SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-5131-14T1

JERMAINE BRYANT,

Appellant,

v.

NEW JERSEY DEPARTMENT OF CORRECTIONS,

Respondent.

Submitted January 31, 2017 – Decided March 1, 2017

Before Judges Reisner and Koblitz.

On appeal from the New Jersey Department of Corrections.

Jermaine Bryant, appellant pro se.

Christopher S. Porrino, Attorney General, attorney for respondent (Lisa A. Puglisi, Assistant Attorney General, of counsel; Matthew J. Lynch, Deputy Attorney General, on the brief).

PER CURIAM

Jermaine Bryant, a prison inmate serving a life sentence with a thirty-five year parole bar, appeals from a July 24, 2015 final

decision of the prison administrator finding that he committed prohibited act .301, failure to attend an assigned educational class. The administrator imposed discipline of thirty days administrative segregation, ten days loss of recreation privileges, and sixty days loss of commutation time.

After reviewing the record, we find that the decision was not arbitrary or capricious, is supported by substantial credible evidence, and is consistent with applicable law. R. 2:11-3(e)(1)(D). Accordingly, we affirm the decision on appeal. Except as briefly addressed herein, Bryant's appellate arguments are without sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Bryant was disciplined as a result of his persistent refusal to attend high school classes to which the prison assigned him. At the heart of the dispute is his mistaken interpretation of N.J.S.A. 30:4-92.2. That statute requires the Department of Corrections to establish a mandatory program of education for prison inmates who do not have either a high school equivalency certificate (GED) or a high school diploma. N.J.S.A. 30:4-92.2(a), (b). "The mandatory education requirement may be deferred for an inmate who is serving a sentence exceeding 10 years." N.J.S.A. 30:4-92.2(d).

Bryant first claims, as he did at his disciplinary hearing, that he obtained a GED before being incarcerated. However, he did not produce any evidence at the hearing to support that claim, and therefore the claim was properly rejected by the agency. Bryant also asserts that attending classes is a "privilege" which he is free to refuse. We disagree. The clear intent of the statute was to require the prison system to educate inmates up to a high school level. The statute does not confer on an inmate a right to refuse to attend an assigned educational class.

Lastly, he contends that section (d) requires the agency to defer his educational requirement because he has more than ten years left on his sentence. On this appeal, the agency responds that the section gives the prison administrator discretion to waive the education requirement, and that Bryant may submit an application for deferral, which the administrator will consider. We conclude that is a reasonable interpretation of section (d), and is consistent with its plain language. Thus, Bryant may apply to the prison administrator to defer the education requirement. His application may include evidence concerning his existing educational level. We imply no view as to the outcome of such an application, but Bryant will have the right to file an appeal from an unfavorable decision. In the interim, however, he

cannot refuse to attend his assigned classes without the prison's permission.

Affirmed.