

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

11/21/2023

2. Department

California Department of Corrections & Rehabilitation

3. Organizational Placement (Division/Branch/Office Name)

Division of Rehabilitative Programs/Office of Correctional Education

4. CEA Position Title

Deputy Superintendent, Correctional Education

5. Summary of proposed position description and how it relates to the program's mission or purpose.
(2-3 sentences)

The Deputy Superintendent will assist the Superintendent in administrative responsibility for the planning, operation, supervision, and evaluation of the educational programs, and services within the California Department of Corrections and Rehabilitation's correctional facilities. This position provides excellence in applicable correctional educational rehabilitative programs through innovation, current practices, collaboration with stakeholders and leadership development.

6. Reports to: (Class Title/Level)

Superintendent of Correctional Education (Exempt)

7. Relationship with Department Director (*Select one*)

- ☐ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☒ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(*Explain*): The incumbent will make recommendations and inform Executive Management on the status of new policies and/or solutions to issues pertaining correctional education.

8. Organizational Level (*Select one*)

☐ 1st ☐ 2nd ☐ 3rd ☒ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Assists the Superintendent and executive staff in the planning and directing the development of programmatic and statewide policies for the delivery of education services to adult incarcerated individuals in accordance with contemporary research/literature on educating incarcerated adult students within statutory and public policy requirements. Collaborates with program executives in the construction of policies and design of service delivery systems which afford students optimum opportunities to further their educational development. Obtains and evaluates policies and systems of other state and federal jurisdictions and directs the incorporation of those which optimize the Department's education for adult offenders. Assists legislators, their staff, and other policy makers in developing legislation. Directs and assists in the development of evaluation design and participates in on-site evaluations of the Department's education programs at adult schools and camps; and conducts evaluations of conditions of confinement to ensure that education services are delivered in the least restrictive environment.

Provides administrative direction in the design and implementation of policies related to education delivery systems and instructional activities; provides direction on methods and strategies for educating the disadvantaged learner; provides direction and facilitates preparation of the education budget; oversees all education staff personnel actions; and conducts site evaluations of education programs on living units and classrooms to determine compliance with law, policy, and consent decree stipulations.

Participates, with the Superintendent and other members of the Division's executive management team, in developing policies and solutions for providing education and adult rehabilitative programming to students in confined settings and articulates legal decisions which affect the Division's obligation to provide services and provides direction in the development of policies and directives to implement executive management decisions.

Consults with and acts as a liaison to executives/administrators of local jurisdictions, private foundations, and advocacy and other special interest groups in developing and implementing services and systems which reflect the intent of the Superintendent, Secretary, Governor, federal, and state legislative bodies, and court decisions.

Collaboratively and independently makes decisions on various administrative matters of staff discipline, investigations, lawsuits, mediations, and evaluations conducted by other agencies. Directs and develops information to respond to the Governor's Office, California Departments of Finance and Education, State Legislature, federal compliance agencies, and advocacy groups. Participates in meetings with representatives from outside entities to address issues of concern and compliance.

Plans, organizes, directs, and evaluates the work and performance of staff. This includes but is not limited to the following: Complies with state and federal laws, rules, regulations, bargaining unit contracts, and policies in all personnel practices, including, but not limited to: hiring, employee development, and management. Recruits, hires, trains, develops, and provides leadership to a diverse staff. Monitors, evaluates, and creates written performance appraisals of staff. Counsels staff and initiates disciplinary actions as necessary. Identifies appropriate long-range plans and goals to address succession planning and knowledge transfer.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The mission of CDCR is to facilitate the successful reintegration of the individuals in our care back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, rehabilitative, and restorative justice programs, all in a safe and humane environment.

The Division of Rehabilitative Programs (DRP) manages adult incarcerated and parolee rehabilitative programs. The primary purpose of these programs is to provide job/career skills, education, and life skills so incarcerated individuals and parolees can become productive members of society. DRP's rehabilitative programs not only positively impact the individuals in the programs, but also the safety and security of those in prison, and, once released, those in the community.

Within DRP, the Office of Correctional Education (OCE) offers various academic and education programs at each of California's adult state prisons. The goal of OCE is to provide incarcerated individuals with needed education and career training as part of a broader CDCR effort to increase public safety and reduce recidivism.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The "Deputy Superintendent, Correctional Education" role was previously a Governor-appointed Exempt position. Recently the Exempt entitlement for this previous position was changed to reflect the role of "Deputy Superintendent, Higher Education," as a result of the new regulations issued by the Office of Postsecondary Education, Department of Education; that will take effect July 1, 2023. The regulations were amended for for the Federal Pell Grant program (Pell Grants or Pell), institutional eligibility, and student assistance general provisions. Amendments are follows:

- First, regulations for Federal Pell Grants for prison education programs (PEPs), to implement new statutory requirements to establish Pell Grant eligibility for a confined or incarcerated individual enrolled in a PEP to implement the statutory change in the Consolidated Appropriations Act, 2021.
- Second, the Title IV Revenue and Non-Federal Education Assistance Funds regulations (referred to as "90/10" or the "90/10 Rule") to implement the statutory change in the American Rescue Plan Act of 2021 (ARP). We further amend which non-Federal funds can be counted when determining compliance with the 90/10 rule to align allowable non-Federal revenue more closely with statutory intent.
- Third, regulations to clarify the process for consideration of changes in ownership and control (CIO), to promote compliance with the Higher Education Act of 1965, as amended (HEA), and related regulations and reduce risk for students and taxpayers, as well as institutions contemplating or undergoing such a change.

These regulation changes have increased the need to have a high-level, Governor-appointed Exempt position "Deputy Superintendent, Higher Education" in place to oversee this program and CDCR's strategic initiative to expand higher education programming for our incarcerated population.

With the need to still have a high-level, policy-setting leader over OCE's other education programs including but not limited to Kindergarten - 12th grade programming and Career and Technical Education, CDCR is requesting to establish a CEA position for the "Deputy Superintendent, Correctional Education" role. The level of oversight, duties, and policy-setting authority from the previous Exempt position still remain intact with this proposal.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Within the California Department of Corrections and Rehabilitation (CDCR), the Office of Correctional Education (OCE) goal is to provide incarcerated individuals with needed education and career training as part of a broader CDCR effort to increase public safety and reduce recidivism.

Supervising credentialed administrators and teachers requires an Administrative Services Credential obtained through the California Commission on Teacher Credentialing.

This CEA position would implement policy and regulations required to sustain ongoing funding through the federal Office of Career Technical and Adult Education and the California Department of Education.

This CEA position would ensure compliance with and adherence to California College and Career Readiness Standards and the California Professional Standards for Education Leaders.

This CEA position would, when Superintendent is unavailable, represent CDCR on the national Council of Adult Correctional Education Directors, made up of representatives from all states providing academic and career technical education programming.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The proposed Deputy Superintendent, Correctional Education (CEA) exercises high-level policy and full decision-making authority over correctional educational policies. The Deputy Superintendent, CE reports to, advises, and provides support to the Superintendent, the Department's Executive Management Team, and other department units/offices that have stakeholder audiences such as Office of Legislation ensuring that critical educational policies and strategies are developed and followed.

This position will function with a high degree of independence, on all matters relative to Correctional Education to meet the mission, business needs, and objectives of the Department. The Deputy Superintendent, Correctional Education scope and authority will focus on the development of new policies, legislation and regulations within the Division of Rehabilitative Programs and CDCR, participate in statewide collaboration efforts and the coordination of planning for ongoing changes to primary and secondary education policies as well as other non-post-secondary education programs within CDCR.

As the Departmental expert on all matters relative to Kindergarten through 12th grade level, Career and Technical Education, and adult education, this position takes the initiative in recommending policy directives to ensure the State's statutes and regulations are implemented and followed.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA position is responsible for the updating and application of regulations found in the California Code of Regulations, Title 15, Sections 3040.3 and Chapter 10, Article 1 and Article 29 of the Department Operations Manual.

This position will also be responsible for interpreting and implementing existing policy; outlined in California Government Code Statutes 33000 - 65001, California Code of Regulations Title 15, Section 3040.3, and DOM Chapter 10.