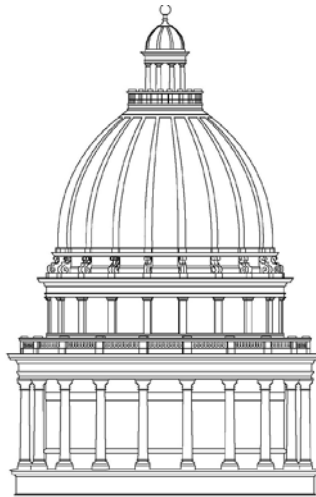


REPORT TO THE
UTAH LEGISLATURE

Number 2012-11



**A Performance Audit of
Inmate High School Education**

August 2012

Office of the
LEGISLATIVE AUDITOR GENERAL
State of Utah



STATE OF UTAH

Office of the Legislative Auditor General

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AUDITOR GENERAL

August 1, 2012

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report, **A Performance Audit of Inmate High School Education** (Report #2012-11). A digest is found on the blue pages located at the front of the report. The objectives and scope of the audit are explained in the Introduction.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

A handwritten signature in black ink that reads "John M. Schaff" with a stylized flourish at the end.

John M. Schaff, CIA
Auditor General

JMS/lm

Digest of A Performance Audit of Inmate High School Education

Our office was asked to compare the effectiveness and efficiency of inmate high school education programs in Utah's jails and prisons. Educational services are provided by the adult education program of the school district where an inmate is incarcerated. Programs include adult high school completion (AHSC), adult basic education (ABE), and English for speakers of other languages (ESOL). In 2011, 21 local school districts provided educational services to 5,268 inmate students in 23 jails and 2 state prisons. The Utah State Office of Education (USOE) administers the adult education programs, including tracking student demographics, contact hours, and outcomes on a computer-based information system.

Inmate High School Education Costs Were about \$5.4 Million in 2011. This chapter identifies the cost of educating inmate students. There are two primary revenue sources for inmate high school education: (1) a portion of the Adult Education budget distributed based on a formula that considers the number of enrollees, contact hours, and outcomes (diplomas/GEDs, credits, and academic level gains); and (2) Corrections Education funds distributed only to the two school districts with prison programs, Canyons and South Sanpete. In 2011, school districts with prison programs received significantly more funds (\$1330 per student) than districts with jail programs (\$653 per student). Based on this inequity, we recommend that USOE consider modifying the distribution formula to ensure that school districts receive an equitable portion of the Adult Education funds. USOE should also develop a formula to provide some of the Corrections Education funds to jail programs with students who are prison inmates housed in jails on a contractual basis.

Inmates Achieve Academic Benefits. In 2011, the 5,268 inmates enrolled in adult education were awarded 853 diplomas and 330 GEDs, while achieving 12,003 high school credits and 2,143 level gains. On average, these outcomes per student were equivalent for both jail and prison programs but prison programs chose to focus mostly on issuing diplomas instead of GEDs. Comparisons show that

**Chapter I:
Introduction**

**Chapter II:
More Equitable
Fund Distribution Is
Needed**

**Chapter III:
Academic
Achievements Are
Strong but
Employment
Benefits Are
Unclear**

inmate programs achieved significantly more than students in traditional adult education programs.

Impact of High School Education on Employment Is Unclear.

The primary purpose of educating inmates is to enhance their opportunities for employment upon release, which in turn makes it less likely they will return to jail. However, employment rates are not effectively evaluated. One factor impacting employment rates is identifying the incarceration status of former students. Our limited evaluation shows that many former students are still incarcerated and not available to work. Since education is beneficial only when inmates will soon be available for employment, we recommend that inmate programs give priority to students who are likely to leave the correctional facility within five years of participating in the education program. We also recommend that USOE and the Utah Department of Corrections partner to further evaluate the employment benefits of inmate education.

**Chapter IV:
Inefficient Programs
Reduce Funds
Available for Other
Programs**

Monitoring Is Needed to Ensure Inmate Contact Hours Are Reasonable.

Comparisons of contact hours per student and per outcome revealed that some programs used an excessive amount of contact hours to educate inmates. But these students did not always demonstrate much progress toward achieving their goals. We recommend that USOE establish guidelines for the number of contact hours that are reasonable in relation to a student's accomplishments.

Many Contact Hours Are Used for Students Who Already Have Diplomas.

Many inmate students with diplomas continue to receive adult education services. Administrative rules state that adults with a high school diploma are eligible to receive services if tests show their functional educational level is less than a post-secondary level. Many students qualify, including students who have just been awarded a diploma. Although USOE policies require that priority be given to students lacking a diploma, some of these students continue receiving thousands of hours of services with little gain. We recommend that USOE consider placing limits on the number of contact hours used for students who already have a diploma.

REPORT TO THE UTAH LEGISLATURE

Report No. 2012-11

A Performance Audit of Inmate High School Education

August 2012

Audit Performed By:

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Chapter I

Introduction

This report compares effectiveness and efficiency of inmate high school education programs in Utah's jails, prisons, and traditional adult education programs. Specifically, we found the following:

- Significantly more funds per student are provided to state prison inmate programs than to county jail programs or to the traditional adult education program
- Overall academic achievements are about the same for jail and prison programs, but jail programs issue a higher ratio of diplomas or the equivalent General Educational Development (GED) certificates
- Impact of high school education on employment is unclear
- Some programs' inefficient use of contact hours reduces funds available for other programs.

Local School Districts Provide Adult High School Education to Inmates

Education for inmates of state prisons and county jails is provided by the adult education program of the school district where an inmate is incarcerated. The Utah State Board of Education is responsible for educating inmates in custody (*Utah Code* 53A-1-403.5) and contracts with various local school boards to provide the services to inmates located within their boundaries. The Utah State Office of Education (USOE) administers the programs, which are comprised of Adult High School Completion (AHSC/ASE), Adult Basic Education (ABE), and English for Speakers of Other Languages (ESOL).

The goal of adult education is to help students obtain a high school diploma or GED, or to improve basic literacy and English language skills to enable the student to obtain and retain employment. Each school district is responsible to test, schedule, assess, counsel, and instruct students. Districts track student demographics, contact hours,

High school education is provided by the adult education program of the local school district where an inmate is incarcerated.

In fiscal year 2011, 5,268 inmates were enrolled in educational programs.

and outcomes on USOE’s computer-based information system (UTopia). USOE monitors program activities while independent auditors, hired by each district, monitor information accuracy.

Twenty-one school districts currently have adult education programs for inmates located in twenty-three jails and two state prisons. In fiscal year 2011, 5,268 inmates were enrolled in adult education programs. Figure 1.1 shows the number of inmates enrolled in educational services by school district. Davis, Granite, and Wasatch school districts each have adult education programs in two jails. Davis School District has programs in the Davis and Weber County jails, Granite School District has programs in the Salt Lake County and Oxbow jails, and Wasatch School District has programs in the Wasatch and Summit County jails. South Sanpete School District operates both a jail and prison program.

Figure 1.1 Fiscal Year 2011 Number of Inmates Enrolled in Adult Education Programs by School District. Twenty-one school districts provide adult education services to inmates in twenty-three jails and two prisons.

School District	Enrolled Students	School District*	Enrolled Students
Beaver	222	Kane	9
Box Elder	67	Millard	76
Cache	33	Nebo	303
Carbon	29	San Juan	90
Daggett	15	Sevier	15
Davis (2 jails)	291	S Sanpete	37
Duchesne	69	Tooele	23
Garfield	78	Uintah	177
Granite (2 jails)	676	Wasatch (2 jails)	58
Iron	27	Washington	113
Total Jail Program Students			2,408
Draper Prison (Canyons)	1,959	Gunnison Prison (S Sanpete)	901
Total Prison Program Students			2,860
Total Enrolled Students			5,268

*School districts that do not provide adult education services to inmates: Alpine, Emery, Grand, Jordan, Juab, Logan, Morgan, Murray, North Sanpete, North Summit, Ogden, Park City, Piute, Provo, Rich, Salt Lake City, South Summit, Tintic, Wayne, and Weber.

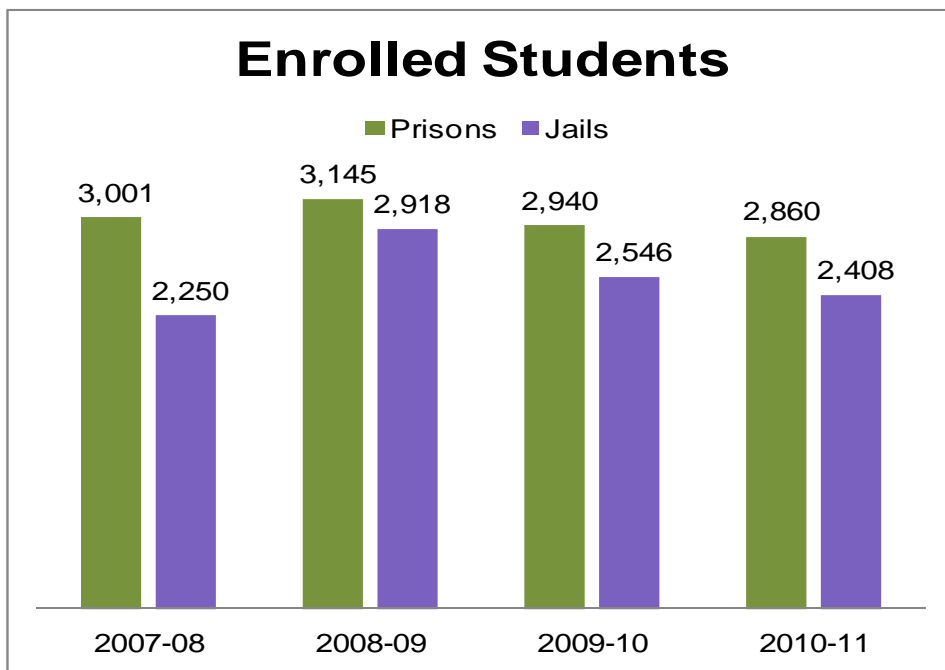
Programs differ in size and composition. The number of inmates enrolled in school districts adult education programs ranged from 9 to

1,959. In some districts, most of the adult education students were inmates, while in other districts, inmates were only a small segment of the program. For example, in fiscal year 2011, almost 90 percent of the adult education students enrolled in the Beaver School District were inmates; only 16 percent of Granite School District's students were inmates.

In some districts, most of the adult education students are inmates, but in others, inmates are only a small segment of the adult education program.

The number of inmates enrolled in adult education has not changed much over the past four years. In 2011, there were 5,268 inmate students compared to 5,251 in 2008. However, the number of jail inmates increased while the number of prison inmates decreased.

Figure 1.2 Prison and Jail Inmates Enrolled in Adult Education, Fiscal Years 2008 to 2011. From 2008 to 2011, jail adult education enrollment increased while prison adult education enrollment decreased.



Audit Scope and Objectives

We were asked to determine:

- The cost of inmate high school education programs
- The benefits, including education's effect on recidivism

- If jails or prisons are more efficient in providing high school education
- If there is a continuity of services when an inmate moves to another jurisdiction

The objective of this audit was to determine the costs associated with providing a high school education to inmates in Utah's prisons and jails and to identify the benefits of their education, including obtaining high school diplomas or the equivalent (GED) and obtaining employment. In addition, this audit addressed concerns identified during our survey phase regarding USOE's fund distribution and school district's contact hours. Recidivism studies are not part of this audit. House Bill 12, passed during the 2012 session, requires the Utah Department of Corrections (UDC) to report on the impact of corrections education programs on recidivism; a study is in process. UDC is also required to provide a biennial cost effectiveness analysis of current inmate education, treatment, and work programs (*Utah Code 64-9b-1(c)*). UDC reports it is partnering with other criminal justice agencies to work with an economist at the University of Utah to develop a cost-benefit model.

To address these objectives, we first developed an understanding of inmate educational services and reviewed the statutory and regulatory requirements and responsibilities. We utilized USOE's information system (UTopia), which provides live data tracking of student outcomes in each adult education program across the state, to compare inmate programs. We selected a sample of 86 student files for more in-depth examination of the various programs. We also interviewed several directors and instructors regarding their program.

In Chapter II, we determine the amount of funds used to educate inmates and address concerns about fund distribution. Chapter III evaluates the benefits derived from educating inmates, including the number of inmates who receive diplomas and obtain employment. Chapter IV addresses concerns about variation in contact hours, which are sometimes high without providing much benefit.

Chapter II More Equitable Fund Distribution Is Needed

The cost for inmate high school education was almost \$5.4 million in fiscal year 2011 and about \$5 million in 2012. The two primary sources of inmate education funding are adult education funds, which the Utah State Office of Education (USOE) distributes based on the number of enrolled students and outcomes, and corrections education funds, which are distributed only to the two prisons.

Prison programs received significantly more per student than jail programs. This disparity occurs because prison programs receive a higher portion of the adult education funds in addition to all of the corrections education funds. Funding disparities also occur because corrections education funds are distributed to the two prisons based on overall population and not the number of students. A more significant concern is that none of the corrections education funds are distributed to the local school district when prison inmates are housed in county jails on a contractual basis. Although 1,500 of the prison's 7,100 inmates are authorized to be housed in county jails, we do not know how many inmates are enrolled in local adult education programs. To achieve a more equitable distribution, we believe USOE should consider modifying how it distributes these funds.

Inmate High School Education Costs Were about \$5.4 Million in 2011

About \$5.4 million of state and federal funds were used for inmate high school education programs in fiscal year 2011. Funds are passed through USOE to the local school districts providing the services. There are two primary revenue sources. First, USOE distributes a portion of its \$9 million Adult Education budget to each school district based on a formula that considers the number of each district's enrollees, contact hours, and outcomes (diplomas/GEDs, credits, level gains). Since the inmate high school education funds are only part of each district's overall adult education program, we needed to determine just the inmate portion of funding. To do so, we applied the formula to the portion of enrollees that were inmates. The second

The two primary funding sources for inmate high school education include adult education funds and corrections education funds which total \$5.4 million.

major funding source is corrections education funds. USOE distributes all of these funds to the two school districts with prison programs, the Canyons School District at the Draper prison and the South Sanpete School District at the Gunnison prison. Lesser amounts of funds include state special education and federal funds.

Figure 2.1 Inmate High School Education Funding, Fiscal Years 2010 to 2012. Over the past three years, school districts received from \$5 million to \$5.4 million to provide adult education to inmates. Funds primarily include a portion of the adult education funds and prison programs also receive corrections education funds.

	FY2010	FY 2011	FY2012	Chg
Adult Education Funds	\$9,266,146	\$9,266,146	\$9,000,000	-2.9%
Adult Ed Funds to Inmates	2,476,615	2,699,749	2,193,513	-11.4%
Corrections Education	2,004,507	1,984,600	1,984,600	-1.0%
State Special Education	409,407	409,407	409,407	
Federal Funds	272,374	281,640	411,704	51.2%
Total Inmate Funds	5,162,903	5,375,396	4,999,224	-3.2%

Source: Utah State Office of Education.

Note: Granite School District also receives \$120,000 annually from the Salt Lake County Sheriff.

Information throughout this report is based on fiscal year 2011 information. The next section separates funds by jail and prison programs.

Prison Programs Receive More Funds

School districts with prison programs receive more funds per student than the school districts with jail programs. In fiscal year 2011, about \$5.4 million was used for inmate education. Figure 2.2 shows that prison programs received \$3.8 million (71 percent) of the funds and jail programs received \$1.6 million (29 percent). Based on the number of enrolled students, prison programs received \$1,330 per student and jail programs received \$653 per enrolled student. This difference is due to prison programs receiving other funds in addition to adult education funds, most significantly the almost \$2 million in corrections education funds. By contrast, jail programs are funded only with adult education funds and a small amount of federal funds.

Prison programs receive more funds per student than jail programs.

Figure 2.2 Fiscal Year 2011 Jail and Prison Inmate Education Fund Distribution. Prison programs receive more than double per student than jail programs receive because of additional funding sources.

	Jail Programs	Prison Programs	Total
Enrolled Inmate Students	2,408	2,860	5,268
Percent	46%	54%	100%
Adult Ed Funds—Per Formula	\$1,245,093	\$1,347,059	\$2,592,152
Adult Ed Supplemental	107,597		107,597
Corrections Education Funds		1,984,600	1,984,600
State-Special Education		409,407	409,407
Federal—Prisons & Institutions*	219,625		219,625
Federal—Neglected & Delinquent**		62,015	62,015
Total	\$1,572,315	\$3,803,081	\$5,375,396
Percent of Total	29%	71%	100%
Per Inmate Student—Adult Ed Funds	\$562	\$471	\$512
Per Inmate Student—All Funds	\$653	\$1,330	\$1,020

*Federal Title I funds for prisons and institutions are intended to help provide education continuity in state-run correctional institutions so that inmates can make successful transitions to school or employment once released.

**Neglected and Delinquent funds are provided to enable failing and at-risk neglected, delinquent, and incarcerated youth to have the same opportunity as students in other Title I instructional programs.

In 2011, school districts with jail programs received \$653 per student and school districts with prison programs received \$1,330 per student.

USOE’s distribution attempts to make the adult education fund distribution more equitable by not giving a base amount or supplemental funds to the prison programs. For example, in 2011, adult education programs in each school district received \$18,092, a portion of which is included in the jail programs, but neither prison program received this base. Thus, prison programs receive less (\$471) of the adult education funds than jail programs (\$562) receive. However, this is a minor funding issue compared to the other distribution issues, which should also be considered to provide balance.

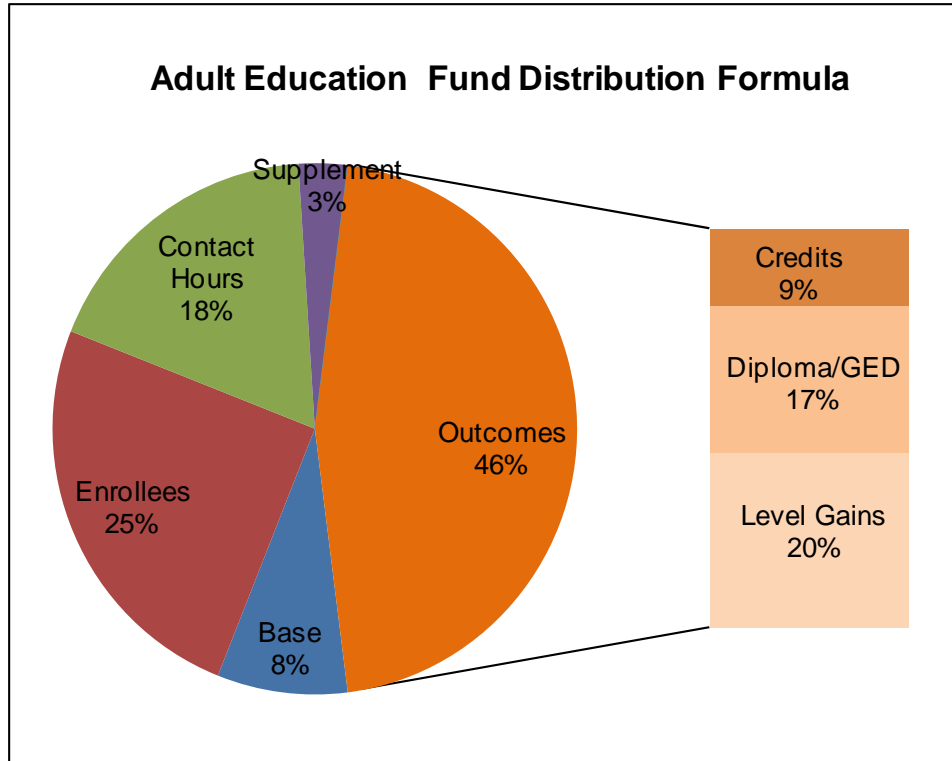
Adult Education Funds Could Be Distributed More Equitably

The distribution of adult education funds favors programs with inmates by providing a higher proportion of funds to school districts with inmate programs. USOE’s formula considers the number of enrolled and contact hours, and also provides incentives for accomplishing important outcomes. Because only a set amount of

funding is available, the formula balances funds between competing districts. One program will receive less if another receives more.

Figure 2.3 Fiscal Year 2012 Formula for Distributing Adult Education Funds.

Adult education funds are distributed based on a formula that considers the number of enrolled students, contact hours, and outcomes which include high school credits, diplomas or GEDs, and academic level gains.



These ratios were amended beginning with fiscal year 2012. The distribution formula prior to 2012 granted the following:

- 25 percent for each enrollee
- 16 percent for each contact hour
- 15 percent for each diploma
- 12.5 percent for each GED
- 15 percent for each academic level gain, and
- 7.5 percent for each high school completion credit

In addition, the supplemental amount was raised from 2 percent to 3 percent and the base amount increased from 7 to 8 percent. USOE also now retains 2 percent of the adult education funds for administrative costs prior calculating the distribution.

USOE does not separate inmate programs when calculating the adult education fund distribution even though inmate programs tend to draw more funds. We estimate that the adult education distribution (excluding supplemental funds) averages \$512 per enrolled inmate student and \$346 per enrollee for all other traditional adult education students. It appears that inmate programs are subsidized by the regular adult education program. By spending more on inmates, fewer funds are available for the traditional adult education program.

We question if the funding formula is adequate if it reduces funds available for traditional adult education programs. With a set amount of adult education funds, if more funds are used for inmates, less is available for the remaining adult education programs. However, because it was beyond the scope of this audit to determine if traditional adult education programs are funded adequately, we do not know the unmet needs of traditional programs.

The distribution formula generally appears reasonable because it is based on performance. Performance-based funding formulas are intended to channel resources to the most efficient programs, foster accountability, and motivate improvement. However, as other adult education programs have found, inmate programs benefit the most because they are able to control attendance and measure inmate progress. One state lowered its contact-hour rate for inmates to adjust for this relative advantage. In our opinion, inmate programs should not draw proportionally more of the adult education funds simply because inmates are more available to attend classes. USOE should consider modifying the distribution formula to address this inequity.

Corrections Education Funds Could Be Distributed More Equitably

As shown in Figure 2.2, the second major funding source is corrections education funds, which were nearly \$2 million in fiscal year 2011. USOE distributes these funds only to the two school districts that have prison programs in the state prisons. Canyons School District operates the South Park Academy at the Draper prison and South Sanpete School District operates the Central Utah Academy at the Gunnison prison. The distribution of these funds is not equitable for two reasons. First, the funds are divided between the two prisons based on the overall number of inmates and not the number of

By providing more funds to inmate programs, fewer funds are available for the traditional programs.

Corrections education funds are distributed only to two school districts that have prison programs.

students. Also, no funds are distributed to jail programs that house prison inmates on a contractual basis.

The Number of Students Is Not Considered in Distribution.

Currently, the corrections education funds are simply divided between the two prison programs based on the ratio of each prison’s overall population as opposed to the number of students enrolled in educational programs. Figure 2.4 shows that the distribution of 2011 corrections education funds did not correspond to the number of students. The Draper prison program had 68 percent of the students and only 59 percent of the funds. Therefore, the Gunnison program received \$866 per enrolled student and Draper received \$561.

The current distribution of corrections education funds is based on the overall population of prisons and not on the number of students.

Figure 2.4 Fiscal Year 2011 Corrections Education Fund Distribution. USOE distributes corrections education funds based on overall prison population and not the number of students. No funds are distributed to school districts for prison inmates located in local jail facilities on a contractual basis.

	Funds		Enrolled Students		Funds per Student
Draper Prison	\$1,099,578	59%	1,959	68%	\$561
Gunnison Prison	779,846	41%	901	32%	\$866
Contracted Jails	0	0%		Unknown	

Total amount is less than \$1,984,600 because \$105,176 was provided to Iron County School District to provide GED testing.

Contract Inmates Are Not Considered in Distribution.

None of the corrections education funds were distributed to school districts with jail programs. All but three of the districts with jail programs have jails that house prison inmates on a contractual basis. Although we do not know the total number of state prisoners that are enrolled in education programs through the jails, we believe there are many. In October 2011, UDC reported that 1,397 of their inmates were housed in jails. In Beaver County, 222 of 254 (87 percent) of the adult education students were inmates and all but 17 of those students were on contract from the prison.

None of the corrections education funds are distributed to school districts with jail programs that house prison inmates on a contractual basis.

Corrections education funds are intended for persons in custody of the Department of Corrections (*Utah Code* 53A-1-403.5). To ensure that funding is equitable, USOE should evaluate developing a method for distributing a portion of the funds to programs providing services to prison inmates housed in county jails on a contractual basis.

Recommendations

1. We recommend that the Utah State Office of Education evaluate whether traditional adult education programs have an unmet funding need. Further, consider modifying the distribution formula to ensure that school districts receive an equitable portion of the Adult Education Funds regardless if they have an inmate program.
2. We recommend that the Utah State Office of Education consider developing a formula for distributing Corrections Educations Funds that includes funds to jail programs with students who are prison inmates housed in jails on a contractual basis.

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Chapter III

Academic Achievements Are Strong, but Employment Benefits Are Unclear

This chapter identifies and compares the two primary benefits of inmate education: academic achievement and employment. The main purpose of educating inmates is to enhance their opportunities for employment upon release, which in turn makes it less likely they will return to jail. Washington State Institute for Public Policy reported in 2006 that general education in prisons (either basic or post-secondary) reduces crime outcomes by 7 percent. The University of Utah completed a similar study in 2005, *Cost of Crime-A Cost/Benefit Tool for Analyzing Utah Criminal Justice Program Effectiveness*, which states that adult basic education is one of the more cost-effective programs.

Academic achievements tracked by Utah State Office of Education (USOE) include the number of high school diplomas or its equivalent (GEDs), high school credits, and level gains. Our evaluation shows that inmates were more successful than the traditional adult education students at accomplishing these goals. Although we obtained employment information, it is unclear how high school education impacted their employment. Many inmates remained incarcerated after they left their education program and were therefore not available to work. In addition, other factors also impact an inmate's ability to obtain employment.

Inmates Achieve Academic Benefits

The goal of high school education programs for inmates is to increase their ability to find employment upon release. To achieve this goal, programs include Adult Basic Education (ABE) to help adults whose ability to compute, speak, read, or write is below the ninth grade level, Adult High School Completion (AHSC) to help adults obtain a high school diploma or GED, and English for Speakers of Other Languages (ESOL) to improve English communication skills in speaking, reading, writing, and listening. USOE summarizes potential benefits of adult education in its mission statement:

This chapter discusses the two primary benefits of educating inmates: academic achievement and employment upon released.

Adult education programs empower adults who are at less than a post-secondary level or who have limited English proficiency to become literate. Programs assist adults in acquiring skills and knowledge that lead to further education, future employment, and personal success.

USOE requires school districts to track student achievements or outcomes on its computer-based information system (UTopia). This section of the report identifies outcomes achieved by the inmate segment of school districts compared to the traditional adult education program.

Inmates Achieved Significantly More Than Traditional Adult Education Students

Inmate programs were more successful than the traditional adult education program at achieving academic outcomes. Outcomes tracked by USOE include diplomas, GEDs, high school credits, and level gains. In fiscal year 2011, over 5,200 inmates were enrolled in adult education, which is about 22 percent of Utah's entire adult education program. Inmate students were awarded 853 diplomas and 330 GEDs, achieving over 12,000 high school credits. Students also achieved over 2,000 functioning level gains. A student's functioning grade level is tested upon entering and again after 40 to 60 hours to determine level gains.

Figure 3.1 shows outcomes for jail, prison, and traditional adult education programs. Outcomes per enrolled student are computed by adding together the number of diplomas, GEDs, credits, and level gains and dividing by the number of enrolled students. Outcomes per student averaged 2.9 for both jail and prison programs, compared to 1.4 for the traditional adult education program. Also, a higher proportion of inmate students obtained diplomas or GEDs than students in the traditional program (22 percent compared to 16 percent) and jail programs outperformed prison programs (28 percent compared to 18 percent) Outcome information by school district is included in the appendix.

Inmate students were more successful at achieving academic outcomes than traditional adult education students.

Figure 3.1 Fiscal Year 2011 Inmate Outcomes Compared to Traditional Adult Education Outcomes. Inmate students achieved 2.9 outcomes per enrolled student compared to 1.4 for traditional adult education programs. A higher proportion of diplomas and GEDs was issued in jail programs (28 percent) than in prison programs (18 percent) or in the traditional adult education programs (16 percent).

School District	Enrolled Students	Outcomes				Outcome per Student	Percent Dipl & GED
		Dipl	GED	Credits	Level Gains		
Jails	2,408	381	288	5,458	930	2.9	28%
Prisons	2,860	472	42	6,547	1,213	2.9	18%
Total Inmates	5,268	853	330	12,005	2,143	2.9	22%
AE minus Inmates	18,985	3,050*		14,975	8,125	1.4	16%

* Adult Education distribution information combines diplomas and GED counts.

As the outcomes identified in Figure 3.1 show, inmate programs are successful at educating inmates. But specific achievements depend on the goal of the program providing the service.

Program Goals Influence Outcomes

Variation in inmate program achievements may reflect the different goals and values of each program. For example, Nebo School District issued the most GEDs (132) but has few diplomas or level gains. This program’s goal is to help inmates quickly obtain a GED. By contrast, both prison programs issue many diplomas but few GEDs. The program director at the Draper prison believes diplomas are more valuable even though they may take longer to achieve. Prison inmates are generally in custody longer and have the time to work on a diploma.

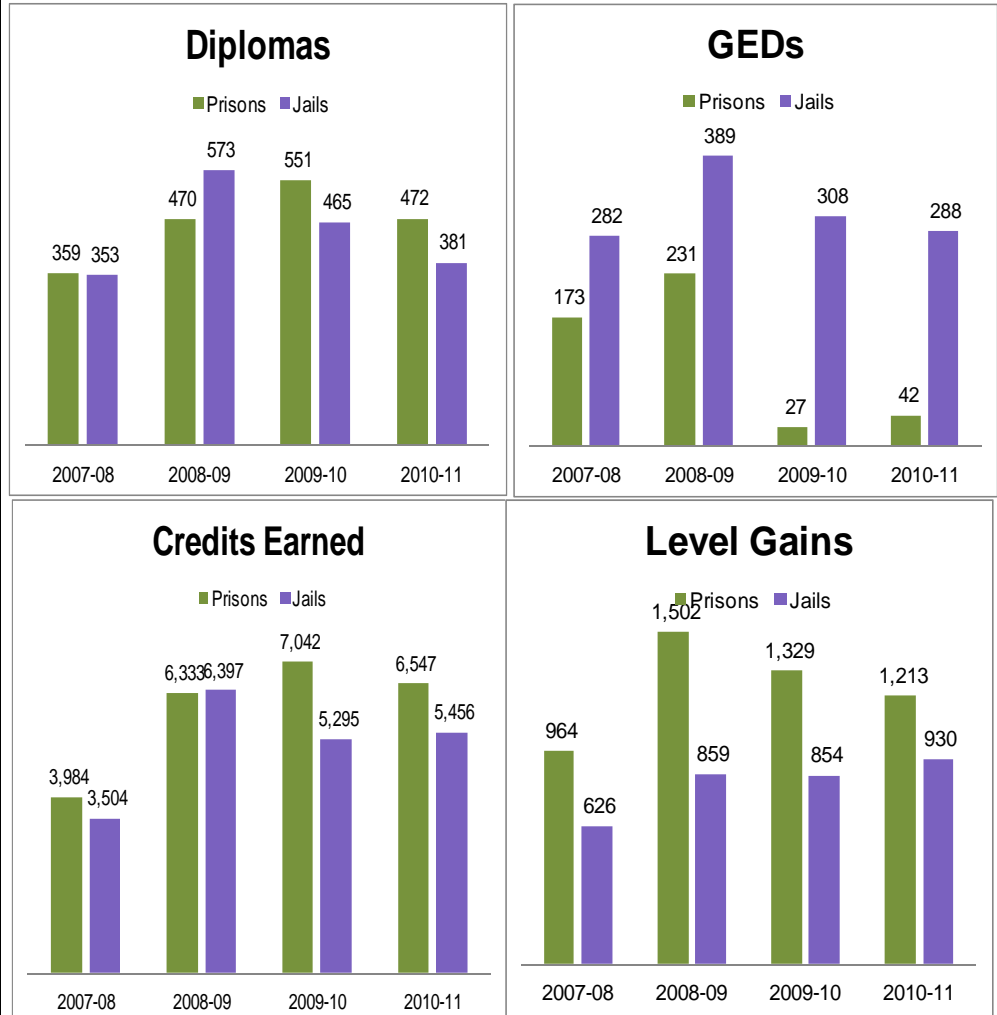
In Figure 3.2, the prisons’ 2010 change to focusing on achieving diplomas is evident in the number of GEDs dropping by almost 90 percent (from 231 to 27). This drop may relate to a recommendation from an earlier legislative audit (*A Performance Audit of Adult Education Services #2008-09*). We recommended that the funding formula be adjusted by combining the GED and diploma into one outcome and awarding funding to programs for the first successful completion of either GED or diploma. Students were getting both a GED and then a high school diploma because credits awarded for

Inmate achievements may reflect the goals and values of the school district’s adult education program.

GEDs could be used toward diplomas. The prior formula provided funding for both GEDs and diplomas, which allowed school districts to double-pay for a student completing high school.

Figure 3.2 Prison and Jail Program Outcomes, Fiscal Years 2008 to 2011. The total number of inmate students has remained relatively constant but outcomes have changed according to changes in program goals and values.

Prison programs now focus on diplomas and no longer issue very many GEDs.



With about the same number of students, both jail and prison programs showed considerable improvements in other outcomes. Credits earned increased from 3,984 to 6,547 (64 percent) in prison programs and from 3,504 to 5,456 (55 percent) in jail programs. Level gains increased from 964 to 1,213 (25 percent) in prison programs and from 626 to 930 (48 percent) in jail programs.

Impact of High School Education On Employment Is Unclear

Although we know how many academic outcomes inmates achieved, employment as a result of this education is not clear. Employment information is available from the Department of Workforce Services (DWS) but this information does not consider the many factors that impact inmate employment opportunities. First, it does not identify if the former student is still incarcerated and therefore unavailable for employment. In addition, other factors that may enhance or impede employment opportunities are not considered and there are no comparisons to inmates who do not participate in education programs. Because employment is the primary goal of educating inmates, USOE and the Utah Department of Corrections (UDC) should partner to evaluate employment benefits.

According to information obtained from DWS, about 29 percent of the inmates who left the adult education program in fiscal year 2011 were employed at some point in time through the first quarter of fiscal year 2012. But we do not know the length of their employment, if they are currently employed, or how many of these students received a diploma or GED. We also do not know how many former students were unavailable for employment because they were still incarcerated.

Our evaluation of the Beaver jail program and the Gunnison prison program revealed that many former students are still incarcerated. Figure 3.3 shows that 21 of the 125 Beaver School District inmate students were employed after their final separation from the adult education program in 2011. However, we determined that 76 of those students were still incarcerated. The employment rate increases from 17 percent to 43 percent if incarcerated students are excluded. Similarly, at least 81 of 216 former students at the Gunnison prison were still incarcerated. With 47 employed, the employment rate for former prison students is 35 percent. The employment rate would only be 22 percent without identifying how many were still incarcerated. If an estimated one-third of all former students were not employed because they were still incarcerated, the employment rate would increase from 29 to 37 percent.

Employment as a result of education is unclear because factors that impede or enhance employment opportunities are unknown.

Figure 3.3 Inmates Employed after Separating From Adult Education Program in Fiscal Year 2011.

	Beaver Jail Program	Gunnison Prison Program	Total Inmate Programs
Former Students	125	216	1218
Employed*	21	47	349
Percent Employed	17%	22%	29%
Unemployed Still Incarcerated	76	81	286 **
Available for Employment	49	135	932
Percent Employed Excluding Incarcerated	43%	35%	37%

Many former inmate students are still incarcerated and therefore not available for employment.

* Employed at some point after separation up until September 30, 2012.

**Estimates that 1/3 of separated unemployed inmates were still incarcerated (1218 - 349 x 33%).

Although we did not attempt to evaluate the incarceration status of all 1,200 inmates who separated from adult education programs in 2011, incarceration is an important factor that should be considered when evaluating the impact of high school education on employment. Some states even use employment outcomes as part of their fund distribution formula.

USOE currently evaluates employment results, but, complying with federal requirements, focuses their evaluation on only a small number of students who have identified employment as their goal and does not consider the incarceration status of former students.

Other Factors Impacting Inmate Employment Opportunities Must Be Considered

Employment statistics alone do not indicate the benefits of educating inmates because other factors impact employment opportunities, including post-secondary education, vocational skills, and prior work experience.

A 2008 study, entitled *Employment After Prison: A Longitudinal Study of Releasees in Three States*, identified factors predictive of better employment outcomes. The study identified employment as an important component of the reentry process into the community because jobs not only provide a steady source of income, but also provide a sense of structure and responsibility. Through multiple regression analysis, the study identified factors predictive of better employment outcomes. The study concluded that individuals with a

stronger pre-prison employment history are more likely to be employed after release. This study confirms that education is important for obtaining employment but work experience is of greater importance.

Priority Should Be Given to Inmates With a Pending Release Date

Education is beneficial only when inmates will soon be available for employment. Federal policy requires programs using federal funds for corrections education to give priority to individuals who are likely to leave the correctional facility within five years of participating in the education program. The UDC also has these restrictions for its vocational programs. We feel these restrictions should also be applied to the use of state funds. To sustain employment as the primary goal of education, these limited education funds should be used first for inmates with a pending release date or those who need a diploma in order to continue their vocational training while incarcerated. The cost of classes for students without a pending release date could be funded through other inmate programs.

For education to benefit employment opportunities, priority should be given to individuals who will soon leave the correctional facility.

Recommendations

1. We recommend that the Utah State Office of Education and the Utah Department of Corrections partner to evaluate the employment benefits resulting from providing high school education programs to inmates.
2. We recommend that the Utah State Office of Education require inmate programs to give priority to students who are likely to leave the correctional facility within five years of participating in the education program.

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Chapter IV

Inefficient Programs Reduce Funds Available for Other Programs

Our evaluation of the number of contact hours for inmate students revealed inefficiencies in both jail and prison programs. Contact hours are defined as academic instruction time, which excludes the time required for intake, assessment, and counseling. The inefficient use of limited resources reduces funds available for other programs including other inmate programs and the traditional adult education programs. While Adult Education policies require student goals to be realistic and attainable by the end of the school year, our file review identified inmate students with the same goal year after year without demonstrating much progress. Also, many hours are used educating inmates who already have a diploma or GED. High school graduates are eligible for services if tests show they are below post-secondary skill levels in reading, writing, or math computation. The Utah State Office of Education (USOE) should consider limiting the number of hours used for these students.

Monitoring Is Needed to Ensure Inmate Contact Hours Are Reasonable

Comparison of contact hours revealed inefficiencies in some jail and prison programs. These programs' contact hours were excessive and students did not always demonstrate much progress in achieving their goals.

Inmate programs averaged more contact hours per student and per outcome than the traditional education program due to inefficiencies in specific programs. Figure 4.1 compares average contact hours per student and hours per outcome (diplomas, GEDs, credits, and level gains) for jail, prison, and the traditional adult education programs. As shown, despite lower funding, jail programs are more efficient than prison programs. Jail programs averaged 75 hours per student and 26 hours to achieve each outcome (diploma, GED, credit, or level gain). Prison programs averaged 158 hours per student and 55 hours per outcome. Traditional programs used fewer (103) contact hours per student than prison programs but required 75 hours per outcome.

Some inmate programs' contact hours were excessive and some students did not show much progress.

Figure 4.1 Fiscal Year 2011 Contact Hour Comparisons. Jail programs appear more efficient than prison programs at educating inmates.

School District	Enrolled Students	Outcomes			Contact Hours	Hours*	
		Dipl/GED	Credits	Level Gains		Per Student	Per Outc
Jails	2,408	669	5,458	930	180,953	75	26
Prisons	2,860	514	6,547	1,213	452,583	158	55
Total Inmates	5,268	1,183	12,005	2,143	633,536	120	41
Adult Ed Minus Inmates	18,985	3,050	14,975	8,125	1,947,845	103	75
All Adult Ed	24,253	4,233	26,980	10,268	2,581,381	106	62

*Hours per student = contact hours divided by students

Hours per outcome = contact hours divided by total outcomes (diplomas, credits, level gains). Adult Education distribution information combines diplomas and GED counts.

Prison program administrators believe the higher contact hours in prison programs occur for two reasons. First, they believe prison inmates are at a lower functioning level than inmates in jail programs when they enter the program and therefore require more educational services. Second, the length of stay of a prison inmate is longer than that of a jail inmate, so the prison inmates have time to obtain a diploma, which takes longer to complete but is thought to be more valuable than a GED. Prison officials also pointed out another purpose of inmate education is to help manage the incarcerated population by keeping inmates engaged and diverting problem behavior.

However, our evaluation disputes some of these assumptions. We evaluated data collected by USOE for 2011 federal reports (The National Reporting System) and concluded that the entering functioning level of students from prisons and jails is about the same. In 2011, about 85 percent of inmates in both jail and prison programs entered with an educational functioning level below a ninth grade level. And, as the appendix shows, many jail programs also help students to obtain diplomas but in less time than the prison programs. In our opinion, programs should not be designed to take longer simply because an inmate has more time available. Not only is there a disparity of contact hours between jail, prison, and traditional adult education, but some inmate programs have what appears to be an excessive number of contact hours.

Programs should not be designed to take longer because an inmate has more time available.

Contact Hours Appear Excessive in Some Jail and Prison Programs

We found both prison and jail programs with high contact hours. As shown in the appendix, contact hours ranged from 22 hours per student (Nebo School District) to 410 hours per student (San Juan School District). Hours needed to achieve each outcome (diplomas, GEDs, credits, and level gains) ranged from 9 hours per outcome (Davis School District) to 473 hours per outcome (San Juan School District). Higher hours per student are acceptable if students are achieving more because of different functioning levels. For example, one student may need only a few credits to graduate while another needs basic literacy and all 26 credits. Despite this allowance, our evaluation of programs with high contact hours still revealed concerns.

One prison's program had almost half as many hours per student as the other prison's program had, accomplishing more in less time with less money. One reason the less efficient prison program offers more classes may be because they receive more funding than any other program. Also, one jail program with high contact hours included seven students who each logged over 1,000 hours of class time. This compares to other jail programs (excluding this exception) with an average of only 62 hours per student. In fact, the 90 students in this program logged almost 37,000 hours compared to the largest jail program, whose 676 students logged less than 23,000 hours. School district comparisons are provided in the appendix at the end of the report.

After pointing out our concerns, the director of the program with the highest hours said he had erroneously counted some hours. Although he reduced the hours to 32,000, the hours are still much higher than other programs. The director also identified differences in his program that he felt warranted additional hours. He said that his students have unique needs because of the type of offense leading to their incarceration. Students may have already received a diploma or GED before entering his program, but still need to improve their life skills in order to increase their chances for employment upon release. Education provided to inmates who already have a diploma is discussed in the next section. We also found that students in this program did not have a lower functioning level when entering the program compared to other programs. We recognize that differences may warrant special treatment. However, additional needs should be

One jail program had students who each logged over 1,000 hours of class time compared to other programs with an average of only 62 hours per student.

funded separately and not reduce funding to other adult education programs.

Programs Are Structured Differently

Although contact hours will not be uniform across programs because legitimate differences exist, USOE should still monitor for reasonableness. Each school district's adult education program decides how they will structure their program within the policy guidelines provided by the USOE. Programs can be designed based on the amount of time a student has available to complete a program, the student's choice, the values of the director, and the funds that are provided.

Discussions with program directors revealed several differences that impact contact hours. One jail program focuses on helping inmates quickly obtain a GED, the prisons focus on diplomas, which take much longer to achieve, and other programs let students decide. Some programs operate traditional classrooms with a teacher lecturing in front of the class; others supervise students working on computerized education programs. Students may attend classes daily for many months or be limited to only a few hours to prepare for GED tests. Since these decisions affect contact hours, and consequently funding, USOE should monitor to ensure that contact hours are reasonable for what a program accomplishes.

Many Contact Hours Are Used for Students Who Already Have Diplomas

A related issue is that many contact hours are used for inmate students who already have a diploma or its recognized equivalent, the GED. Utah statutes state that adult high school completion programs are for adults who do not have a diploma (*Utah Code* 53A-17a-119). But according to administrative rule, adults with a high school diploma are eligible to receive services if they pretest at a functioning educational level less than a post-secondary level (grade 12.9) or if they lack sufficient English language skills to obtain or maintain employment (*Utah Administrative Code* R277-733-8 (V)). Many students are eligible, even shortly after obtaining a diploma, and continue to receive many hours of services. Policies require that

Many students with diplomas are eligible to continue receiving services because test show they are still at a low educational functioning level

priority be given to students lacking a diploma. Thus, we feel USOE should establish limits on the number of contact hours used for these students.

Figure 4.2 identifies the number of students receiving services who already have a diploma or GED. The figure also shows the number of students with 200 or more contact hours. Information by school district is provided in the appendix.

Figure 4.2 Fiscal Year 2011 Number of Inmates Receiving Educational Services Who Already Have a Diploma or GED.

	Total Students	Students with Diploma or GED	Percent	Students with 200+ hrs
Jail Programs	2,408	418	17.4%	79
Prison Programs	2,860	762	26.6%	155
Total Inmates	5,268	1,180	22.4%	234

As shown in the appendix, not all school districts provided inmate services to inmates who already had a diploma or GED. In some programs, the students received only a few additional hours, but in other programs, students logged over 200 contact hours. Two noticeable programs we reviewed are the San Juan jail program and the Gunnison prison program.

In 2011, most (82 of 90) of the San Juan program students had diplomas. Students received on average 427 contact hours, but 53 students who each logged over 200 hours appeared to have accomplished very little. For example, one student realized only one level gain after over 1,000 contact hours.

The appendix also shows that over half of the Gunnison prison program students had diplomas. Students averaged 152 contact hours, but 148 students logged over 200 hours. After we identified our concerns, the program director indicated he did not realize student hours could only be counted if they related to their established goal.

Our review of a sample from each school district’s inmate program revealed that students who already have diplomas generally have established goals to improve their basic skills, gain employment, or enter post-secondary training. The goal to improve basic literacy skills

Over half of the students at the Gunnison prison already have a diploma.

seems reasonable if the person graduated many years ago and needs to brush up on skills to improve chances for employment. However, we found students whose goal was to improve their literacy skills right after obtaining a diploma.

For example, a student was awarded a diploma through the correctional facility and achieved a 3.49 GPA. But he was then immediately eligible to continue attending classes because tests showed his educational functioning levels were at or below a seventh grade level. His language skills were at a third grade level even though he had previously tested at an eighth grade level. A student in another program also received a diploma with a high GPA. After over 3,000 contact hours, tests showed his math skills were still at only a first grade level. We question the value of a diploma awarded with a high GPA when the student continues to function at such low levels. USOE should review the practice of continuing to provide many hours of service with little gain.

USOE policy states priority should be given to students without a diploma. Therefore, USOE should consider placing limits on contact hours for inmate students who already have diplomas, especially diplomas issued by the jail or prison. USOE should also establish guidelines for how many contact hours are reasonable for what is achieved and monitor that contact hours are not excessive. Goals for students should, according to USOE policy, be measurable and accomplished within the current year.

In conclusion, prison programs spend twice as much per enrolled student as jail programs do but do not demonstrate any additional benefit. To encourage efficiency, it is important to distribute funds equitably and limit hours for students who already have diplomas. With a limited amount of adult education funds that are distributed based largely on the number of enrollees and contact hours, funds distributed to inmate programs reduce funds available for traditional adult education programs. More efficient inmate programs will allow additional funds to be available for traditional adult education programs.

Limits should be placed on the number of contact hours for inmate students who already have a diploma.

Recommendations

1. We recommend that the Utah State Office of Education establish guidelines for the number of contact hours that are reasonable in relation to a student's accomplishments and monitor that contact hours are not excessive.
2. We recommend that the Utah State Office of Education consider limiting the number of contact hours used for inmate students who already have a diploma.

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Appendix

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Appendix
Fiscal Year 2011 Inmate Education Outcome Comparison

School District	Outcomes						Outcomes		Contact Hours		Students With Diploma/GED Receiving Services		
	Enrolled Students	Diplomas	GEDs	Credits	Level Gains	Contact Hours	Outcomes per Student	Percent Students Received Dipl or GED	Hours per Student	Hours per Outcome	Students	Percent	200+ Hours
	Beaver	222	119	28	1298	263	21,652	7.7	66%	98	13	2	0.9%
Box Elder	67	13	12	160	66	5,226	3.7	37%	78	21	0		
Cache	33	0	10	0	3	2,428	0.4	30%	74	187	0		
Carbon	29	6	0	48	10	1,541	2.2	21%	53	24	28	96.6%	
Daggett	15	0	0	8	5	754	0.9	0%	50	58	1	6.7%	
Davis	291	69	0	1352	77	13,674	5.1	24%	47	9	9	3.1%	
Duchesne	69	44	1	852	93	14,013	14.3	65%	203	14	1	1.4%	
Garfield	78	7	0	71	37	11,661	1.5	9%	149	101	73	93.6%	12
Granite	676	63	48	965	60	22,673	1.7	16%	34	20	6	0.9%	
Iron	27	0	10	17	7	987	1.3	37%	37	29	0	0.0%	
Kane	9	2	0	6	9	769	1.9	22%	85	45	7	77.8%	
Millard	76	16	6	151	6	6,576	2.4	29%	87	37	45	59.2%	4
Nebo	303	5	132	18	9	6,519	0.5	45%	22	40	0		
San Juan*	90	1	0	13	64	36,886	0.9	1%	410	473	82	91.1%	53
Sevier	15	3	0	45	18	2,741	4.4	20%	183	42	2	13.3%	
S Sanpete	37	6	7	84	9	4,750	2.9	35%	128	45	19	51.4%	
Tooele	23	4	0	64	3	895	3.1	17%	39	13	6	26.1%	
Uintah	177	6	1	118	62	15,687	1.1	4%	89	84	110	62.1%	9
Wasatch	58	9	1	131	35	3,362	3	17%	58	19	8	13.8%	0
Washington	113	8	32	57	94	8,160	1.7	35%	72	43	19	16.8%	1
Jails	2,408	381	288	5,458	930	180,953	2.9	28%	75	26	418	17.4%	79
Draper	1,959	364	26	5,091	858	242,147	3.2	20%	124	38	243	12.4%	7
Gunnison	901	108	16	1,456	355	210,436	2.1	14%	234	109	519	57.6%	148
Prisons	2,860	472	42	6,547	1,213	452,583	2.9	18%	158	55	762	26.6%	155
Total Inmates	5,268	853	330	12,005	2,143	633,536	2.9	22%	120	41	1,180	22.4%	234
Adult Ed Minus Inmates	18,985	3,050		14,975	8,125	1,947,845	1.4	16%	103	75			
TOTAL ADULT ED	24,253	4,233		26,980	10,268	2,581,381	1.7	17%	106	62			

*Contact hours for San Juan School District were reduced to 32,262 hours after the audit identified concerns.

Jails Total Excluding San Juan	2,318	380	288	5,445	366	144,067	2.8	29%	62	22	336	14%	26
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Agency Response

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July 10, 2012

John M. Schaff, Auditor General
Office of the Legislative Auditor General
W315 Utah State Capitol Complex
PO Box 145315
Salt Lake City, UT 84114-5315

Dear Mr. Schaff:

Thank you for the opportunity to review *A Performance Audit of Inmate High School Education* (Report No. 2012-11). We appreciate the thorough and amicable way in which this audit was conducted. The recommendations put forth are both well-reasoned and timely. *Utah Code* 53A-1-403.5, the specific funding authority for corrections education, was enacted in 1987, when the management of offenders by the Utah Department of Corrections was very different, especially in terms of contracting with county jails throughout the state to ease crowding at its prison sites. We will use this audit as a catalyst for change and look forward to improvements in corrections education and adult education as a result.

Sincerely,



Larry K. Shumway, Ed.D.
State Superintendent of Public Instruction