

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4639**

BY DELEGATE WALKER

[Introduced February 11, 2022; Referred to the Select  
Committee on Jails and Prisons then Education then  
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §25-8-1, §25-8-2, §25-8-3, §25-8-4, and §25-8-5, all relating to creating the  
3 West Virginia Higher Education Prison Task force; providing legislative findings; providing  
4 for the creation of the task force; providing for the makeup and composition of the task  
5 force; providing for a pay and meeting schedule, as well as a reporting requirement; and  
6 detailing the goal of the task force.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 8. HIGHER EDUCATION PRISON TASK FORCE.**

### **§25-8-1. Legislative findings.**

1 The West Virginia Legislature finds that the benefits of higher education programming  
2 (HEP) to committed persons and to society are well-documented. There is clear and documented  
3 interest among persons committed in the West Virginia Department of Corrections and  
4 Rehabilitation to participate in higher education opportunities during their incarceration. There is  
5 clear and documented interest among public and private not-for-profit colleges and universities in  
6 West Virginia to offer a range of higher education programming (such as credit-bearing, noncredit  
7 bearing, upper-division, lower-division, graduate studies) focused on different content areas (such  
8 as arts, liberal arts, technology, humanities, business, public policy, and social services) in West  
9 Virginia's jails and prisons.

10 The West Virginia Department of Corrections and Rehabilitation has committed to  
11 improving higher education programming. Additionally, West Virginia Department of Corrections  
12 and Rehabilitation policies can support incarcerated students and higher education  
13 programming's efficient operation and growth. Public and private not-for-profit universities and  
14 colleges in West Virginia have primary expertise in running higher education at conventional  
15 campuses, and potentially in-person at West Virginia Department of Corrections and  
16 Rehabilitation facilities. Public and private not-for-profit universities and colleges in West Virginia  
17 have established higher education programs and are guided by the Alliance for Higher Education

18 in Prison, and other expert bodies. A diversity of higher education programs run by public and  
19 private not-for-profit institutions will best respond to the needs and interests of the diverse  
20 population of persons committed in West Virginia Department of Corrections and Rehabilitation.  
21 The West Virginia Legislature recognizes the importance of providing opportunity for all  
22 incarcerated in West Virginia to access higher education programming.

**§25-8-2. Creation of task force.**

1 There is hereby created the West Virginia Higher Education in Prison Task Force whose  
2 purpose is the following:

3 (a) To obtain and analyze existing data on higher education programming in West Virginia;

4 (b) To identify data points that the West Virginia Department of Corrections and  
5 Rehabilitation should collect to allow for meaningful, statewide evaluation of higher education  
6 programming;

7 (c) To assess barriers and opportunities to higher education programming in West Virginia,  
8 including barriers and opportunities to continuing higher education upon release from West  
9 Virginia Department of Corrections and Rehabilitation; and

10 (d) To recommend a legislative action plan to expand access to higher education  
11 programming to persons committed in West Virginia Department of Corrections and Rehabilitation  
12 and propel West Virginia to being a national exemplar in that area.

**§25-8-3. Makeup of task force.**

1 That the Task Force shall consist of the following members:

2 (a) The Governor or his or her designee, who will serve as chair;

3 (b) The Director of West Virginia Department of Corrections and Rehabilitation or his or  
4 her chief of staff;

5 (c) The Chair of the West Virginia Board of Higher Education or his or her designee;

6 (d) The Executive Director of the West Virginia Community and Technical College Board  
7 or his or her designee;

8 (e) One delegate appointed by the Speaker of the House of Delegates, one delegate  
9 appointed by the Minority Leader of the House of Delegates, one senator appointed by the  
10 President of the Senate, and one senator appointed by the Minority Leader of the Senate;

11 (f) Two academic officers (e.g., deans or provosts) at institutions currently or formerly  
12 involved with higher education programing in West Virginia, one appointed by the Speaker of the  
13 House and one by the Minority Leader of the House;

14 (g) Two current or past administrators or instructors in West Virginia higher education  
15 programs, one appointed by the Speaker of the House and one by the Minority Leader of the  
16 House;

17 (h) Two formerly incarcerated individuals who participated in higher education programing  
18 in West Virginia, one appointed by the Speaker of the House and one by the Minority Leader of  
19 the House;

20 (i) Two recognized experts on higher education programing, one appointed by the Speaker  
21 of the House and one by the Minority Leader of the House; and

22 (j) One member who is a representative of a statewide organization that independently  
23 monitors corrections facilities, policies, and practices in West Virginia appointed by the Senate  
24 President; and

25 (k) The task force shall have all appointments made within 30 days of the adoption of this  
26 resolution.

**§25-8-4. Pay and meeting schedule; reporting requirement.**

1 The task force members shall serve without compensation. The task force shall hold at  
2 least six meetings, but otherwise shall meet at the call of the chair. The West Virginia Division of  
3 Corrections and Rehabilitation shall provide administrative and technical support to the task force  
4 and be responsible for administering its operations and ensuring that the requirements of the task  
5 force are met. The task force shall submit its initial report to the Governor and General Assembly  
6 no later than July 31, 2023. The final report shall be made no later than July 31, 2025. The initial

7 and final report shall be made available online for the general public, and upon the release of the  
8 final report, the task force is dissolved.

**§25-8-5. Goal of task force.**

1 That the State of West Virginia commits to becoming a national exemplar of higher  
2 education for incarcerated persons by supporting and encouraging the establishment of new  
3 programs and by enhancing existing programs across the State of West Virginia. The West  
4 Virginia Division of Corrections and Rehabilitation is urged to train its correctional officers and  
5 other personnel on the values of higher education programming. Universities and colleges will be  
6 in charge of admissions, program design, academic content, and implementation of their  
7 respective programs. The West Virginia Division of Corrections and Rehabilitation is urged to  
8 enact and implement internal policies that support higher education programs efficient operation  
9 and their growth, and that support incarcerated students. The West Virginia Division of  
10 Corrections and Rehabilitation is urged to encourage all eligible committed persons to apply for  
11 higher education programming, without restriction as to offense, sentence length, or remaining  
12 time to be served. The West Virginia Division of Corrections and Rehabilitation is urged to  
13 implement transfer holds of committed persons enrolled in higher education programming until  
14 that person completes their courses, unless documented safety reasons compel a transfer. The  
15 West Virginia Division of Corrections and Rehabilitation is urged to not discriminate between  
16 higher education programs based on whether they offer degrees or course credit. The West  
17 Virginia Division of Corrections and Rehabilitation is urged to not prevent committed persons from  
18 participating in more than one higher education program, either concurrently or consecutively, or  
19 after they have completed a degree while incarcerated. The West Virginia Division of Corrections  
20 and Rehabilitation is urged to not limit higher education programming opportunities to those who  
21 have a High School Equivalency (HSE) or high school degree diploma or discriminate against  
22 those programs that do not require a HSE or high school diploma.

NOTE: The purpose of this bill is to create the West Virginia Higher Education Prison Task Force. The bill provides for legislative findings. The bill provides for the creation of the task force. The bill provides for the makeup and composition of the task force. The bill provides for a pay and meeting schedule, as well as a reporting requirement. The bill details the goal of the task force.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.