improve the lives of those in the criminal justice system and reduce recidivism and state prison costs, the state needs to invest more in educating and supporting current and former inmates. Educational programs and supports in prison are critical to inmates' successful employment when they reenter the community—which plays an important role in preventing recidivism. In addition, more educational resources—particularly financial aid—need to be available in the community so that ex-offenders can obtain the degrees and credentials needed for economic self-sufficiency. Drug treatment and other supports in the community also need more investment.

¹ This includes those who have been arrested, whether or not they were convicted of a crime. U.S. Bureau of Justice Statistics, Table 1, "Survey of State Criminal History Information Systems, 2008," October 2009, <https://www.ncjrs.gov/pdffiles1/bjs/grants/228661.pdf#page=6&zoom=auto,0,506>. The Sentencing Project, "Interactive Map," Kentucky, <http://www.sentencingproject.org/map/map.cfm#map>.

² Kentucky Department of Corrections, "House Bill 463 Implementation, Evidence-based Practices and Programs," December 1, 2012.

³ Cindy Upton, Jim Guinn and Tara Rose, "Reentry Programs for Felons Should Be Improved and Outcome Measures Should Be Developed," Legislative Research Commission, Research Report No. 357, October 9, 2008, <http://www.lrc.ky.gov/lrcpubs/RR357.pdf>.

⁴ This brief focuses almost solely on education in Kentucky's state prisons—rather than in jails and prisons, for instance—because the prisons have more educational resources, inmates spend much more time incarcerated than those in jail do, and educational programming in the state's prisons is more cohesive and consistent than between and among different local jails.

⁵ The Pew Center on the States, "Kentucky: A Data-Driven Effort to Protect Public Safety and Control Corrections Spending," October 19, 2010, <http://www.pewstates.org/research/reports/kentucky-a-data-driven-effort-to-protect-public-safety-and-control-corrections-spending-85899380104>.

⁶ E. Ann Carson and William J. Sabol, "Prisoners in 2011," Bureau of Justice Statistics, December 17, 2012, <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4559>.

⁷ Inmates in federal prisons are not included in these calculations.

⁸ Department of Corrections, "Inmate Profiles," July 15, 2013, <http://corrections.ky.gov/about/Documents/Research%20and%20Statistics/Monthly%20Reports/Inmate%20Profile/2013/Inmate%20Profile%2007-2013.pdf>.

⁹ The state recently ended its contract with the privately managed prison and is in the process of moving its inmates to DOC prisons.

¹⁰ Source U.S. Census Bureau: State and County QuickFacts, 2011, <http://quickfacts.census.gov/qfd/states/21000.html>.

¹¹ Department of Corrections, "Inmate Profiles."

¹² Nationally, about 40 percent of state prison inmates do not have a high school diploma or GED. Caroline Wolf Harlow, "Education and Correctional Populations," Bureau of Justice Statistics Special Report, 2003, [bjs.gov/content/pub/pdf/ecp.pdf](https://www.bjs.gov/content/pub/pdf/ecp.pdf). Work experience is also often quite limited for inmates. Harry J. Holzer, Steven Raphael and Michael A. Stoll, "Employment Barriers Facing Ex-Offenders," Urban Institute Reentry Roundtable, May 2003, www.urban.org/UploadedPDF/410855_holzer.pdf.

¹³ Kentucky Department of Corrections, "House Bill 463 Implementation."

¹⁴ They also reported problems with financial issues and reconnecting with family. Upton, Guinn and Rose, "Reentry Programs for Felons."

¹⁵ Society for Human Resource Management (SHRM), "SHRM Survey Findings: Background Checking—The Use of Criminal Background Checks in Hiring Decisions," July 19, 2012, www.shrm.org/Research/SurveyFindings/Articles/Pages/CriminalBackgroundCheck.aspx.

¹⁶ Harry Holzer, Steven Raphael and Michael A. Stoll, "Employer Demand for Ex-Offenders: Recent Evidence from Los Angeles," Urban Institute, March 1, 2003, <http://www.urban.org/publications/410779.html>. A number of states and cities have passed

legislation to “ban the box”—or remove the question “Are you a conviction felon?” from the job application process prior to the first interview, among other practices. There is currently a ban the box campaign underway in Louisville.

¹⁷ A few of Kentucky’s statutes for occupations and professions prevent convicted felons from having licenses and certificates. Several allow but do not require the governing board to revoke or suspend licenses and certificates—such as for emergency medical services (KRS 311A.050), funeral directors (KRS 316.150), cosmetologists (KRS 317A.140), optometrists (KRS 320.310), landscape architects (KRS 323A.110), real estate appraisers (KRS 324A.050) and public accountants (KRS 325.340). Other statutes describe situations in which convicted felons may lose or be denied employment. For instance, KRS 216.878 states that a person convicted of a felony offense related to theft; abuse or sale of illegal drugs; abuse, neglect or exploitation of an adult; or the commission of a sex crime is precluded from employment in agencies providing services to senior citizens funded by the Department for Community based Services or the Department for Aging and Independent Living. Upton, Guinn and Rose, “Reentry Programs for Felons.” HB 463 does not do much to promote expungement of criminal records. However, the legislation does add some details to KRS 431.078 about including as qualifiable for petition for expungement for a misdemeanor or violation “a record of any charges for misdemeanors or violations that were dismissed or amended in the criminal action.” In addition, HB 463 amends KRS 218A.275 so that if a person who has been convicted for the first time of a misdemeanor possession of controlled substances and the court voids the conviction after the person participates in treatment, probation, etc., “the court shall order the sealing of all records...including law enforcement records, except as provided in Section 100 of this Act.” These are important reentry issues faced by ex-offenders, and related policy changes should be made. For instance, the Governor’s Reentry Task Force has recommended that the state “remove/modify permanent employment restrictions based solely on felon status upon reentry.” Governor’s Reentry Task Force, “Recommendations by the Governor’s Reentry Task Force Steering Committee to the Kentucky General Assembly,” January 2013.

¹⁸ Economic Policy Institute analysis of Current Population Survey data.

¹⁹ David Prince and Davis Jenkins, “Building Pathways to Success for Low-Skill Adult Students: Lessons for Community College Policy and Practice from a Longitudinal Student Tracking Study,” Community College Research Center, April 2005, <http://ccrc.tc.columbia.edu/Publication.asp?UID=204>.

²⁰ Christy Visser, Sara Debus & Jennifer Yahner, “Employment after Prison: A Longitudinal Study of Releasees in Three States,” Urban Institute Justice Policy Center, October 2008, www.urban.org/UploadedPDF/411778_employment_after_prison.pdf.

²¹ Anne Roder, Working Poor Families Project, “Strengthening Correctional Education for Adults,” Summer 2009, <http://www.workingpoorfamilies.org/pdfs/policybrief-summer09.pdf>.

²² For possession of a controlled substance, a third conviction results in an indefinite period of ineligibility. For sale of a controlled substance, a second offense results in indefinite ineligibility. Upton, Guinn and Rose, “Reentry Programs for Felons.” It should also be noted that a convicted felon can receive federal financial aid if he/she completes an acceptable drug treatment program and meets certain other requirements.

²³ KRS 164.767 restricts state financial aid programs for students who are incarcerated.

²⁴ Sara M. Caudill and Ashley England-Huff, “Collateral Consequences of Felony Convictions Established in Kentucky Administrative Regulations,” *Northern Kentucky Law Review* (2008) pp. 543-606, http://chaselaw.nku.edu/documents/law_review/v35/nkrlr_v35n4_pp543-606.pdf.

²⁵ In order to qualify for TANF and SNAP by completing substance abuse treatment, those with felony drug convictions must first be assessed as chemically dependent.

²⁶ Governor’s Reentry Task Force, “Recommendations by the Governor’s Reentry Task Force.”

²⁷ Emily A. Wang, Gefei A. Zhu, Linda Evans, Amy Carroll-Scott, Rani Desai, and Lynn E. Fielli, “A Pilot Study Examining Food Insecurity and HIV Risk Behaviors Among Individuals Recently Released From Prison,” *AIDS Education and Prevention* (2013), Vol. 25, No. 2, pp. 112-123.

²⁸ Kentucky Department of Corrections, personal communication.

²⁹ Kentucky Department of Corrections, personal communication.

³⁰ Based on a survey conducted in 2002, 22 states and the Federal government have either adopted legislation or implemented policy requiring mandatory education for prisoners. In these cases, “mandatory” education means that the prisoner is required to participate in an education program for a certain period of time if he/she has not achieved a particular level of education. When the compulsory period is over, the inmate has the option to withdraw from the education program. Jerry McGlone, “Status of Mandatory Education in State Correctional Institutions,” U.S. Department of Education, 2002.

³¹ Of course, at this point if more inmates participated the waiting lists would be even longer. Increased incentives would need to be accompanied by expanded programs.

³² Recently the policy was revised, and there is now no minimum amount of time an inmate must spend in substance abuse treatment in order to earn good time credit for completing the program.

³³ Most of the educational programs are actually 10-12 month programs though. This practice of incentivizing inmates to complete programs by awarding 90 days of good time credit is a result of HB 463.

³⁴ A risk/needs assessment is actually required in all phases of the system to determine program needs in prison, supervision levels on probation and parole, and parole suitability. The criminogenic needs identified by the assessment tool are: anti-social attitude, anti-social companions, anti-social personality or temperament, family and/or marital issues, substance abuse, employment/education, leisure and/or recreation, and criminal history. Kentucky Department of Corrections, “House Bill 463 Implementation: Evidence-based Practices and Programs,” December 1, 2012.

³⁵ This voluntary program includes resume writing and job interview skills, among other topics related to gaining employment. Kentucky Department of Corrections, personal communication.

³⁶ KYAE sets GED attainment goals for DOC institutions. Kentucky Department of Corrections, personal communication.

³⁷ Carol Clymer, “Preparing for the New GED Test: What to Consider Before 2014,” The Working Poor Families Project, Fall 2012, http://www.workingpoorfamilies.org/wp-content/uploads/2012/12/WFPF-fall-brief_2012.pdf. Ashley Spalding, “Kentuckians Face Challenges in Accessing the GED in 2014,” Kentucky Center for Economic Policy, July 18, 2013, <http://kypolicy.org/kentuckians-face-challenges-accessing-ged-2014/>.

³⁸ Before an inmate can take the GED, he/she must pass an official practice test. Kentucky Department of Corrections, personal communication.

³⁹ Inmates must also have a Tests of Adult Basic Education (TABE) score of at least an 8 to participate. Kentucky Department of Corrections, personal communication.

⁴⁰ The DOC seeks out input from business/industry and lessons learned from other states, among other sources. Kentucky Department of Corrections, personal communication.

⁴¹ For instance, for construction the certificate is provided through the National Center for Construction Education and Research (NCCER); for Microsoft Office the certificate is the Certipoint Industry Certificate; for cabling/fiber optics the certificate is through C-Tech; and for horticulture, auto technology, auto collision and small engine repair the certificate is through the National Occupational Competency Testing Institute (NOCTI). Although inmates do not earn postsecondary credit, they do have the opportunity to build on their credentials by earning more advanced vocational credentials in the workplace after release.

⁴² This was an important shift in part because inmates who wanted vocational technology training had to take General Education courses, and these couldn't be taught by DOC daytime instructors (who did not have the qualifications necessary to teach KCTCS General Education courses)—which meant that the DOC had to hire additional evening teachers, and course availability could not meet the demand. As a result, there were long waiting lists for the General Education courses, and it was very difficult for inmates to earn a vocational credential in a timely manner. Kentucky Department of Corrections, personal communication. Of course an important downside of this change is that inmates who earn vocational certificates are not earning postsecondary credits or credentials that they can build on by pursuing additional postsecondary education after release.

⁴³ Kentucky Department of Corrections, personal communication.

⁴⁴ This large number of vocational certificates was earned by fewer than 1,000 inmates. This is possible because of the curriculum structure of the particular programs, the amount of time required for a given class and some students being able to enroll in more than one certificate awarding program. For instance, in six months, an inmate could earn four certificates—a certificate for completing the core curriculum; the Occupational Safety and Health Administration (OSHA) 10 Card; a Green Environment certificate; and the National Career Readiness Certificate (NCRC). Kentucky Department of Corrections, personal communication.

⁴⁵ Kentucky Department of Corrections, personal communication.

⁴⁶ Kentucky Department of Corrections, personal communication.

⁴⁷ There is a \$35 self co-pay that students must pay themselves even if they are able to obtain scholarships to cover tuition. The number of available scholarships depends on the amount in the fund, which varies from year to year. Each institution has different criteria points for scholarships. For most of these scholarships an inmate can take two classes per semester, but at some institutions they are limited to taking one class. Kentucky Department of Corrections, personal communication.

⁴⁸ These additional beds were funded with federal grants and restricted funds.

⁴⁹ Inmates can be transferred to participating institutions in order to participate.

⁵⁰ Among the requirements are: no previous treatment within the last five years, documented substance abuse, not chemically dependent (i.e., daily drug use). Heroin and methamphetamine users, offenders who have had multiple incarcerations, and offenders who have been incarcerated two years or more are not considered to be appropriate for this program. Kentucky Department of Corrections, personal communication.

⁵¹ The estimate from 2008 is 94 per officer. Upton, Guinn and Rose, "Reentry Programs for Felons."

⁵² The other WIB communities work with DOC veterans, and the DOC makes referrals to them for other services. Kentucky Department of Corrections, personal communication.

⁵³ An affiliated program, Inside Out Dads, is available in prison.

⁵⁴ Most of the waiting lists were comprised of less than 20 students, but the presence of a waiting list may deter prospective students from pursuing adult education. Lennox McLendon, "Adult Student Waiting List Survey," National Council for State Directors of Adult Education, 2010, <http://www.naepdc.org/publications/2010%20Adult%20Education%20Waiting%20List%20Report.pdf>.

⁵⁵ Jason Bailey, "The College Affordability Crunch in Kentucky," Kentucky Center for Economic Policy, November 2, 2011, <http://kypolicy.org/college-affordability-crunch-kentucky/>.

⁵⁶ Tuition is currently \$144 per credit hour for in-state students. Kentucky Community and Technical College System, "Costs & Financial Aid," http://www.kctcs.edu/Students/Costs_and_Financial_Aid/Tuition_and_Charges.aspx. Higher Education Work Group, "Expanding College Access and Affordability in the Commonwealth," January 15, 2009, http://apps.cpe.ky.gov/temp_docs/hewg/HEWGJanuaryReportfinal.pdf.

⁵⁷ Kentucky Higher Education Assistance Authority, "Student Financial Aid in Kentucky," Presentation to the Interim Joint Committee on Appropriations and Revenue, August 25, 2011.

⁵⁸ Students apply by filling out the FAFSA as soon after January 1 as possible. CAP funds are distributed on a first come, first served basis, and each year the date that CAP funding is exhausted is earlier than the previous year. While in 2011 CAP funding was depleted in early March, in 2012 it was in mid-February. Robin Morley and Becky Gilpatrick, "Lottery Funded Student Aid Programs," Presentation to the House Budget Review Subcommittee on Postsecondary Education, February 7, 2013.

⁵⁹ Office of State Budget Director, "2012-2014 Budget," <http://www.osbd.ky.gov/NR/rdonlyres/F3A4AF4D-BD42-4890-B28F-243F12EF0AB8/0/1214BOCVol1.pdf>.

⁶⁰ Robert Walker, Erin Stevenson, Allison Mateyoke-Scrivner, Diane Parrish, and Terry Hunt, "Special Report on Kentucky's Substance Abuse Treatment Capacity, Costs, and Persons Served: Report for The Task Force on Penal Code and Controlled Substances Act," October 2010.

⁶¹ Currently in Kentucky, the only adults eligible for Medicaid are those with disabilities, pregnant women, seniors and adult parents/relative caregivers of children. Parents/caregivers must have extremely low incomes—no greater than 62 percent of the federal poverty line (\$14,291 for a family of four); if the parent/relative caregiver is not working, his/her income can be no greater than 36 percent of the federal poverty line. There are also additional criteria to qualify—it must be a single-parent household or have one of the parents unemployed, underemployed or disabled. "Medicaid and CHIP Eligibility by State," <http://www.ncsl.org/issues-research/health/medicaid-eligibility-table-by-state-state-activit.aspx>. The expansion enables those with household incomes up to 138 percent of the federal poverty level—or approximately \$32,000 for a family of four—to qualify, which is about 308,000 Kentuckians.

⁶² There has been no analysis of whether or not states with mandatory participation are able to serve all eligible inmates—and whether these states have better outcomes. However, research shows that those who are required to participate achieve at rates similar to voluntary participants. Kimberly McCabe, “Mandatory versus Voluntary Prison Education and Academic Achievement,” *The Prison Journal*, 74, 4, pp. 450-61, 1994, cited in Roder, “Strengthening Correctional Education for Adults.”

⁶³ Roder, “Strengthening Correctional Education for Adults.”

⁶⁴ The Legislative Research Commission report on reentry programs in Kentucky noted the limitations of the Kentucky Offender Management System (KOMS), and while there have been improvements since its publication there is still considerable room for improvement. Upton, Guinn and Rose, “Reentry Programs for Felons.” Kentucky Department of Corrections, personal communication.

⁶⁵ Upton, Guinn and Rose, “Reentry Programs for Felons.”

⁶⁶ Jerry Abramson and Mary Lassiter, “Governor Beshear’s Blue Ribbon Commission on Tax Reform,” February 5, 2013,

http://www.osbd.ky.gov/NR/rdonlyres/810338E6-7B75-4A75-A94B5AE381AD9C77/0/130205_ARPresentation_BlueRibbonTaxCommission.pdf.

⁶⁷ Ashley Spalding, “Crossing the Finish Line: Overcoming Barriers to Community College Degree and Credential Attainment in Kentucky,” the Kentucky Center for Economic Policy, November 26, 2012, <http://kypolicy.org/crossing-finish-line-overcoming-barriers-community-college-degree-credential-attainment-kentucky/>.

⁶⁸ A fleeing felony is when a person is charged with fleeing to avoid prosecution or custody or confinement for a felony.

⁶⁹ The Kentucky Department of Community Based Services (DCBS) cited in Governor’s Reentry Task Force, “Recommendations by the Governor’s Reentry Task Force.”