

# State of North Carolina

**ROY COOPER**  
GOVERNOR

January 29, 2024

## EXECUTIVE ORDER NO. 303

### ESTABLISHING A UNIFIED APPROACH TO IMPROVING EDUCATION, REHABILITATION, AND REENTRY SERVICES FOR INCARCERATED AND FORMERLY INCARCERATED PEOPLE IN NORTH CAROLINA

**WHEREAS**, in North Carolina, approximately 95% of all people in prison will eventually complete their sentence, be released from incarceration and return to their communities; and

**WHEREAS**, each year, more than 18,000 people are released from North Carolina adult correctional facilities; and

**WHEREAS**, North Carolina was named America's Top State for Business two (2) years in a row and continues to have record-breaking years for economic development and new job creation; and

**WHEREAS**, employers throughout the state continue to experience workforce shortages; and

**WHEREAS**, providing people education and training while incarcerated can help ensure successful reentry to their communities and develop the skilled workforce needed by employers; and

**WHEREAS**, successful reentry of formerly incarcerated people into their communities leads to a safer North Carolina by reducing crime and breaking the cycle of violence; and

**WHEREAS**, formerly incarcerated people are fellow North Carolinians and neighbors, and improving education, rehabilitation, and reentry services makes all North Carolina residents safer; and

**WHEREAS**, in North Carolina, the average cost to the state to incarcerate a person is approximately \$134 per day; and

**WHEREAS**, formerly incarcerated people, particularly people of color who are incarcerated at disproportionate rates, face barriers to successful reentry that contribute to a high recidivism rate and less safe communities; and

**WHEREAS**, some people leaving prison face old, forgotten warrants, tickets, and open investigations, and collaboration among justice system partners to resolve outstanding legal issues prior to release would allow incarcerated people the opportunity for a fresh start upon release; and

**WHEREAS**, participation in educational and vocational programs, faith-based opportunities, family relationship supports, and treatment for behavioral health issues reduces rates of repeat offending and makes North Carolina safer and more prosperous; and

**WHEREAS**, on average, formerly incarcerated people are 60% less likely to receive callbacks from potential employers than people with no criminal record; this discrepancy is worse for historically underrepresented groups, with formerly incarcerated Black women facing a 43.6% unemployment rate; and

**WHEREAS**, access to education, technical training, and employment opportunities for incarcerated and formerly incarcerated people increases their ability to find, get and keep good-paying jobs; and

**WHEREAS**, prison education programs equip incarcerated people with skills to better manage their time in prison and provide a path to employment opportunities that will enable them to support themselves, their families and their communities; and

**WHEREAS**, as of July 1, 2023, incarcerated people are eligible for Pell grants by way of the *FAFSA Simplification Act* (Title VII, Division FF of P.L. 116-260) to support their education; and

**WHEREAS**, the undersigned issued Exec. Order No. 158, 35 N.C. Reg. 648-651 (Sept. 15, 2020) on August 18, 2020, implementing fair chance hiring policies at North Carolina state agencies to increase employment opportunities for people with criminal records, because people who have made mistakes deserve second chances; and

**WHEREAS**, improved access to health resources provides incarcerated and formerly incarcerated people the ability to receive preventative care, screenings, substance abuse treatment, and behavioral health care that will help improve their quality of living as they return to their communities; and

**WHEREAS**, Medicaid expansion is providing quality health care to hundreds of thousands of North Carolinians, including to formerly incarcerated people which will reduce their likelihood of reoffending; and

**WHEREAS**, the North Carolina Department of Health and Human Services is seeking to renew North Carolina's Medicaid Reform Demonstration and has requested the ability to use Medicaid funds to support reentry into the community for incarcerated people; and

**WHEREAS**, improved access to temporary or permanent housing will reduce homelessness, bolster success in building strong families and improve safety by helping reduce recidivism; and

**WHEREAS**, preparing incarcerated people for release will aid in a successful transition back to their communities by connecting them with reentry resources, providing identification documents, and improving skills necessary for employment and family relationships; and

**WHEREAS**, a partnership between the North Carolina Department of Adult Correction and the North Carolina Department of Transportation, Division of Motor Vehicles has resulted in incarcerated people being offered state identification cards upon release from state prisons; and

**WHEREAS**, in 2017, the North Carolina General Assembly and Governor Roy Cooper established the State Reentry Council Collaborative (the "SRCC"), with representation from government, law enforcement, advocacy, faith-based and judicial entities charged with studying the needs of people released from correctional institutions and increasing the effectiveness of local reentry councils; and

**WHEREAS**, while the SRCC has improved the reentry process, a unified government approach is needed to build upon its success, including improving access to education, vocational training, employment opportunities and behavioral health services; and

**WHEREAS**, North Carolina Cabinet agencies provide critical services to residents across the state that support their daily lives and help them contribute to their communities; and

**WHEREAS**, the Council of State Governments Justice Center has established a national initiative, Reentry2030, that calls upon states to set bold goals and achieve transformative outcomes for people exiting prison; and

**WHEREAS**, pursuant to Article III § 1 of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

**WHEREAS**, pursuant to N.C. Gen. Stat. §147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1. Whole-of-Government Coordination for Reentry**

The North Carolina Department of Adult Correction (“DAC”) shall lead a coordinated effort with all Cabinet agencies to develop a multi-agency Strategic Plan for Reentry 2030 (the “Strategic Plan”). The Strategic Plan will establish strategies and metrics to achieve the following goals:

1. Improve economic mobility of formerly incarcerated people by increasing the number of local reentry councils and providing access to educational, technical training, apprenticeship, work-based learning and employment opportunities pre- and post-release.
2. Improve mental and physical health by expanding access to behavioral health and substance use disorder services pre- and post-release and ensuring that all eligible incarcerated people obtain Medicaid upon release.
3. Expand housing opportunities for formerly incarcerated people.
4. Remove barriers to successful community reintegration, especially for those returning to historically underserved communities.

The Joint Reentry 2030 Council shall create and present to the Governor the Strategic Plan by July 31, 2024. By December 1, 2024, and annually thereafter, the Joint Reentry 2030 Council shall publish a progress report on the strategies and metrics established in the Strategic Plan. The annual progress report may contain additional strategies and metrics to improve reentry.

**Section 2. North Carolina Joint Reentry 2030 Council**

DAC shall form and manage the North Carolina Joint Reentry 2030 Council (“JRC”). The JRC will be comprised of:

1. The secretary or secretary’s designee from each Cabinet agency.
2. A designee of the Task Force for Racial Equity in Criminal Justice (“TREC”), appointed by TREC’s Co-Chairs.
3. The chair or designee of the chair of the Post-Release Supervision & Parole Commission.

4. The director or designee of the director of the Office of State Human Resources.
5. The director or designee of the director of the Office of State Budget and Management.

DAC may also invite a designee from each Council of State agency to join the JRC. In coordination with the Office of the Governor, DAC may expand membership to any relevant agency, office, board, or commission.

The JRC shall be chaired by the Secretary of DAC, or the Secretary's designee. The JRC shall meet at least quarterly and shall be convened by the call of the Chair.

### **Section 3. Educational Pathways in Correctional Facilities**

In order to increase access to and completion of educational programs in state correctional facilities, DAC shall:

1. Revise the existing Prison Education Consortium to include representation from all prison higher education, apprenticeship, and workforce partners including the North Carolina Community College System Office, participating community colleges, the UNC System Office, participating UNC System institutions, a representative of North Carolina Independent Colleges and Universities (NCICU), participating independent colleges and universities, the North Carolina Department of Commerce, current or formerly incarcerated students, and philanthropic organizations.
2. In consultation with the Prison Education Consortium, develop local, labor market-driven educational pathways that will guide course offerings and transferable pathways to complete a diploma, degree, or credential.
3. In consultation with the Prison Education Consortium, develop a plan to effectively leverage state, federal, and private funding sources to provide efficient educational programs that, when possible, result in a diploma, degree, or credential.
4. Require education providers utilized by DAC to develop and implement plans for how incarcerated people who do not complete coursework while incarcerated can complete coursework upon release. DAC is encouraged to prioritize offering educational programs in which participants will have unconditional admission to educational programs following release from prison.
5. In consultation with the Labor and Economic Analysis Division of the North Carolina Department of Commerce, develop an annual report first submitted to the Office of the Governor in October 2024 and annually thereafter that provides participation and completion outcomes for people participating in all prison education programs offered by community colleges and four-year colleges and universities, including apprenticeships. When possible, data in the report should be disaggregated by program type, correctional facility, age, gender, and race/ethnicity in order to ensure equitable participation.
6. Create a publicly available, searchable database of all coursework and apprenticeships available to incarcerated people offered by both community colleges and four-year colleges and universities in the state.
7. Establish quality measures and evaluation for all prison education programs, including apprenticeships, diplomas, short-term credentials, associate degrees, and four-year degrees.
8. Increase higher education programming for incarcerated people utilizing Pell Grants by partnering with colleges and universities that qualify to be a prison education partner and meet all federal guidelines.

9. Minimize the movement of incarcerated people who are currently enrolled in an education program, including apprenticeships, and are not requesting a transfer, until they have completed their program unless they can immediately enroll in the same program in the correctional facility to which they will be transferred.
10. Ensure that incarcerated people receive support to develop resumes accurately portraying all education and work experiences.

#### **Section 4. Cabinet Agency Support**

Cabinet agencies shall assist DAC in completing the directives outlined in Section 1 and Section 2. Cabinet agencies shall:

1. Commit senior leadership to participate in the development and implementation of the Strategic Plan for Reentry 2030.
  2. Incorporate the prioritization of education, internship, and employment opportunities for formerly incarcerated people into the agency's ongoing efforts to support underserved populations.
- A. The North Carolina Department of Commerce shall:
- i. Continue to collaborate with DAC to improve the Travel/Tourism call center program.
  - ii. Increase the number of incarcerated people receiving virtual career services through NCWorks prior to release.
  - iii. Increase the number of second chance employers hiring people prior to and following release and foster commitments within the business community to remove barriers for qualified applicants with criminal records so that they may attain living wage jobs, especially in historically underserved communities where there may be fewer job opportunities.
- B. The North Carolina Department of Health and Human Services ("DHHS") shall:
- i. Work with the Centers for Medicare & Medicaid Services with the goal of securing approval for the NC Section 1115 Demonstration Waiver to allow certain eligible people to receive certain Medicaid services prior to release.
  - ii. Create mechanisms to allow people to be pre-screened before leaving prison for federal and state benefits (e.g., TANF, SNAP, Medicaid, and LIHEAP) including ensuring processes exist for people preparing for release who are otherwise eligible for Medicaid to receive Medicaid services immediately upon release.
  - iii. Ensure released people who are diagnosed with Serious Mental Illnesses (SMIs), Substance Use Disorders, Intellectual or Developmental Disabilities (I/DD) or Traumatic Brain Injuries (TBIs) are engaged in the appropriate behavioral health services upon release from state prisons and county jails.
  - iv. Apply for a United States Department of Agriculture (USDA) waiver to allow people that are incarcerated with an impending release date to apply for Food and Nutrition Services (FNS) Electronic Benefits Transfer (EBT) while incarcerated so they receive benefits upon release to ensure food security. People with felony drug convictions, excluding Class H or I, are ineligible for FNS benefits.
  - v. Ensure youth receive consistent evidence-based behavioral health treatment during and after any involvement with the juvenile justice system.
  - vi. DHHS will work with DAC to develop a mechanism through data sharing to ensure individuals are aware of their child support obligations upon re-entry. The Departments will also develop new resources to help individuals successfully begin repayment and utilize all tools available.
  - vii. DHHS will work with DAC to provide information to individuals who are scheduled to be released on programs that may be available to them including Work First, Food and Nutrition Services, and other eligibility programs.

C. The North Carolina Department of Transportation shall:

- i. Maintain and increase the availability of state identification cards for people preparing for release.
- ii. Expand work release and employment opportunities for incarcerated and formerly incarcerated people, including expanding existing relationships with nonprofit organizations that employ formerly incarcerated people and expanding specialized on-the-job training opportunities for justice-involved youth and adult populations.
- iii. Provide resources to educate incarcerated people on the process to obtain a driver's license upon release.

D. The North Carolina Department of Information Technology shall:

- i. Assist with the implementation of secure internet-based reentry tools for people in adult and juvenile correctional facilities.
- ii. Develop and implement a plan to measure and improve digital literacy skills for incarcerated people.
- iii. Assist in the digital transfer of the Medicaid application process to include applications and status updates.
- iv. Assist in the implementation of a secure email system for incarcerated people.

E. The North Carolina Department of Military and Veterans Affairs shall:

- i. Create a statewide program to connect incarcerated military veterans to services before and upon release.
- ii. Collaborate with state and local partner agencies to connect justice-involved veterans to employment and educational opportunities.

F. The North Carolina Department of Public Safety ("DPS") shall:

- i. Engage with the North Carolina Department of Public Instruction and the State Board of Education to advance opportunities for students to enhance skill development, access to work-based learning opportunities, and complete secondary education.
- ii. Engage with the North Carolina Department of Public Instruction, the State Board of Education, the North Carolina Community College System, the UNC System, and the Department of Commerce to enhance postsecondary and workforce opportunities for students.
- iii. Develop strategies to review and increase family engagement and transition services for students and families, including programming to support mental health and substance use.

G. The North Carolina Department of Revenue shall:

- i. Continue to collaborate with Legal Aid of North Carolina to provide education regarding tax liability related to certain drug charges.
- ii. In collaboration with DAC, provide a resource document for incarcerated people upon reentry including contact information for resources to help manage any outstanding state tax debt.

H. The North Carolina Department of Natural and Cultural Resources shall:

- i. Partner with DAC to provide work release and employment opportunities, including seasonal and temporary opportunities, for incarcerated and formerly incarcerated people.
- ii. Partner with DAC and DPS to provide education to adults and youth in state facilities.
- iii. Partner with DAC and DPS to expand the State Library's accredited high school diploma program.

- I. The North Carolina Department of Administration shall:
- i. Partner with DAC to provide work release and apprenticeship opportunities to incarcerated people and formerly incarcerated people.
- J. The North Carolina Department of Environmental Quality (“DEQ”) shall:
- i. Provide support to DAC to identify industry partners offering job training opportunities related to waste reduction. DEQ will serve an advisory role in the development of apprenticeship programs between DAC and the industry if such programs are pursued.
- K. The North Carolina Post-Release and Parole Commission shall:
- i. Review all Commission policies and procedures to ensure they effectively support successful reentry.
  - ii. Work collaboratively with DAC to ensure that qualified persons can productively and successfully participate in the Mutual Agreement Parole Program (“MAPP”) both before and after release from incarceration.
- L. The North Carolina Office of State Human Resources shall:
- i. In collaboration with DAC, create a training to reduce bias and discrimination towards justice-involved people in the workplace.
  - ii. Collaborate as needed with DAC and the Department of Commerce to help justice involved people effectively communicate work experience gained during incarceration on resumes and job applications.
  - iii. Collaborate with government agencies to provide guidance and resources to agencies who have or plan to have an apprenticeship program, to include recruitment outreach to justice involved people.
  - iv. Support state agencies to increase opportunities to recruit and hire recently incarcerated people, including enhancing partnerships with community-based organizations and Temporary Solutions.

In addition to the above partnerships, DAC shall:

- a. Where they exist, make available resources to allow the incarcerated population to communicate with justice system partners to resolve outstanding warrants, tickets, investigations, obstacles to driver’s license restoration, and other unresolved legal issues prior to release from prison.
- b. Facilitate collaboration with reentry partners to expand the number of formerly incarcerated people with driver’s licenses.

Higher education systems and institutions, local governments, private businesses, and other North Carolina entities are encouraged to support and provide input on the creation of the Strategic Plan developed through the implementation of this Executive Order and to assist in completing these directives.

**Section 5. No Private Right of Action.**

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

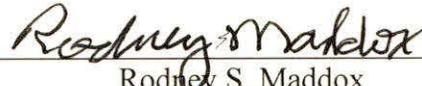
**Section 6. Effective Date.**

This Executive Order is effective immediately and shall remain in effect until December 31, 2030, or until rescinded or superseded by another applicable Executive Order.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 29<sup>th</sup> day of January in the year of our Lord two thousand and twenty-four.

  
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Roy Cooper  
Governor

**ATTEST:**

  
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Rodney S. Maddox  
Chief Deputy Secretary of State

