

Testimony to the House Committee on Corrections and Institutions

Sean Dobbin, CHSVT teacher, St. Johnsbury. B.A., M.A. (English). Teacher for 12 years, including 6 in the Delaware correctional system, and just under 3 here at CHSVT.

Thanks to all of you in advance for listening and reading. I'd like to focus my attention on three items in the following order:

1. the flawed and deceptive arguments of the governor and commissioner
2. the importance of keeping all Community High School of Vermont (CHSVT) sites operational, and
3. the functionality and cost-effectiveness of those sites.

Here we go:

1. The Flawed Arguments

Both the governor and the commissioner seem to be focusing their arguments on two seriously unreliable pieces of data. I'll address each separately.

a. **CHSVT had 41 graduates in FY14, but employed 45 teachers.**

Yep, that's true. The governor's right. And if he thinks that the ratio of full-time teaching staff-to-graduating seniors is an indication of a school's efficiency, I hope he's also got plans in the works to slash the budgets of Danville, Twinfield, Cabot, Concord, Chelsea, and a host of other schools with similar teaching staff-to-graduate ratios.¹

Which would be absurd.

The truth is, comparing the number of teachers to the number of graduates is, at best, silly (at worst, it's misleading and deceptive). This is especially true when talking about a highly specialized school like CHSVT, which we all know is not a school that primarily serves healthy, motivated seniors on their way to graduation. On any given day, you are much more likely to find CHSVT teachers engaged with highly volatile students, delayed in any number of academic, social, and emotional ways.

This is the reality of our corrections population. For the most part, these are students who have failed to thrive in our other Vermont schools, and CHSVT is charged with picking up that slack. Many of our students struggle to read, write, and do mathematics at even a middle school level, despite the number of courses they may have "passed" in previous high school settings.

CHSVT is not in the business of churning out diplomas for the sake of flaunting meaningless outcomes and will never award a diploma to a student who hasn't earned it, because that would

truly be a waste of taxpayer money and a slap in the face to all who count on us to provide a quality education and help reduce recidivism in Vermont. 41 students graduated in 2014 because 41 students met the rigorous standards to do so. But that doesn't change the simple fact that CHSVT teachers managed an average daily population of 593(!) students, all of whom were met where they were and educated at the necessary level, because that's what needed to happen.ⁱⁱ

By the way, if you compare the number of teaching staff to average daily student population – which for CHSVT was 45-to-593 in FY14 – I think you'll gain a whole new perspective on "efficiency."

b. CHSVT is only for inmates under the age of 23

Umm...no.

Title 28 VSA § 120 clearly states (in section A) that "an education program is established within the Department of Corrections (DOC) for the education of persons who have not completed secondary education and who are committed to the custody of the Commissioner of Corrections."ⁱⁱⁱ

Please note that there is nothing here about age. Later in the statute (section H), we see this:

"All persons under the custody of the Commissioner of Corrections who are under the age of 23 and have not received a high school diploma shall participate in an education program unless exempted by the Commissioner."

Does this mean that CHSVT is established *only* to serve incarcerated students under the age of 23? **No**. The program exists for everyone who needs to finish high school, and is in fact aligned with Vermont education policy, which states that "there is no upper age limit in Vermont to the entitlement to public education."^{iv} CHSVT, being publicly funded, serves that purpose for our massive corrections population. Our younger population is simply "required" to participate in CHSVT programming, which is statutorily designed to be available to every single person under the care and custody of the Department of Corrections. The statute does not say that everyone above the age of has no right to attend CHSVT. It also says nothing about allowing the education aspect of older offender's case plans to go unaddressed.

What the statute actually means is that, just like in any publicly-funded high school in Vermont, CHSVT exists to serve the entire population, but education is only compulsory for those of a certain age.

And there's more.

The DOC's own policies stipulate that it must connect any offender with a demonstrated risk/need area, as identified via his/her LSI-R score, with the appropriate needs-reducing program. As you may have guessed, education is one of those risk/need areas.^v And guess what else? CHSVT *is* that needs-reducing program, put in place to fulfill this very important corrections requirement.

I hope that you seriously question how the DOC plans to ensure that all inmates with a demonstrated criminogenic need in education (there are hundreds and hundreds of them) will be able to meet that need in order to reduce their risk of reoffending. Or maybe you're wondering, as I am, if the DOC administration even really understands or cares about its most basic policies. With hundreds of educations on the line, I hope you get an honest, well-informed answer.

2. Why it is important to keep all CHSVT sites operational, including community sites

Quite simply, this is about continuity of care. Inmates and probationers are *highly* transient, and to be successful, CHSVT cannot be hindered from reaching its students wherever they end up. In St. Johnsbury alone, where I work, it is quite common for a student to transfer from the jail to the work camp to the community and back again multiple times in a given year, often with no warning, and we as a staff are able to continue delivering education services to that student without missing a beat. Corrections research suggests that this continuity, especially from facility to community, is essential to the sustainment of gains made by offenders while in correctional confinement.^{vi}

As a teacher who works both in the facility and in the community, I can tell you firsthand how important it is for the program to reach from facility to facility, and then beyond the prison walls in the community. We *have* to be able to make those transitions with our students in order for the work we're doing to be effective. Relying on outside agencies gives no guarantee that an offender will continue to receive a meaningful, risk-reducing education, nor does it guarantee that s/he will be served in accordance with the requirements of the caseplan. In fact, many of our students have been unable to participate in the high school completion program due to the perception of their charges; some schools actually refuse to award diplomas – rightfully earned or not – to convicted felons. I have seen this happen firsthand.

Can you imagine being a high school student and having to go to jail in order to engage with your school? Where there is no worthy alternative outside of a few locations behind bars? CHSVT has a basic need to maintain contact with our highly transient students for very logical educational reasons, regardless of any policy or school restructuring. Students cannot begin a program in jail that they have no ability to complete out of jail – it just doesn't make sense and would degrade the work done inside our facilities. Helping them complete their education is, quite simply, our job. This is what we do and will continue to do because it would be reckless and impractical to do otherwise.

In short: we need our campuses – all of them – in order to do our work and reduce recidivism. Seventeen teachers operating in a handful of campuses and serving a fraction of our population is, quite

frankly, a big waste of time and money, and counter not only to CHSVT's mission, but to the mission of corrections as a whole.

3. Functionality and cost-effectiveness

This one is very simple: CHSVT is currently not serving our corrections population at anywhere near capacity. This, of course, affects per-pupil costs.

The major reason for this is that offenders are not held accountable to their caseplans, which require all inmates/probationers to address their criminogenic need areas, one of which is education.

The major reason that offenders aren't held accountable to this part of their caseplans is because...

Well, you'll have to ask Mr. Pallito that.

But when you do ask him, be sure to inquire about the hundreds upon hundreds of offenders who are allowed to sleep, watch tv, and play cards instead of pursuing their educations as required by their caseplans. And then, please, ask what the folks at central office are doing to address this issue.

This is not the case everywhere, by the way. The St. Johnsbury Probation and Parole office is an *excellent* example of fantastic collaboration between Probation Officers (who oversee the caseplan) and CHSVT. Referrals are made promptly and appropriately and, as a result, the St. Johnsbury community campus has gone from being a veritable ghost town a few years ago to being the busiest community campus CHSVT currently has.

The reason for St. Johnsbury's success is simple: these highly-effective POs see to it that the offenders under their supervision do what they're supposed to do. They are supported their local administration, and there is a system in place to ensure that collaboration happens and appropriate referrals are made and students are supported from all angles. The St. Johnsbury office makes caseplan compliance mandatory, and POs see to it that it happens. If every PO or caseworker around the state did the same, the CHSVT student body would triple and we wouldn't be having this conversation.

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<http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/House%20Appropriations/FY2016%20State%20Budget/Public%20Hearings/W~Sean%20Dobbin~FY2016%20Budget%20-%20Community%20High%20School%20of%20VT%20-%20VIT%20Hearing%20-%20Supplemental%20submission~2-9-2015.pdf>

ⁱⁱ <http://chsvt.org/reports/annual-report-2013-2014.pdf>

ⁱⁱⁱ <http://chsvt.org/reports/annual-report-2013-2014.pdf>

^{iv} http://education.vermont.gov/documents/educ_sped_laws_504_guide.pdf

^v <http://doc.vermont.gov/about/policies/rpd/correctional-services-301-550/371-375-programs-classification-and-case-planning/correctional-services-301-550/371-375-programs-classification-and-case-planning/371-05-offender-case-planning-ocp> (page 12)

^{vi} <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.138.1270&rep=rep1&type=pdf#page=74>