



H.B. 20

125th General Assembly
(As Introduced)

Reps. Willamowski, Hagan, Calvert, Schaffer, Seaver, Fessler, Callender

BILL SUMMARY

- Prohibits the Ohio Board of Regents, the Department of Rehabilitation and Correction, and the Department of Youth Services from spending public funds for the postsecondary education of any person who is imprisoned or is serving a term of imprisonment or who has been adjudicated a delinquent child and is committed to the legal custody of the Department of Youth Services, unless the person is on supervised release.

CONTENT AND OPERATION

Department of Rehabilitation and Correction

Existing law

Under existing law, the Department of Rehabilitation and Correction (DRC) is required to establish and operate a school system that is approved and chartered by the Department of Education and designated as the Ohio central school system to serve all of the correctional institutions under its control. The Ohio Central School System provides educational programs for prisoners to allow them to complete adult basic education courses, earn Ohio certificates of high school equivalence, or pursue vocational training. To that end, DRC may employ appropriately certified teachers, administrators, and support staff and must provide appropriate facilities and necessary supplies and equipment. DRC also must require each prisoner who has not obtained a high school diploma to take courses leading toward an Ohio certificate of high school equivalence, an Ohio high school diploma, or courses that provide vocational training. If a prisoner has obtained a high school diploma, DRC must encourage the prisoner to participate in a program of advanced studies or training for a skilled trade. (R.C. 5145.06(A) and (B)(1).)

DRC may receive from the Department of Youth Services (DYS) any children in DYS custody, committed to DRC by DYS, upon the terms and conditions that are agreed upon by the departments (R.C. 5120.05).

Operation of the bill

The bill prohibits DRC from spending public funds for the postsecondary education of any person who is imprisoned or is serving a term of imprisonment or who has been adjudicated a delinquent child and is committed to DYS's legal custody, unless the person is on supervised release (R.C. 5120.034). (See COMMENT.)

Ohio Board of Regents

Existing law

Some grants that the Ohio Board of Regents is authorized to make, such as Ohio Instructional Grants and Student Choice Grants under R.C. 3333.12 and 3333.27, are subject to the limitation that the grant may not be made to any person serving a term of imprisonment. But other grants and scholarships the Ohio Board of Regents is authorized to award, such as academic scholarships under R.C. 3333.21 and Student Workforce Development Program Grants under R.C. 3333.29, do not appear to be subject to such a limitation.

Operation of the bill

The bill prohibits the Ohio Board of Regents from spending public funds for the postsecondary education of any person who is imprisoned or is serving a term of imprisonment or who has been adjudicated a delinquent child and is committed to the legal custody of the Department of Youth Services (DYS) unless the person is on supervised release (R.C. 3333.121).

Department of Youth Services

Existing law

When a child is committed to DYS's legal custody, DYS assumes, among other things, the responsibility to provide the child with an education. DYS generally must require any child committed to it who has not attained a diploma or certificate of high school equivalence, to participate in courses leading toward a high school diploma or an Ohio certificate of high school equivalence. As a means of correcting the socially harmful tendencies of a child committed to it, DYS may require a child to participate in vocational training and activities. DYS may monetarily compensate the child for these activities by transferring the wages of the child for those activities to the appropriate youth benefit fund. Also, DYS

may conduct programs for the vocational education of children committed to it, under which services are provided or products are made, and offered, for sale. (R.C. 5139.01(A)(3), 5139.07, and 5139.131(A)(1).)

Operation of the bill

The bill prohibits DYS from spending public funds for the postsecondary education of any child who has been adjudicated a delinquent child and is committed to DYS's legal custody, unless such person is on supervised release (R.C. 5139.70).

Definitions

Imprisoned

As used in the Revised Code, unless the context otherwise requires, "imprisoned" means (R.C. 1.05):

(1) Imprisoned in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, if the offense is a misdemeanor;

(2) Imprisoned in a state correctional institution, if the offense is aggravated murder, murder, or an offense punishable by life imprisonment or if the offense is another felony for which the offender is sentenced to prison;

(3) Imprisoned in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse pursuant to R.C. 2929.16 as a community control sanction if the offense is a felony or imprisoned in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse pursuant to R.C. 5120.161 if the offense is a felony of the fourth or fifth degree and is committed by a person who previously has not been convicted of or pleaded guilty to a felony, if the offense is not an offense of violence, and if DRC designates, pursuant to that section, that the person is to be imprisoned in the jail or workhouse;

(4) Imprisoned in a facility of a type described in R.C. 2929.16 or 2929.13(G)(1), if the offense is a felony and the offender is sentenced pursuant to either of those provisions;

(5) Serving a term in a community-based correctional facility pursuant to R.C. 2929.16 and consistent with R.C. 2301.51 to 2301.56 and the rules of the division of parole and community services, DRC, and the facility's judicial corrections board;

(6) Serving a term in a halfway house or an alternative residential facility pursuant to R.C. 2929.16 and consistent with R.C. 2967.14 and the rules of the Division of Parole and Community Services and of the Director of Rehabilitation and Correction.

Supervised release

"Supervised release" means the event of the release of a child under the Department of Youth Services Law from a DYS institution and the period after that release during which the child is supervised and assisted by a DYS employee under specific terms and conditions for reintegration of the child into the community (R.C. 5139.01(A)(23)).

COMMENT

This provision may be overly broad. "Imprisoned" and "term of imprisonment" include persons sentenced for misdemeanors. It is unclear under what circumstances DRC would have the authority to spend funds for the postsecondary education of a person convicted of a misdemeanor or adjudicated a delinquent child and is in DYS's custody.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-30-03	p. 81

H0020-I-125.doc/jc