

INSTRUCTING INMATES: WHY INDIANA’S INCARCERATED ADULT OFFENDERS SHOULD BE REQUIRED TO COMPLETE AN EDUCATION PROGRAM PRIOR TO RELEASE

MARISSA A. MARSHINO*

INTRODUCTION

Imagine, for a moment, that a close friend or family member is ordered to serve a sentence in the Indiana Department of Correction (IDOC). Cue the racing thoughts: what will they do while in custody? What can they do while in custody? How can they get their life back on track before they are released? The answer: a required education program.

Since its inception, the Indiana Constitution has prioritized the concept of reformation within Indiana’s penal code, stating “[t]he penal code shall be founded on the principles of reformation, and not of vindictive justice.”¹ The Indiana General Assembly has furthered this objective in many ways, including by requiring the availability of education programs in correctional facilities.² And, since at least 2011, IDOC itself has recognized the importance of these education programs, drawing a direct correlation between increased education and reduced recidivism.³

The correctional education program laws of many other states are far more robust than Indiana’s.⁴ Some states, like Arizona, issue a standardized test to inmates upon commitment and require them to complete an education program if they do not meet the required literacy level.⁵ In several states, like Florida, inmates who are near their release are given priority, while those with life sentences, death sentences, health concerns, or security concerns are excluded from participation.⁶ In other states, like Delaware, inmates may be disciplined or rendered ineligible for parole for refusal to participate.⁷ And more often than not, these robust correctional education program laws correlate to a reduced recidivism rate.⁸

This Note argues that the Indiana General Assembly should enact a statute requiring all adult inmates in IDOC with five years or less until release to complete an academic or vocational education program prior to their release from incarceration. Requiring completion of an education program will assist

* J.D. Candidate, 2026, Indiana University Robert H. McKinney School of Law; B.S. 2022, Purdue University Global, with gratitude to Professor Joel Schumm and Kaleigh Shaw, Bryce Hull, Patrick Sanders, and other members of Indiana Law Review Volume 59 for their superb editing skills.

1. IND. CONST. art. 1, § 18.

2. IND. CODE § 11-10-5-1 (2025).

3. John Nally, Susan Lockwood & Taiping Ho, *The Impact of Education and Employment on Recidivism*, IND. DEP’T OF CORR. (2011), https://www.in.gov/idoc/files/Impact_of_Education_and_Employment_on_Recidivism.pdf [<https://perma.cc/98UK-HB5Q>].

4. *See infra* Figure 4.

5. *See, e.g.*, ARIZ. REV. STAT. ANN. § 31-229 (2025).

6. *See, e.g.*, FLA. STAT. § 944.801 (2025).

7. *See, e.g.*, DEL. CODE ANN. tit. 11, § 6531A (West 2026).

8. *See infra* Figure 5.

adult inmates in obtaining sustainable post-release employment, which will in turn decrease Indiana's recidivism rate. Part I of this Note details Indiana's current legislation, administrative processes, and recidivism rate. Then, Part II of this Note examines the correctional education program laws and recidivism rates of other select states whose laws are more robust than Indiana's. Finally, Part III of this Note analyzes the projected target population, proposes model legislation based on the laws of other states, and considers the respective cost and cost savings of requiring completion.

I. BACKGROUND

The Indiana General Assembly should enact a statute requiring all adult inmates in IDOC to complete an education program prior to their release from incarceration. The groundwork for a new statute has already been laid with the 1979 and 1999 enactments of two similar statutes.⁹ Likewise, IDOC's current administrative processes are structured in a way that permits the implementation of additional procedures to achieve the requirements of a new statute.¹⁰ As a final point, increased education leads to reduced recidivism, a direct correlation which has long been recognized by IDOC.¹¹

A. Indiana's Legislation

The Indiana General Assembly has furthered the objective of Indiana's constitutional principle of penal reformation in at least two ways. First, in 1979, it enacted a statute requiring the implementation of academic and vocational education programs for offenders confined in Indiana's correctional facilities.¹² IDOC oversees a total of eighteen adult correctional facilities: fifteen for males and three for females.¹³ Of the eighteen facilities, sixteen are institutions and two are reentry centers.¹⁴ Generally, IDOC offers to inmates in these facilities activities, courses, and programs.¹⁵ Programs include both academic and vocational but vary from facility to facility.¹⁶ Thus, adult inmates within each of these facilities have the opportunity to participate in some form of statutorily required academic and vocational education programs.

Separately, IDOC has expressed the importance of addressing literacy

9. See IND. CODE §§ 11-10-5-1, -11.5-1 (2025).

10. See IND. DEP'T OF CORR., POL'Y NO. 01-01-101, ADULT ACADEMIC AND TECHNICAL PROGRAMS 11 (2021), www.in.gov/idoc/files/policy-and-procedure/policies/01-01-101-Adult-Ed-Tech-12-1-2021.pdf [<https://perma.cc/9XQG-FXHW>].

11. Nally, Lockwood & Ho, *supra* note 3.

12. § 11-10-5-1.

13. *Adult Correctional Facilities*, IND. DEP'T OF CORR., <https://www.in.gov/idoc/facilities/adult/> [<https://perma.cc/UM7X-EL4J>] (last visited Jan. 22, 2026).

14. *Id.*

15. *Programs*, IND. DEP'T OF CORR., <https://www.in.gov/idoc/facilities/re-entry/programs/> [<https://perma.cc/NGJ2-PKF8>] (last visited Jan. 22, 2026).

16. *Id.*

education, noting that thirty-four percent of its adult population is functionally illiterate.¹⁷ As a result of this, IDOC's education programs "begin with a strong commitment of resources to basic reading, mathematics, and language arts."¹⁸ In 2012, the department's academic and vocational education transitioned to Grace College and Oakland City University when "the State Student Assistance of Indiana discontinued funding for incarcerated adults to access on-site college degree programs."¹⁹

Currently, IDOC contracts with both of these universities, as well as Ivy Tech Community College,²⁰ to offer education programs in the following subject areas: advanced manufacturing, building trades and construction, supply chain and logistics, information technology, culinary arts, business technology, recreational vehicle technician, cosmetology and barbering, and Indiana Canine Assistant Network training.²¹ An average of seventy-one percent of IDOC's total adult inmate population participates in an education program each year.²²

Figure 1 – Education Program Participants Per Calendar Year²³

Calendar Year	Average Daily Adult Inmate Population	Education Program Participants	Education Program Participants (%)
2011	29,442	16,040	54.5%
2012	29,972	21,722	72.5%
2013	29,668	23,507	79.2%
2014	29,733	24,276	81.6%
2015	28,975	23,145	79.9%
2016	27,598	20,225	73.3%
2017	27,188	18,990	69.8%
2018	27,985	20,184	72.1%

17. *Programs: Education*, IND. DEP'T OF CORR., <https://www.in.gov/idoc/facilities/re-entry/programs/#Education> [<https://perma.cc/4DR5-6SFS>] (last visited Jan. 22, 2026).

18. *Id.*

19. 2012 IND. DEP'T OF CORR. ANN. REP. 33, <https://www.in.gov/idoc/files/idocnews,-media,-and-publications/annual-reports/2012-DIC-Annual-Report.pdf> [<https://perma.cc/HL53-DAPU>].

20. 2023 IND. DEP'T OF CORR. ANN. REP. 12, 16, <https://www.in.gov/idoc/files/idocnews,-media,-and-publications/annual-reports/2023-DIC-Annual-Report.pdf> [<https://perma.cc/3L7P-RSXN>].

21. *Programs: Employment/Vocational*, IND. DEP'T OF CORR., https://www.in.gov/idoc/facilities/re-entry/programs/#Employment_Vocational [<https://perma.cc/F8CM-QJSJ>] (last visited Jan. 22, 2026).

22. *See infra* Figure 1.

23. SARAH SCHIKORA, IND. DEP'T OF CORR. DATA SCI. & ANALYTICS, RESEARCH DATA REQUEST 1, 8–10 (2025).

2019	28,584	20,068	70.2%
2020	27,272	15,541	57.0%
10-Year Average	28,642	20,370	71.0%

Figure 1 examines the average daily adult inmate population (column 2) and number of education program participants (column 3) for calendar years 2011 to 2020.²⁴ For easier reference, Figure 1 also displays the percentage of education program participants (column 4).²⁵ As shown in the final row, an average of seventy-one percent of inmates participated in an education program between calendar years 2011 and 2020.²⁶

Another way the Indiana General Assembly has furthered the objective of Indiana's constitutional principle of penal reformation is through the 1999 enactment of the Community Transition Program (CTP).²⁷ The CTP was created for felony offenders confined in IDOC for a sentence of at least two years.²⁸ The program is made available through a county's community corrections program or probation department and "provide[s] services that improve an offender's chances of making a successful transition from commitment to employment and participation in the community without the commission of future crimes."²⁹ Offenders have the right to object to their placement in the CTP, but unless their objection is submitted in writing to IDOC and to the sentencing court(s), offenders are not otherwise entitled to refuse placement.³⁰ Further, IDOC may discipline an offender who refuses to participate.³¹

Both pieces of legislation—the statute requiring IDOC to offer education programs and the statute creating the CTP—demonstrate the feasibility of enacting a new statute (1) requiring adult inmates to complete an education program prior to release from incarceration and (2) penalizing inmates for refusal to participate.³² The Indiana General Assembly has already legislated in a similar fashion, and it can certainly do so once more.

B. Indiana's Administrative Processes

Statutes enacted by the Indiana General Assembly are used to form the internal policies and procedures of IDOC, such as the policy regarding adult

24. *See id.*

25. *See id.* The percentages for each year were calculated by dividing the number of education program participants (column 3) by the average daily adult inmate population (column 2).

26. *See id.*

27. IND. CODE § 11-10-11.5-1 (2025).

28. *Id.*

29. IND. CODE §§ 11-12-10-2, -1 (2025).

30. IND. CODE §§ 11-10-11.5-4.5, -11.5 (2025).

31. IND. CODE § 11-10-11.5-8 (2025).

32. *See* IND. CODE §§ 11-10-5-1, -11.5-1 (2025).

academic and technical programs.³³ This policy outlines IDOC's intake process and credit time structure.³⁴ When inmates arrive at their assigned correctional facility, they meet with staff to build a Case Plan.³⁵ "The Case Plan is developed from the results of the Indiana Risk Assessment System (IRAS)"³⁶ IRAS is based on the risk domains of (1) criminal history, (2) school and employment, (3) family and social support, (4) substance abuse and mental health, and (5) criminal lifestyle.³⁷ The education needs of an inmate are also identified through use of the IRAS.³⁸ Inmates are not administered a standardized literacy examination, nor are they required to complete an education program as part of their Case Plan.³⁹

Inmates may earn credit time for participating in an education program.⁴⁰ Inmates admitted after January 1, 2022, with an earliest possible release date of more than 180 days are automatically entered into the Case Plan Credit Time (CPCT) structure.⁴¹ "CPCT allows individuals to earn up to 1 day of credit for every 3 days of participation in programming and classes geared toward each individual's needs."⁴² This credit is separate from credit for good behavior during incarceration.⁴³ Inmates not participating in the CPCT structure may receive credit time under the previous statutory scheme if they meet the requirements set forth in the statute.⁴⁴

Both processes—the administration of the IRAS and the development of the Case Plan—demonstrate the feasibility of implementing a new policy requiring adult inmates to complete a standardized literacy examination.⁴⁵ IDOC already completes an assessment and develops a Case Plan for each inmate during intake, and it can certainly integrate the administration of a literacy examination.

C. Recidivism in Indiana

Each year, IDOC prepares an adult recidivism rate report.⁴⁶ The recidivism rate is representative of the inmate population released three years prior to the

33. See IND. DEP'T OF CORR., *supra* note 10, at 1.

34. *Id.*

35. *Re-Entry Services*, IND. DEP'T OF CORR., <https://www.in.gov/idoc/divisions/re-entry/> [<https://perma.cc/8RFW-Y5V6>] (last visited Jan. 22, 2026).

36. *Id.*

37. *Id.*

38. IND. DEP'T OF CORR., *supra* note 10, at 11.

39. *Id.*

40. *Case Plan Credit Time*, IND. DEP'T OF CORR., <https://www.in.gov/idoc/facilities/re-entry/cpct/> [<https://perma.cc/PE92-FHQJ>] (last visited Jan. 22, 2026).

41. *Id.*

42. *Id.*

43. *Id.*

44. IND. DEP'T OF CORR., *supra* note 10, at 11.

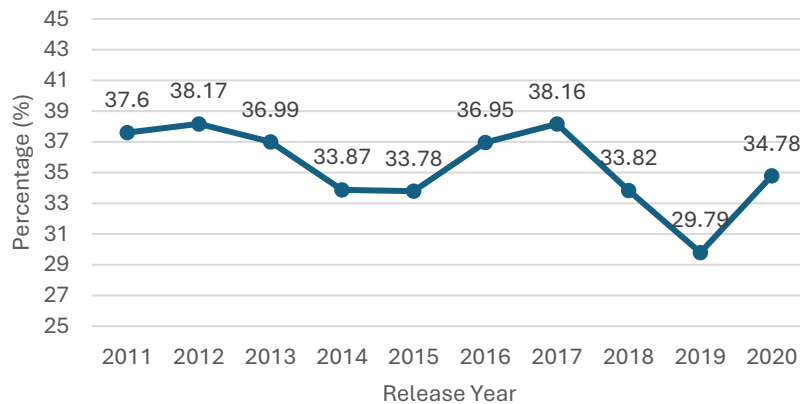
45. See *id.*

46. *Recidivism Reports*, IND. DEP'T OF CORR., <https://www.in.gov/idoc/policies-and-statistics/statistical-data/recidivism-reports/> [<https://perma.cc/4Z4N-94XQ>] (last visited Jan. 22, 2026).

date of the report.⁴⁷ For example, the 2023 report details the 2023 recidivism rate for inmates released during calendar year 2020.⁴⁸

For purposes of the report, recidivism is defined “as a return to incarceration within three years of the offender’s date of release from a state correctional institution.”⁴⁹ Specifically, recidivism is a “recommit[ment] to the IDOC within three years of their release date, for either a new conviction or a violation of post-release supervision.”⁵⁰ Indiana’s average recidivism rate between release years 2011 and 2020 is 35.39%.⁵¹

Figure 2 – Indiana’s Recidivism Summary⁵²



Separately, in 2011, IDOC conducted its own study of the impact of education and employment on recidivism.⁵³ For purposes of the study, recidivism was defined—as according to the United States Department of Education—as a return to incarceration within two years of release.⁵⁴ The study found that (1) “[a]s [the] level of education increases, the likelihood of employment increases,” and (2) “[a]s employment increases, the likelihood of recidivating decreases.”⁵⁵ Specifically, 17.3% of inmates with college-level

47. 2023 *Adult Recidivism Rates*, IND. DEP’T OF CORR. (2023), <https://www.in.gov/idoc/files/policy-and-procedure/statistical-data/recidivism-reports/adult-recidivism-rates/2023-Adult-Recidivism-Summary.pdf> [<https://perma.cc/X9R7-9FVZ>].

48. *Id.*

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.* The report displays the percentages by year of calculation rather than year of release, which is a three-year difference. *See id.* For consistency with the reports of other states, *see infra* Figure 5, the years of calculation have been converted to years of release in Figure 2.

53. Nally, Lockwood & Ho, *supra* note 3.

54. *Id.*

55. *Id.*

education and post-incarceration employment were likely to reoffend, while 44.7% of inmates with below high school-level education and no post-incarceration employment were likely to reoffend.⁵⁶

Figure 3 – The Impact of Education and Employment on Recidivism⁵⁷

Education at Release	RETURN RATE:	RETURN RATE:
	<u>Employment Post Release</u>	<u>No Employment Post Release</u>
College	17.3% ←	26.3%
GED/HS Diploma	23.3%	38.4%
Below GED	28.5%	→ 44.7%

Figure 3 was lifted directly from the report.⁵⁸ The variables examined were education level and employment status.⁵⁹ Specifically, education level was categorized as college-level, high school-level, or below high school-level.⁶⁰ Similarly, employment status was categorized as either employment post-release or no employment post-release.⁶¹ Whether employed post-release or not, inmates with a higher level of education are less likely to reoffend compared to others with the same employment status.⁶² Overall, this recidivism study demonstrates a direct correlation between increased education and reduced recidivism by way of post-release employment, a correlation which has been long recognized by IDOC.⁶³

In conjunction with reduced recidivism, a benefit of investing in inmate education is economic stimulation. Gainful employment puts money in the hands of the earner, who in turn puts the money into the economy. Likewise, gainful employment keeps the earner occupied with less time to reoffend, which in turn saves taxpayer dollars for items other than housing inmates. The Indiana General Assembly should use these findings and benefits as the basis for enacting a new statute requiring adult inmates to complete an education program prior to release from incarceration.

II. THE POSITIONS OF OTHER STATES

The correctional education program laws of other states include many factors which the Indiana General Assembly should consider when drafting a new statute requiring all adult inmates in IDOC to complete an education

⁵⁶. *Id.*

⁵⁷. *Id.*

⁵⁸. *See id.*

⁵⁹. *See supra* Figure 3.

⁶⁰. *See id.*

⁶¹. *See id.*

⁶². *See id.*

⁶³. Nally, Lockwood & Ho, *supra* note 3.

program prior to their release from incarceration.⁶⁴ Predictably, the recidivism rates of these other states tend to support a direct correlation between increased education and reduced recidivism.⁶⁵

A. Correctional Education Program Laws

The correctional education program laws of at least sixteen other states are more robust than Indiana's.⁶⁶ The statutory foundation in two of these states, Ohio and Vermont, consists of establishing a school system specifically for the corrections departments.⁶⁷ Ohio's is named the "Ohio Central School System," and Vermont's is named the "Community High School of Vermont."⁶⁸

In three other states, California, Colorado, and Washington, the statutory foundation is comprised of legislative findings explicitly linking increased education to reduced recidivism.⁶⁹ Specifically, California established a Prisoner Literacy Act based on the legislature's finding "that there is a correlation between prisoners who are functionally literate and those who successfully reintegrate into society upon release."⁷⁰ The intent of the California legislature is "to raise the percentage of prisoners who are functionally literate, in order to provide for a corresponding reduction in the recidivism rate."⁷¹

Similarly, Colorado's Correctional Education Program was developed based on the legislature's findings that illiteracy is a problem among persons in correctional facilities and that such deficiencies "contribute to their inability to successfully reintegrate into society . . . and the likelihood of their return to criminal activity."⁷² The Colorado legislature noted that "[r]esearch demonstrates a clear relationship between employment of such persons and a reduction in their recidivism."⁷³ The Colorado legislature requires the department to annually report a variety of information regarding the education program, including programs offered, enrollment, and inmate completion status.⁷⁴

Finally, in Washington, "[r]ecognizing that there is a positive correlation between education opportunities and reduced recidivism," the legislature set forth its intent to offer postsecondary degree and certificate opportunities to inmates.⁷⁵ Likewise, the Washington legislature detailed its intent to require all

64. *See infra* Figure 4.

65. *See infra* Figure 5.

66. *See infra* Figure 4.

67. OHIO REV. CODE ANN. § 5145.06 (West 2026); VT. STAT. ANN. tit. 28, § 120 (West 2025).

68. OHIO REV. CODE ANN. § 5145.06; VT. STAT. ANN. tit. 28, § 121 (West 2025).

69. CAL. PENAL CODE § 2053 (West 2025); COLO. REV. STAT. ANN. § 17-32-102 (West 2025); WASH. REV. CODE ANN. § 72.09.460 (West 2025).

70. CAL. PENAL CODE § 2053.

71. *Id.*

72. COLO. REV. STAT. ANN. § 17-32-102.

73. *Id.*

74. COLO. REV. STAT. ANN. § 17-32-105 (West 2025).

75. WASH. REV. CODE ANN. § 72.09.460 (West 2025).

inmates to participate in education or work programs, or both, with exceptions.⁷⁶

The correctional education program laws of these five states, and those of eleven others, are detailed in Figure 4. Specifically, Figure 4 examines the intake process, requisite literacy level, included inmates, excluded inmates, and incentives and penalties of sixteen states with correctional education program laws which are more robust than Indiana's:

Figure 4 – Correctional Education Program Laws of Select States

	Intake Process	Requisite Literacy Level⁷⁷	Included Inmates	Excluded Inmates	Incentives and/or Penalties
Arizona⁷⁸	Education evaluation, including a standardized assessment test.	8 th grade.	Inmates who score below the literacy level; for a minimum of 120 days. ⁷⁹	Inmates with medical, developmental, or learning disabilities.	Inmates must achieve the literacy level prior to release on community supervision.
California⁸⁰	Determination of reading level.	9 th grade; HSD or GED.	Inmates should achieve at least a 9 th grade level; inmates at or above this level should achieve an HSD or GED.	-	Inmates are incentivized for participation in and completion of education programs.
Colorado⁸¹	“[L]iteracy test approved by the state board of education.”	Competency; GED.	Inmates within five years of release who lack “basic and functional literacy skills.”	Inmates with life or death sentences, security or health concerns, or disabilities.	Inmates who do not achieve literacy may be required to continue in an education program.
Delaware⁸²	Classified in and out of the education program.	HSD or GED.	Inmates who are eligible under the rules are required to participate.	-	Inmates are not eligible for parole until the literacy level is achieved,

76. *Id.*

77. High school diploma is abbreviated as “HSD” and general education development, a high school equivalency degree, is abbreviated as “GED.”

78. ARIZ. REV. STAT. ANN. §§ 31-229, -229.02 (2025).

79. Also, inmates without high school diplomas who are “responsible for the support of dependent children who are receiving assistance . . . shall participate in educational instruction to continue the inmate’s basic education to the degree of passing a general equivalence diploma” or another approved test. ARIZ. REV. STAT. ANN. § 31-229.01 (2025).

80. CAL. PENAL CODE §§ 2053, 2053.1, 2054.2 (West 2025).

81. COLO. REV. STAT. ANN. § 17-32-105 (West 2025).

82. DEL. CODE ANN. tit. 11, § 6531A (West 2026).

					and inmates who refuse may be disciplined.
Florida ⁸³	Literacy test approved by the state board of education.	6.0 grade through 8.9 grade.	Inmates with at least a 2-year sentence “and who [lack] basic and functional literacy skills”; for a minimum of 150 hours. Priority given to young inmates and inmates near release.	Inmates with life or death sentences, security or health concerns, or work camp or vocational center housing.	Inmates who do not achieve literacy may be required to continue in the program, and inmates who actively participate may be granted up to 6 days of credit time.
Georgia ⁸⁴	Standardized reading test.	5 th grade.	Inmates with at least a 1-year sentence who test below the literacy level.	Inmates with death sentences or learning disabilities, or who are at least 50 years old.	Inmates shall remain in the program until they reach the literacy level.
Kansas ⁸⁵	Written agreement between the inmate and secretary of corrections.	Secondary education.	Inmates without the equivalent of a secondary education who are capable of earning one.	-	Inmates shall “have made progress towards” or “successfully completed” an education prior to release on parole.
Massachusetts ⁸⁶	Standardized reading test.	8 th grade.	Inmates testing below the literacy level; for a minimum of 90 days.	-	Inmates may be required to participate longer: “as the committee deems sufficient for satisfactory completion.”

83. FLA. STAT. §§ 944.801, 1004.02 (2025).

84. GA. CODE ANN. § 42-5-64 (West 2025).

85. KAN. STAT. ANN. § 75-5210a (West 2025).

86. MASS. GEN. LAWS ANN. ch. 127, app. §§ 1-2, -3 (West 2025).

Missouri ⁸⁷	Department-prescribed schedule of activities.	HSD or equivalent.	Inmates without a high school diploma or its equivalent.	Inmates with a valid reason may be excused from adhering to a schedule.	-
New Jersey ⁸⁸	-	HSD or equivalent.	Inmates with at least an 18-month sentence and without an HSD or equivalent.	Inmates with medical, developmental, or learning disabilities. Inmates serving a sentence of longer than 10 years may defer participation.	Inmates who satisfactorily participate are eligible for credit time for good behavior.
New Mexico ⁸⁹	-	HSD or equivalent.	Inmates with at least an 18-month sentence and without an HSD or equivalent; for a minimum of 90 days.	Inmates with medical, developmental, or learning disabilities. Inmates serving a sentence of longer than 10 years may defer participation.	Inmates who refuse to participate are not eligible for meritorious deduction.
Ohio ⁹⁰	-	HSD or equivalent.	Inmates without an HSD.	Inmates with medical, mental health, and security concerns.	Inmates who refuse to participate are subject to disciplinary action.
Oklahoma ⁹¹	Examination to determine level of education proficiency.	HSD or equivalent.	Inmates without an HSD. Priority is given to inmates who “[lack] basic literacy skills” and inmates who are “closest to their projected release dates.”	Inmates “incapable of benefiting from education programs.”	Inmates who refuse to participate are ineligible for credit time and jeopardize their parole eligibility.

87. MO. ANN. STAT. §§ 217.337, 217.355 (West 2025).

88. N.J. STAT. ANN. § 30:4-92.2 (West 2025).

89. N.M. STAT. ANN. § 33-11-3 (West 2025).

90. OHIO REV. CODE ANN. § 5145.06 (West 2026).

91. OKLA. STAT. ANN. tit. 57, §§ 510.7, 510.8 (West 2025).

Oregon ⁹²	Test for basic reading and mathematics skills.	8.0 grade.	Inmates with at least a 1-year sentence who test below the literacy level.	Inmates with life or death sentences, developmental disabilities, or security or health concerns.	Inmates are incentivized to achieve the literacy level, and for earning an HSD or GED.
Vermont ⁹³	Risk assessment.	HSD or equivalent.	Inmates “who are under 23 years of age and have not received [an HSD], or are assessed to have a moderate-to-high criminogenic need and are within 24 months of reentry.”	-	-
Washington ⁹⁴	-	HSD or equivalent.	All incarcerated individuals.	Inmates with health or medical conditions.	Inmates who refuse to participate in programs available at no charge will lose privileges.

Each column of Figure 4 highlights one factor of the sixteen states’ correctional education program laws, summarized by at least one noteworthy commonality. First, the intake process in most states includes the administration of a standardized literacy examination to determine the inmate’s literacy level.⁹⁵ Notably, Colorado and Florida administer literacy examinations with the assistance of their state boards of education,⁹⁶ and inmates in Kansas sign a written agreement with the secretary of corrections.⁹⁷ Like Indiana’s IRAS and Case Plan,⁹⁸ Vermont administers a risk assessment⁹⁹ and Missouri prescribes a schedule of activities.¹⁰⁰

Second, most states set a requisite literacy level that the inmate must reach, which is often a high school diploma or equivalent.¹⁰¹ Interestingly, Georgia’s

92. OR. REV. STAT. ANN. § 421.084 (West 2025).

93. VT. STAT. ANN. tit. 28, § 120 (West 2025).

94. WASH. REV. CODE ANN. § 72.09.460 (West 2025).

95. *See supra* Figure 4.

96. COLO. REV. STAT. ANN. § 17-32-105 (West 2025); FLA. STAT. § 944.801 (2025).

97. KAN. STAT. ANN. § 75-5210a (West 2025).

98. *See* IND. DEP’T OF CORR., *supra* note 10, at 11.

99. VT. STAT. ANN. tit. 28, § 120 (West 2025).

100. MO. ANN. STAT. § 217.337 (West 2025).

101. *See supra* Figure 4.

requisite level is much lower at fifth grade,¹⁰² and Arizona, Florida, Massachusetts, and Oregon's requisite levels are mid-pack at eighth grade.¹⁰³ On the other hand, California's requisite level is staggered: all inmates should achieve a ninth-grade level, and those testing above a ninth-grade level should achieve a high school diploma or equivalent.¹⁰⁴

Third, all states specify which inmates are subject to the requirement, and most utilize their requisite literacy level as a threshold.¹⁰⁵ For example, the requisite literacy levels in Kansas, Missouri, New Jersey, New Mexico, Ohio, Oklahoma, and Vermont is a high school diploma or equivalent.¹⁰⁶ In these states, inmates who do not meet the requisite literacy level—those without a high school diploma or equivalent—must participate in an educational program.¹⁰⁷ Another factor taken into consideration by several states is the timing of participation.¹⁰⁸ Specifically, Colorado prioritizes inmates who are within five years of release¹⁰⁹ and Vermont prioritizes inmates who are within two years of reentry.¹¹⁰ Similarly, Florida and Oklahoma prioritize inmates who are nearing release.¹¹¹

Fourth, many states exclude certain groups of inmates, such as those with life or death sentences, health concerns, security concerns, or developmental or learning disabilities.¹¹² Notably, in New Jersey and New Mexico, inmates with sentences longer than ten years may defer participation.¹¹³ Similarly, in Georgia, inmates who are at least fifty years old are excluded from participation.¹¹⁴ Finally, many states penalize inmates who refuse to participate, generally by rendering them ineligible for credit time or parole.¹¹⁵ Like Indiana's CPCT structure,¹¹⁶ many states incentivize participation, generally by awarding credit time.¹¹⁷

The Indiana General Assembly should integrate each of these factors into a new statute requiring adult inmates to complete an education program prior to release because these robust laws tend to result in a reduced recidivism rate.¹¹⁸

102. GA. CODE ANN. § 42-5-64 (West 2025).

103. ARIZ. REV. STAT. ANN. § 31-229 (2025); FLA. STAT. § 1004.02 (2025); MASS. GEN. LAWS ANN. ch. 127, app. § 1-2 (West 2025); OR. REV. STAT. ANN. § 421.084 (West 2025).

104. CAL. PENAL CODE § 2053.1 (West 2025).

105. *See supra* Figure 4.

106. *See id.*

107. *See id.*

108. *See id.*

109. COLO. REV. STAT. ANN. § 17-32-105 (West 2025).

110. VT. STAT. ANN. tit. 28, § 120 (West 2025).

111. FLA. STAT. § 944.801 (2025); OKLA. STAT. ANN. tit. 57, § 510.8 (West 2025).

112. *See supra* Figure 4.

113. N.J. STAT. ANN. § 30:4-92.2 (West 2025); N.M. STAT. ANN. § 33-11-3 (West 2025).

114. GA. CODE ANN. § 42-5-64 (West 2025).

115. *See supra* Figure 4.

116. IND. DEP'T OF CORR., *supra* note 40.

117. *See supra* Figure 4.

118. *See infra* Figure 5.

B. Recidivism Rates

Given that Indiana¹¹⁹ and at least three other states¹²⁰ have explicitly recognized a direct correlation between increased education and reduced recidivism, an evaluation of the recidivism rates of the states included in Figure 4, and Indiana, is warranted:

Figure 5 – Recidivism Rates (%) of Select States

State	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Avg.
Arizona ¹²¹	38.2	39.2	39.1	39.0	41.4	39.0	38.6	36.3	33.8	28.2	37.28
California ¹²²	25.0	22.2	23.1	24.1	23.6	23.8	19.8	16.8	-	-	22.3
Colorado ¹²³	46.1	48.7	50.0	49.5	48.1	47.2	44.9	40.1	31.0	28.0	43.36
Delaware ¹²⁴	22.9	21.8	21.6	19.2	19.6	20.2	12.7	7.9	8.5	-	17.16
Florida ¹²⁵	26.1	25.0	25.3	24.2	24.7	25.3	24.0	21.2	21.2	-	24.11
Georgia ¹²⁶	26.9	26.6	26.3	27.4	27.5	28.4	27.7	23.9	23.8	25.3	26.38
Indiana ¹²⁷	37.6	38.17	36.99	33.87	33.78	36.95	38.16	33.82	29.79	34.78	35.39

119. *See supra* Part I.C.

120. *See supra* Part II.A.

121. ARIZ. DEP'T OF CORR. REHAB. & REENTRY, THREE YEAR RETURN TO INCARCERATION REP.: FY 2011 TO FY 2020 RELEASES 7 (2023), <https://corrections.az.gov/sites/default/files/documents/reports/ReturnToIncarceration.pdf> [<https://perma.cc/XN8D-Q7HH>].

122. CAL. DEP'T OF CORR. AND REHAB., RECIDIVISM REPORT FOR INDIVIDUALS RELEASED FROM THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION IN FISCAL YEAR 2018-2019, at vii (2024), <https://www.cdcr.ca.gov/research/wp-content/uploads/sites/174/2024/02/Statewide-Recidivism-Report-for-Individuals-Released-in-Fiscal-Year-2018-19.pdf> [<https://perma.cc/Q3MC-MGLH>].

123. *CDOC Recidivism and Return Rates*, COLO. DEP'T OF CORR., <https://cdoc.colorado.gov/about/data-and-reports/statistics> (last visited Jan. 22, 2026).

124. DEL. STAT. ANALYSIS CTR., RECIDIVISM IN DELAWARE: AN ANALYSIS OF OFFENDERS RELEASED IN 2017 THROUGH 2019, at 2 (2023), <https://sac.delaware.gov/wp-content/uploads/sites/64/2023/12/2019-Recidivism-Report-final-122223.pdf> [<https://perma.cc/HRT8-E8WM>].

125. FLA. DEP'T OF CORR., FLORIDA PRISON RECIDIVISM REP.: RELEASES FROM 2009 TO 2021, at 1 (2024), <https://fdc-media.ccplatform.net/content/download/25944/file/FDC%20Recidivism%20Report%202019%20Cohort%20July%202024.pdf> [<https://perma.cc/N9T7-WFC7>].

126. *CY Recidivism Rates (Felony Reconviction)*, GA. DEP'T OF CORR., <https://gdc.georgia.gov/media/17611/download> [<https://perma.cc/Z9DS-95D4>] (last visited Jan. 22, 2026).

127. IND. DEP'T OF CORR., *supra* note 47. The report displays the percentages by year of calculation rather than year of release, which is a three-year difference. *See id.* For consistency with the reports of other states, the years of calculation have been converted to years of release in Figure 5.

Kansas ¹²⁸	-	35.94	35.97	33.91	31.19	34.98	32.27	33.50	26.77	-	33.07
Massachusetts ¹²⁹	35.0	32.0	32.0	32.0	33.0	30.0	29.0	29.0	26.0	-	30.89
Missouri ¹³⁰	-	-	-	-	42.9	40.8	37.2	32.0	29.5	29.2	35.27
New Jersey ¹³¹	31.3	31.3	29.8	30.5	30.4	30.9	29.2	28.6	-	-	30.25
Ohio ¹³²	27.57	29.29	30.78	31.47	32.43	32.69	-	-	-	-	30.71
Vermont ¹³³	45.0	48.3	48.4	52.2	43.5	43.4	43.6	41.0	42.4	-	45.31

The recidivism rates detailed in Figure 5 are those reported for each state during the ten-year period between 2011 and 2020.¹³⁴ Then, an average recidivism rate is displayed for each state's reported years.¹³⁵ For example, Indiana reported a recidivism rate for each of the ten release years between 2011 and 2020, so the average rate encompasses those ten years.¹³⁶ On the other hand, Ohio reported a recidivism rate for years 2011 to 2016 only, so the average rate encompasses those six years.¹³⁷ Generally, Arizona, Colorado, and Vermont have higher recidivism rates than Indiana.¹³⁸

States included in Figure 4 but not included in Figure 5 are New Mexico, Oregon, Oklahoma, and Washington. New Mexico's recidivism rates are reported on a graph without exact numerical values.¹³⁹ However, based on the labeled percentage ranges, New Mexico's recidivism rate is generally higher

128. 2018 KAN. DEP'T OF CORR. FISCAL YEAR ANN. REP. 6, <https://www.doc.ks.gov/publications/Reports/Archived/2018/view> [<https://perma.cc/C4J6-2G48>]; 2023 KAN. DEP'T OF CORR. FISCAL YEAR ANN. REP. 11, <https://www.doc.ks.gov/publications/Reports/fy2023-annual-report> [<https://perma.cc/95T8-EYF9>].

129. MASS. DEP'T OF CORR., THREE-YEAR RECIDIVISM RATES: 2019 RELEASE COHORT 11 (2024), <https://www.mass.gov/doc/three-year-recidivism-rates-2019-release-cohort/download> [<https://perma.cc/W8RW-D9P2>].

130. MO. DEP'T OF CORR., RECIDIVISM OF THE INSTITUTIONAL AND SUPERVISED OFFENDER POPULATION 2 (2023), <https://doc.mo.gov/media/pdf/recidivism-report-fy24>.

131. N.J. DEP'T OF CORR., 2018 RELEASE COHORT OUTCOME REPORT: A THREE-YEAR FOLLOW-UP 7 (2018), https://www.nj.gov/corrections/pdf/ReportsPublications/ReleaseOutcomeReports/2018_Release_Recidivism_Report.pdf [<https://perma.cc/7V2A-BLEY>].

132. *Recidivism Report*, OHIO DEP'T OF REHAB. & CORR., fig. 1 (2021), <https://drc.ohio.gov/about/resource/reports/key-recidivism-information/2020-recidivism-update> [<https://perma.cc/DJ25-AEHZ>].

133. *Recidivism Rate by Calendar Year*, VT. DEP'T OF CORR., https://doc.vermont.gov/sites/correct/files/documents/VTDOC_RecidivismRate_2009-2019.pdf [<https://perma.cc/796H-MVS6>] (last visited Jan. 22, 2026).

134. *See supra* Figure 5.

135. *See supra* Figure 5.

136. IND. DEP'T OF CORR., *supra* note 47.

137. OHIO DEP'T OF REHAB. & CORR., *supra* note 132.

138. *See supra* Figure 5.

139. *Performance Report Card: New Mexico Corrections Department*, N.M. LEGIS. FIN. COMM. (2020), https://www.nmlegis.gov/Entity/LFC/Documents/Agency_Report_Cards/770%20-%20NMCD%20FY20%20Q1.pdf [<https://perma.cc/9GJ3-LX4M>].

than Indiana's.¹⁴⁰ Similarly, Oregon's recidivism rates are reported on a graph but without exact numerical values.¹⁴¹ However, based on the labeled percentage ranges, Oregon's recidivism rate is generally lower than Indiana's.¹⁴² The recidivism rates of Oklahoma and Washington could not be located.

To summarize Figure 5: fourteen of the sixteen states have reported their recidivism rates. Of the fourteen reported recidivism rates, ten are lower than Indiana's. This supports the well-established direct correlation between increased education and reduced recidivism.

III. THE PROPOSED STATUTE

In order for the Indiana General Assembly to successfully implement a new statute requiring all adult inmates in IDOC to complete an education program prior to their release from incarceration, the participants should be limited to inmates with five years or less remaining on their sentences.¹⁴³ The statute should include a transition period and incorporate the factors included in the laws of other states.¹⁴⁴ Under the new regime, the cost of educating inmates is only slightly more than the current regime and can be offset overtime by the corresponding recidivism rate reduction.¹⁴⁵

A. Target Population

The Indiana General Assembly should enact a new statute requiring all adult inmates to complete an education program prior to their release from incarceration. The initial considerations are (1) at what point during incarceration inmates should participate, and (2) which inmates should be excluded from the requirement. Specifically, the Indiana General Assembly should consider the following adult inmate population breakdown for calendar years 2019 through 2023 in Figure 6:

140. *Id.*; see *supra* Figure 5.

141. KELLY GUINN, KELLY OFFICER & KEN SANCHAGRIN, OR. CRIM. JUST. COMM'N, OREGON RECIDIVISM ANALYSIS: IMPACT OF MEASURE 110, at 3 (2024), https://www.oregon.gov/cjc/CJC%20Document%20Library/Recidivism_Analysis_M110_October2024.pdf [<https://perma.cc/U92W-X2B8>]; see *supra* Figure 5.

142. GUINN, OFFICER & SANCHAGRIN, *supra* note 141, at 3.

143. See *infra* Figures 6 and 7.

144. See *infra* Part III.B.

145. See *infra* Figures 8 and 9.

Figure 6 – Total Adult Population Breakdown¹⁴⁶

As of January 1	Total Adult Inmate Population	Balance of 2-5 Years	Balance of 2-5 Years (%)	Balance of 1-2 Years	Balance of 1-2 Years (%)	Balance of < 1 Year	Balance of < 1 Year (%)
2019	27,468	6,275	22.8%	4,742	17.3%	6,696	24.4%
2020	27,920	6,424	23.0%	4,719	16.9%	6,751	24.2%
2021	25,315	5,885	23.2%	3,971	15.7%	5,647	22.3%
2022	24,717	5,500	22.3%	3,794	15.3%	5,296	21.4%
2023	24,196	5,791	23.9%	3,960	16.4%	4,186	17.3%
5-Year Avg.	25,923	5,975	23.0%	4,237	16.3%	5,715	22.1%

In Figure 6, all data listed encompasses the period between 2019 and 2023 and was captured on January 1 of that year.¹⁴⁷ The data for each year includes the total adult inmate population (column 2) as well as a breakdown by the time remaining until the inmates' earliest possible release date (EPRD).¹⁴⁸ Specifically, the time frames are a balance of two to five years (column 3), a balance of one to two years (column 5), and a balance of less than one year (column 7).¹⁴⁹ For easier reference, Figure 6 also displays the respective percentages for each of the time frames (columns 4, 6, and 8).¹⁵⁰ As shown in the final row, (1) the average annual total adult inmate population is 25,923; (2) an average of 61.4% of inmates have five years or less until release; and (3) an average of 38.4% of inmates have two years or less until release.¹⁵¹

In contrast, the education program participant breakdown for calendar years 2019 through 2023 is detailed in Figure 7:

146. SCHIKORA, *supra* note 23, at 7–8.

147. *See supra* Figure 6.

148. *See id.*

149. *See id.*

150. *See id.* The percentages for each time frame were calculated by dividing the number of inmates in that time frame (columns 3, 5 and 7) by the total adult inmate population (column 2).

151. *See id.* The first percentage of 61.4% is calculated by adding the averages of columns 4, 6 and 8, and the second percentage of 38.4% is calculated by adding the averages of columns 6 and 8.

Figure 7 – Education Program Participant (Part.) Breakdown¹⁵²

CY	Total Adult Inmate Pop.	Educ. Prgm. Parts.	Bal. of > 5 Yrs.	Bal. of > 5 Yrs. (%)	Bal. of 2-5 Yrs.	Bal. of 2-5 Yrs. (%)	Bal. of 1-2 Yrs.	Bal. of 1-2 Yrs. (%)	Bal. of < 1 Yr.	Bal. of < 1 Yr. (%)
2019	27,468	20,068	6,642	24.2 %	4,218	15.4 %	3,071	11.2 %	6,137	22.3 %
2020	27,920	15,541	4,843	17.4 %	3,169	11.4 %	2,233	8.0%	5,296	19.0 %
2021	25,315	14,627	4,682	18.5 %	2,928	11.6 %	2,109	8.3%	4,908	19.4 %
2022	24,717	12,756	3,731	15.1 %	2,396	9.7%	1,713	6.9%	4,916	19.9 %
2023	24,196	7,492 ¹⁵³	2,598	10.7 %	1,394	5.8%	1,122	4.6%	2,387	9.9%
5-Year Avg.	25,923	14,097	4,499	17.2 %	2,821	10.8 %	2,050	7.8%	4,729	18.1 %

In Figure 7, all data listed encompasses the period between 2019 and 2023 and was captured throughout the year as adult inmates enrolled in an education program.¹⁵⁴ The data for each year includes the total adult inmate population (column 2), the total number of education program participants (column 3), and a breakdown by the time remaining until the inmates' EPRD.¹⁵⁵ Specifically, the time frames are a balance of more than five years (column 4), a balance of two to five years (column 6), a balance of one to two years (column 8), and a balance of less than one year (column 10).¹⁵⁶ For easier reference, Figure 7 also displays the respective percentages for each of the time frames (columns 5, 7, 9, and 11).¹⁵⁷ As shown in the final row, (1) the average number of education program participants is 14,097; (2) an average of 53.9% of the total population participates in an education program; (3) an average of 36.7% of the total population participates in an education program and has five years or less until release; and (4) an average of 25.9% of the total population participates in an education program and has two years or less until release.¹⁵⁸

152. SCHIKORA, *supra* note 23, at 9–10.

153. This number is noticeably lower than previous years for two reasons: (1) a change in how CPCT works, and (2) IDOC's switch to a new database in mid-2023. *Id.* at 10.

154. *See supra* Figure 7.

155. *See id.*

156. *See id.*

157. *See id.* The percentages for each time frame were calculated by dividing the number of inmates in that time frame (columns 4, 6, 8, and 10) by the total adult inmate population (column 2).

158. *See id.* The first percentage of 53.9% is calculated by adding the average of columns 5, 7, 9, and 11; the second percentage of 36.7% is calculated by adding the average of columns 7, 9, and 11; and the third percentage of 25.9% is calculated by adding the average of columns 9 and 11.

B. Proposed Legislation

1. *Included & Excluded Inmates.*—The Indiana General Assembly’s end goal should be to require all adult inmates with five years or less until release to complete an education program because five years allows inmates to (1) complete a traditional four-year degree, (2) complete multiple education programs, or (3) complete an education program and transition into a work program.

Based on the data in Figure 6, an average of 61.4% of the adult population would be participating in education programs at one time.¹⁵⁹ And based on the data in Figure 7, an average of 53.9% of adult inmates currently participate in an education program.¹⁶⁰ Thus, there is a mere 7.5% increase in participants under the proposed regime. However, the new figure of 61.4% is representative of all adult inmates, including those who may otherwise be excluded from participating. Inmates with security concerns, physical or mental health concerns, or developmental or learning disabilities should be excluded from this requirement.¹⁶¹ However, IDOC should have the discretion to admit into education programs statutorily excluded inmates, so long as the inmate will benefit from participation without impacting the progress of other participants.

2. *Transition Period.*—To successfully effectuate this change, the Indiana General Assembly should establish a transition period within the statute and start by requiring all adult inmates with two years or less until release to complete an education program. For example, if this statute were to go into effect in 2026, the transition could be gradual, such as: (1) all inmates with two or less years until release, by 2026; (2) all inmates with three or less years until release, by 2028; (3) all inmates with four or less years until release, by 2029; and (4) all inmates with five years or less until release, by 2030.

This transition period will allow for IDOC to ease the requirement into its current procedures. This will also help to offset the cost of continuing to educate inmates with more than five years until release who are currently enrolled in an education program. This group of participants should be permitted to continue for the purpose of successfully completing the program in which they are enrolled. And even after the transition period has elapsed, IDOC should have the discretion to admit into education programs inmates with more than five years until release, so long as resources permit.

3. *Intake Process, Literacy Examination, & Penalties.*—The balance of the statute should mirror the factors that have proven successful in other states.

159. *See supra* Figure 6.

160. *See supra* Figure 7. The 53.9% average calculated here is drastically different than the 71% calculated in Figure 1. *See supra* Part I.A. Looking closely at the data presented, this can be attributed, at least in part, to the sharp decline in participants during 2023, which is not a year that is included in Figure 1. *See SCHIKORA, supra* note 23, at 10. Moving forward, the new calculated average of 53.9% will be used.

161. Inmates who are serving death sentences or life without parole sentences are, by default, excluded from this requirement because the threshold is five years or less.

IDOC should be required to administer a standardized literacy examination to inmates prior to their assignment to an education program. For inmates who have five years or less until release from the date they are sentenced, this means that the examination is administered during their intake process. For inmates who have more than five years until release from the date they are sentenced, this means the examination will be administered when they reach the five-year balance mark. IDOC should be authorized to collaborate with the Indiana Department of Education to implement this examination.

The objective of the standardized literacy examination is to determine an inmate's literacy level. As a threshold, inmates who test below a twelfth-grade literacy level should be required to complete an education program designed to help them achieve a high school equivalency education. On the other hand, inmates who test above the requisite level should be required to complete an education program with content beyond the level of high school equivalence. Any inmates who refuse to participate should be rendered ineligible for credit time and parole.

4. *Annual Report*.—As a final measure, IDOC should be required to file an annual report with the Indiana General Assembly to provide an update on the status of the transition. At a minimum, the report should include a breakdown of each program, including number of participants and length of participation. Any programs with consistently low attendance should be removed from the course offerings.

C. Cost of Completion

A change in the number of participants will likely lead to a change in the cost of the education programs, which can be calculated based on the cost of the yearly education services contracts.¹⁶² Each year, IDOC prepares an annual report which includes a fiscal year expenditure summary with an education services contract line item.¹⁶³ The second column of Figure 8 details the total cost of the education services contracts for fiscal years 2019 to 2023:

162. *See infra* Figure 8.

163. *Annual Report*, IND. DEP'T OF CORR., <https://www.in.gov/idoc/news-media-and-publications/annual-reports/> [<https://perma.cc/B4EU-UYKL>] (last visited Jan. 22, 2026).

Figure 8 – Cost of Mandatory Education Program Completion

Yr.	Total Cost	Actual Parts. ¹⁶⁴	Cost Per Part.	Projected Parts. ¹⁶⁵	Projected Total Cost	Cost Difference
2019	\$8,661,273 ¹⁶⁶	20,068	\$431.60	18,080	\$7,803,328	-\$857,945
2020	\$9,641,490 ¹⁶⁷	15,541	\$620.39	16,313	\$10,120,422	+\$478,932
2021	\$8,405,207 ¹⁶⁸	14,627	\$574.64	14,300	\$8,217,352	-\$187,855
2022	\$903,524 ¹⁶⁹	12,756	\$71.83	12,821	\$920,932	+\$17,408
2023	\$5,119,533 ¹⁷⁰	7,492	\$683.33	10,735	\$7,335,548	+\$2,216,015
5-Yr. Avg.	\$6,546,205	14,097	\$476.36	14,450	\$6,879,516	\$333,311

Figure 8 also displays the number of actual program participants (column 3) and the cost per participant (column 4) for fiscal years 2019 to 2023.¹⁷¹ Then, Figure 8 depicts the number of projected participants (column 5) and the projected total cost (column 6).¹⁷² The number of projected participants is based on the data in Figures 6 and 7 and the proposal that the Indiana General Assembly require all adult inmates with five years or less until release to complete an education program prior to release. Specifically, the projected number here incorporates the proposed transition period, which begins by requiring all inmates with two years or less until release to complete an education program, and includes inmates with more than five years until release who are currently enrolled in an education program.

Finally, Figure 8 shows the cost difference between educating the current number of participants and educating the projected number of participants

164. SCHIKORA, *supra* note 23, at 9–10.

165. This column is calculated by adding columns 5 and 7 of Figure 6 to column 4 of Figure 7.

166. 2019 IND. DEP'T OF CORR. ANN. REP. 13, <https://www.in.gov/idoc/files/idocnews,-media,-and-publications/annual-reports/2019-DOC-Annual-Report.pdf> [<https://perma.cc/MJW4-GNXJ>].

167. 2020 IND. DEP'T OF CORR. ANN. REP. 10, <https://www.in.gov/idoc/files/idocnews,-media,-and-publications/annual-reports/2020-DOC-Annual-Report.pdf> [<https://perma.cc/536C-WR5B>].

168. 2021 IND. DEP'T OF CORR. ANN. REP. 10, <https://www.in.gov/idoc/files/idocnews,-media,-and-publications/annual-reports/2021-DOC-Annual-Report.pdf> [<https://perma.cc/9BDT-QM22>].

169. 2022 IND. DEP'T OF CORR. ANN. REP. 8, <https://www.in.gov/idoc/files/idocnews,-media,-and-publications/annual-reports/2022-DOC-Annual-Report.pdf> [<https://perma.cc/2V2G-7E5V>]. There is no explanation given as to why this amount is significantly lower than that of other years.

170. IND. DEP'T OF CORR., *supra* note 20, at 10.

171. *See supra* Figure 8. The cost per participant was calculated by dividing the total cost (column 2) by the number of actual participants (column 3).

172. *See id.* The projected total cost was calculated by multiplying the cost per participant (column 4) by the number of projected participants (column 5).

(column 7).¹⁷³ The average cost of educating inmates under the new regime is merely \$333,311 more per year than the current cost.¹⁷⁴ This cost may be offset over time by a corresponding reduction in the recidivism rate.

As discussed in Part I.C, IDOC has recognized a direct correlation between increased education and reduced recidivism since at least 2011.¹⁷⁵ Thus, if the Indiana General Assembly can also recognize this correlation and enact the proposed statute, Indiana's recidivism rate should decrease accordingly. A decrease in the recidivism rate depicts a decrease in the number of reoffenders being housed in IDOC's facilities, which decreases the daily operating costs.¹⁷⁶

Figure 9 – Projected Cost Savings from Recidivism Rate Reduction

2020 Releases ¹⁷⁷	Recidivism Rate	Reoffenders	2024 Per Diem ¹⁷⁸	Cost Per Day	Savings Per Day
9,782	34.78% ¹⁷⁹	3,402	\$79.22	\$269,506.44	-
9,782	30%	2,935	\$79.22	\$232,510.70	\$36,995.74
9,782	25%	2,446	\$79.22	\$193,772.12	\$75,734.32
9,782	20%	1,956	\$79.22	\$154,954.32	\$114,552.12

The data in Figure 9 is based on the number of 2020 releases (column 1) and the corresponding 34.78% recidivism rate for the 2020 cohort, followed by a hypothetical recidivism rate reduction to 30%, 25%, and 20% (column 2).¹⁸⁰ Then, Figure 9 displays the number of reoffenders based on the corresponding recidivism rate (column 3), the 2024 per diem rate of \$79.22 (column 4), and the cost per day (column 5).¹⁸¹ Finally, Figure 9 shows the savings per day (column 6).¹⁸² The current cost of housing reoffenders from the 2020 cohort is nearly \$270,000 per day.¹⁸³ Less than a 5% reduction in the recidivism rate to

173. *See id.*

174. *See id.*

175. Nally, Lockwood & Ho, *supra* note 3.

176. *See infra* Figure 9.

177. *Adult Releases by Committing County*, IND. DEP'T OF CORR. (2020), <https://www.in.gov/idoc/files/policy-and-procedure/statistical-data/adult-releases/Adult-REL-CY2020.pdf> [<https://perma.cc/HY8M-4QT6>].

178. *Department of Correction-Per Diem Report*, IND. DEP'T OF CORR. (2024), <https://www.in.gov/idoc/files/policy-and-procedure/financial-information/FY24-Per-Diem.pdf> [<https://perma.cc/55QK-54VS>].

179. IND. DEP'T OF CORR., *supra* note 47.

180. *See supra* Figure 9.

181. *See id.* The number of reoffenders (column 3) was calculated by multiplying the 2020 releases (column 1) by the recidivism rate (column 2). Then, the cost per day (column 5) was calculated by multiplying the number of reoffenders (column 3) by the 2024 per diem rate (column 4).

182. *See id.* The savings per day was calculated by subtracting the cost per day (column 5) from the current cost of \$269,506.44.

183. *See id.*

30% leads to cost savings of nearly \$37,000 per day.¹⁸⁴ In sum, the \$333,311 additional annual cost of educating offenders could be recouped in nine calendar days, assuming the recidivism rate decreased to 30%.¹⁸⁵

CONCLUSION

The Indiana General Assembly has required IDOC to implement academic and vocational education programs in its facilities.¹⁸⁶ Although the facilities currently offer education programs and award credit time to inmates for participating, adult inmates are not required to participate in or complete an education program prior to their release from incarceration.¹⁸⁷

First, Indiana's existing legislation demonstrates the importance of education programs and penalizes inmates for refusal to participate in beneficial programs geared towards their reentry to society. Likewise, IDOC's current administrative processes show that inmates could be given a standardized literacy examination during the existing intake process. And IDOC itself has long recognized a direct correlation between increased education and reduced recidivism.

Second, the correctional education program laws of other states show the many ways in which the Indiana General Assembly can draft a new statute requiring adult inmates to successfully complete an education program, including by testing inmates, prioritizing inmates who are nearing release, and excluding certain groups of inmates. In conjunction with these laws, the respective recidivism rates of other states demonstrate a correlation between increased education and reduced recidivism.

Third, the current inmate participation breakdown lays the groundwork for restricting projected inmate participants to those with five years or less remaining on their sentences. Likewise, the proposed legislation should include a transition period and incorporate the factors included in the laws of other states. Finally, the respective cost and cost savings of requiring competition show that the cost of educating inmates under a new mandatory regime is comparable to the cost of educating inmates under IDOC's current regime and also show that the cost may be further offset by a corresponding reduction in the current recidivism rate.

184. *See id.*

185. Nine calendar days was calculated by dividing the additional annual cost of educating offenders of \$333,331, *see supra* Figure 8, by the cost savings of \$36,995.74, *see supra* Figure 9.

186. IND. CODE § 11-10-5-1 (2025).

187. *See generally* IND. DEP'T OF CORR., *supra* note 10.

For these reasons, the Indiana General Assembly should enact a statute requiring all adult inmates in IDOC with five years or less until release to complete an academic or vocational education program prior to their release from incarceration. Requiring completion of an education program will assist adult offenders in obtaining sustainable post-release employment, which will in turn decrease Indiana's recidivism rate.