



DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

Program Statement

OPI: EDUCATION
Number: 4110.7C
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Subject: EDUCATIONAL
SERVICES

1. PURPOSE AND SCOPE

- a. To implement operational procedures for delivery of adult educational programs for persons incarcerated in District of Columbia adult correctional facilities;
- b. It is DOC policy to implement operational procedures so that youth and adults up to the age of twenty-two (22) years of age receive general and special education pursuant with District of Columbia Municipal Regulations (DCMR) Title 5 and pursuant to the Memorandum of Understanding (MOU) between the District of Columbia Public Schools (DCPS) and the District of Columbia Department of Corrections (DOC); and
- c. To introduce Technical Reference Manual "Special Education for Incarcerated Youth - Policy and Procedures Guide for the DC Public Schools Office of Special Education Incarcerated Youth Program and the DC Department of Corrections." The Technical Reference Manual (TRM) provides more specific guidance in implementing the joint delivery of educational services by the DC Public Schools, the DC Department of Corrections (DOC) and the Corrections Corporation of America (CCA).

2. **POLICY.** It is DC Department of Corrections (DOC) policy to provide inmates with access to educational programs that are designed to meet their needs as follows:

- a. DOC shall provide inmates with access to educational programs through open enrollment and self-paced instruction that is designed for adult learners.
- b. Consistent with 20 USC 1400, et. seq. and 5 DCMR § 3000, et seq the District of Columbia Public Schools (DCPS) will provide special education services to eligible youth until they reach their twenty-second birthday, DOC shall work in conjunction with DCPS so that incarcerated youth who

are committed to DOC and its contract facilities receive mandated educational opportunities.

- c. Consistent with 20 USC 1400, et. seq. and 5 DCMR § 3000, et seq the District of Columbia Public Schools (DCPS) will provide general education services to youth until they reach their eighteenth birthday, DOC shall work in conjunction with DCPS so that incarcerated youth who are committed to DOC and its contract facilities receive mandated educational opportunities.

3. **PROGRAM OBJECTIVES.** The expected results of the program are:

- a. To give inmates opportunities to improve themselves while confined.
- b. To create a program to screen, identify and provide Special Education and Related Services to a youth who was a special education student before incarceration as well as to youth who may have an eligible disability but never previously received appropriate special education services.
- c. Efforts through educational counseling and classification program reviews shall be made to encourage youth to remain in special education and related programs.

4. **NOTICE OF NON-DISCRIMINATION**

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (hereinafter, “the Act), the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

5. **AUTHORITY**

- a. D.C. Code §24-211.02, Powers; Promulgation of Rules.
- b. 20 U.S.C. §1400 et seq., Individuals With Disabilities Education Act (IDEA)
- c. 20 U.S.C. § 1232g; 34 C.F.R. Part 99, Family Educational Rights and Privacy Act of 1974 (FERPA)
- d. D.C. Code 38-101. et seq., Public School System

- e. D.C. Code § 38-2501, et seq., Special Education
- f. District of Columbia Municipal Regulations (DCMR) Title 5, Education
- g. D.C. Code § 24-221.01 et seq., Educational Good Time Credits
- h. District of Columbia Municipal Regulations (DCMR) Title 28, Chapter 6, Good Time Credits
- i. Memorandum of Understanding between the District of Columbia Public Schools and District of Columbia Department of Corrections dated March 31, 2008.

6. DIRECTIVE AFFECTED

a. Directives Rescinded

- 1) PS 4110.7B Educational Services

b. Directives Referenced

- 1) TRM 4110.7 Educational Services – Special Education
- 2) PS 1300.1 Freedom of Information Act (FOIA)
- 3) PS 2000.2 Retention and Disposal of Department Records
- 4) PS 3700.2 Employee Training and Staff Development
- 5) PS 4030.1 Inmate Grievance Procedures
- 6) PS 4060.2 Inmate Records
- 7) PS 4340.2 Educational Good Time Credit

7. STANDARDS REFERENCED

- a. American Correctional Association (ACA), 4th Edition, Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-2A-66, 4-ALDF-5A-01, 4-ALDF-5A-02 and 4-ALDF-5A-09.

8. DEFINITIONS

- a. **Special Education** – Specifically designed instruction, to meet the unique needs of a child with a disability.
- b. **Individualized Educational Plan (IEP)** – the written plan that identifies special education and related service supports needed for a student with a disability that includes a statement of the incarcerated youth's present

levels of academic achievement and functional performance; measurable annual goals including academic and functional goals; a description of how the progress toward meeting the annual goals will be measured when periodic reports on the progress the incarcerated youth is making toward meeting the annual goals will be provided; a statement of the special education and related services and supplementary aids and services to be provided to the incarcerated youth, or on behalf of the incarcerated youth.

- c. **Multi-disciplinary Team (MDT)** – the involvement of two or more disciplines or professions in the provision of integrated and coordinated services.
- d. **Related Services** – corrective and other supportive services as may be required to assist an incarcerated youth with a disability to benefit from special education.
- e. **Adult Basic Education (ABE)** – a planned program of basic school subjects for adults.
- f. **General Education Development Program (GED)** – a course of study to obtain a universal alternative to a traditional high school diploma.
- g. **Incarcerated Youth** – offenders ages 16 through 21 committed to DOC.

9. **EDUCATION PROGRAM SERVICE PROVIDERS**

- a. DOC shall provide instructors for the Adult Basic Education and GED Preparation at the Central Detention Facility (CDF).
- b. CCA shall provide instructors for Adult Basic Education, GED Preparation and Vocational Education programs at the Correctional Treatment Facility (CTF).
- c. DOC and CCA shall respectively provide designated classrooms for special education instruction. Classroom space shall be accessible to inmates with disabilities.
- d. DOC and CCA shall also provide space for DCPS staff to conduct re-evaluations, assessment testing and related services.
- e. DCPS will coordinate, manage and provide certified special education teachers, general education teachers, education aides for class room instruction and service providers for related services at the DOC/CDF and CCA/CTF for eligible youth.
- f. Related services are those that provide ancillary support and improve opportunities for the individual to further benefit from special education.

Services may include counseling, orientation and mobility, physical and occupational therapy, psychological services and hearing, speech and language services.

- g. DCPS will also provide support to DOC and CCA instructors when special education program youth also attend the ABE/GED and vocational programs that DOC and CCA provide.
- h. Professional Skills and Certification for Service Providers. DOC educational staff shall be certified consistent with DC Personnel qualifications and DOC conditions of employment.
- i. Employee Background Checks
 - 1) DOC and CCA shall conduct background investigations and screening, including urinalysis testing on all volunteers and education staff they employ to provide adult education and special education prior to incumbents providing services at the respective facilities.
 - 2) Pursuant to the MOU, DOC shall conduct background investigations and screening, including urinalysis testing on DCPS education staff who provide services at both the CDF and CCA/CTF prior to their providing services.
 - 3) DOC and CCA shall provide orientation, pre-service and in-service training for their respective employees and DCPS staff who are assigned to their facility. For DOC staff and DCPS staff assigned to CDF, training shall be maintained as required in *PS 3700.2 "Employee Training and Staff Development"*.

10. **NOTICE OF EDUCATIONAL SERVICES.** Inmates shall be notified of educational services as follows:

- a. During the intake/orientation process DOC/CDF and/or CCA/CTF Case Managers shall interview all inmates regarding their educational level and during one-on-one intake interviews:
 - 1) Advise adults of the availability of ABE and GED educational services;
 - 2) When determining that a youth has not reached the age of 18 years, advise them of mandatory requirements that they participate in general education through the DCPS program;
 - 3) Advise inmates who have not reached their 22nd birthday of the possibility of participation in special education if they are eligible; and
 - 4) Determine possible special education eligibility and placement pursuant to Section 10 of this directive.

- b. Inmates may also be notified when intake videos are used at orientation.
- c. Inmates shall receive a copy of the inmate handbook that includes information regarding access to educational services.
- d. Notice of General Education Requirements for Youth and Special Education Services (Attachment A) shall be conspicuously posted throughout the facility to inform the inmates of access to educational services.
- e. Inmates shall again be notified of educational programs at Initial Classification and Reclassification Hearings.

11. IDENTIFYING AND REFERRING YOUTH FOR SPECIAL EDUCATION PROGRAMS. Youth up to their twenty-second birthday have the following opportunities to be identified as eligible for special education and related services:

- a. Case Managers shall interview incarcerated youth and enter required information into the Lotus Notes "Special Education Tracking System" Database (Attachment B) in order to identify those inmates who received or were eligible to receive special education and related services prior to incarceration.
- b. Case Managers shall ensure that during the interview the individual provides written permission or denial of permission for further evaluation and involvement in special education services (Attachment C). This form shall be forwarded to DCPS even if the inmate states no desire to be enrolled in educational services.
- c. A DCPS Placement Specialist Monitor (PSM), on a daily basis shall review the DOC database report of every newly incarcerated youth, the Case Manager's referrals and the DCPS database to determine whether each newly incarcerated youth has already been identified for special education services by the public schools.
- d. Youth may be considered for placement in special education classes by referral from DOC, CCA/CTF or DCPS program and/or academic professionals based upon observations or standardized assessments.
- e. A youth may submit an inmate request to be considered for special education and related services at any time during his/her incarceration, not just during intake. Comprehensive assessments shall be scheduled for the youth to determine eligibility.

12. ACADEMIC PLACEMENT TESTING FOR ADULTS

- a. Prior to academic program placement, a trained DOC or CCA/CTF education staff member shall administer the Test of Adult Basic Education (TABE) to determine appropriate academic program placement.

- b. Copies of the inmate's test results shall be placed in the inmate's educational record. Upon request, the inmate will be provided a copy of his/her scores during enrollment counseling.

13. DOC ADULT EDUCATION PROGRAMS

a. Adult Basic Education (ABE)

- 1) The Adult Basic Education program is designed to provide instructional and counseling services for inmates whose reading, writing and mathematical skills test below an academic level of eighth grade (7.9 or below).
- 2) Inmates enrolled in ABE that are functioning below the 8.0 academic grade level in more than one subject area (reading comprehension, mathematics, computation, applied mathematics, language and spelling) will attend classes for a minimum of one (1) hour and maximum of six (6) hours of instruction per day.
- 3) After 30 days of instruction, each inmate will be provided a progress report, and if significant and notable mastery of subject material is shown, the inmate will be given an opportunity to be retested (TABE) to measure progress to the GED level.
- 4) Completion of ABE occurs when the inmate achieves an average score of academic grade level 8.0 or above.

b. General Education Development (GED)

- 1) The General Education Development program is designed to provide instructional and counseling services for the inmates whose test scores are above an academic level of eighth grade (8.0).
- 2) After 30 days of instruction, each inmate shall receive a progress report. When the inmates achieves an average of 9.0 or above on each subtest of the Advanced or Difficult level of the TABE, they are able to take the GED examination. The GED examination is administered by proctors of the University of the District of Columbia (UDC) State Education Agency GED Testing Center.
- 3) Youth who are enrolled in DCPS general and special education instruction may also enroll in the GED program.

c. Academic Counseling

- 1) Inmates enrolled in ABE/GED/Vocational programs shall receive formal quarterly counseling regarding academic progress and other issues that may be adversely affecting performance (Attachment D).

- 2) The instructor/counselor shall record recommendations and actions to be taken to include, but not be limited to: continuation in the program, academic promotion, academic termination due to completion, transfer or release from incarceration, and program termination for adverse reasons.
- 3) Youth who are duly enrolled in DOC academic and vocational programs and DCPS general and/or DCPS special education may be terminated from the DOC program when they complete the course or for adverse reasons. These youth shall be allowed to continue in the DCPS programs.

14. DCPS EDUCATIONAL SERVICES

a. General Education

- 1) By law all youth, until their 18th birthday, are required to participate in the DCPS general education program.
- 2) DCPS shall notify parents and guardians of the services the youth is receiving.
- 3) Students who do not attend school as required while they are incarcerated are subject to discipline under DCPS truancy regulations and the DOC Code of Discipline.

b. Special Education

- 1) Youth, up to their twenty-second birthday, who have not earned a high school diploma and who are verified by the DCPS as current or former special education students in a public school are immediately eligible for placement in special education and related services while incarcerated.
- 2) DCPS shall provide eligible youth with special education and related services until they receive a high school diploma or until their twenty-second birthday.
- 3) Special education is a modified adult education curriculum with related services, if needed, and based on the incarcerated youth's individual needs as identified in his/her Individualized Educational Plan (IEP).
- 4) A Multi-Disciplinary Team (MDT) shall develop or modify an IEP for each special education student.
- 5) A representative from DOC educational staff shall serve as a member of the MDT if DOC also provides educational services to the student.

- 6) The IEP shall be reviewed and revised as necessary to address an incarcerated youth's current needs for special education and related services.
- 7) Withdrawal from Special Education
 - a) Parent(s) or the legal guardian can remove a youth under eighteen years of age from the DCPS special education program; and
 - b) Incarcerated youth who have reached the age of eighteen have the right to refuse or withdraw from special education and related services. Further, they have the right to reverse their refusal or withdrawal — without penalty — and request special education services at any time during their incarceration.

15. **STATUS INMATES.** Special status generally includes inmates in protective custody or administrative segregation, the Special Management Unit (SMU) and those with disabilities, including temporary disabilities.

- a. Educational services are available to inmates classified as special status, except those segregated for disciplinary infractions.
- b. Inmates in administrative segregation (AS) and those being housed on the Special Management Unit (SMU) may receive a more individualized educational program due to security and custody reasons.
- c. An incarcerated youth shall be reassigned to an appropriate special education classroom when no longer classified and detained in AS or on the SMU.
- d. DOC and CCA/CTF shall notify DCPS of any changes in the housing location and/or status of incarcerated youth so the individual may continue general and special education consistent with the law.

16. **PASSES AND ESCORT**

- a. DOC/CDF administrators shall ensure that a signed student enrollment identification card is issued upon admittance to the educational programs and retrieved when the inmate is removed for any reason other than release. These cards include the inmate's photo, name, DOC identification number, class schedule and effective dates.
- b. General population inmates may be allowed to travel to the school without escort. They must, however, have valid school enrollment identification in their possession.
- c. Correctional Officers shall escort inmates who are enrolled in DCPS education to the educational services unit.

17. ATTENDANCE

- a. Inmates shall attend all classes to which they are assigned and shall promptly report to their respective classroom(s).
- b. The housing unit officers shall ensure that all inmates participating in educational services are released from the unit in a timely manner in order to arrive promptly.
- c. If inmates do not arrive on time, the instructor shall inform the principal.
- d. The principal shall contact the officer assigned to the education unit to determine the cause for delay.
- e. Inmates may be disciplined when there is no excuse for late arrival.
- f. The principal will consult with the Deputy Wardens for Programs and Security to appropriately correct operational issues that are consistently identified as the reason for the delay.

18. COUNT

- a. Inmates attending class during an official institutional count shall remain in the classroom without interruption of educational services.
- b. In the event of an institutional emergency, or an official restriction of movement, the inmates shall comply as mandated by the correctional staff.

19. STUDENT CLASSROOM CONDUCT

- a. All Students
 - 1) Inmates are expected to conduct themselves in a respectful manner at all times and adhere to classroom rules (Attachment E).
 - 2) Inmates are to be alert and engaged in supervised activities at all times during class.
- b. Incarcerated Youth
 - 1) Progressive behavioral counseling shall be provided to any inmate who manifests a pattern of social maladjustment or disruptive behavior in the classroom setting. Behavioral counseling shall be documented on the Incident/Behavioral Counseling Report (Attachment F). Continued occurrences of such behavior can result in disciplinary action.
 - 2) An incarcerated youth with disabilities who exhibits behavior during class that warrants a disciplinary infraction shall be referred to a Multi-Disciplinary Team (MDT), which includes education and corrections

professionals from DCPS and the affected facility. The team will determine if the behavior is likely a manifestation of their disability. If such a determination is made, the team will make appropriate interventions and/or accommodations that will enable the youth to continue receiving special education and related services, consistent with the IDEA provisions on discipline.

- 3) For infractions that are serious enough to require issuance of a disciplinary report, the MDT will make an effort to convene before the scheduled adjustment hearing so that the DOC Adjustment Board can consider any recommendations.
- 4) When infractions occur outside of school, to the extent time allows, DCPS will work with DOC/CCA to provide any MDT information that would be helpful in decision making.

c. DOC Students

- 1) Informal counseling is generally verbal counseling. However instructors and counselor's are expected to record notes of the informal counseling to include but not be limited to the date, nature of counseling and any follow-up action that was taken.
- 2) Incident/Behavioral Counseling. An inmate shall be counseled regarding behavioral issues that do not warrant disciplinary action but are having an adverse affect on the inmate's academic performance (Attachment F).
 - a) *Examples of such behavior include, but are not limited to:* the inmate's general behavior in class that causes disruption to the learning process, sleeping or other inattention while in class, failure to perform assignments, or tardiness or poor attendance.
 - b) *Actions taken in response to the behaviors discussed in (a) above may include but are not limited to:* performance or behavioral contract agreements, academic probation or suspension, or in the case of a special education student, referral to DCPS for intervention and related services or referral to the multi-disciplinary team.
- 3) Disciplinary or Administrative Action. In the event that an inmate is removed from class and returned to his/her housing unit due to disciplinary reasons, the instructor shall, before the end of his/her tour of duty, submit either a disciplinary report, or, when discipline is not warranted, an incident report.

20. **EDUCATIONAL GOOD TIME (EGT).** Pursuant to DC Code 24-221.01, DCMR Title 28, Chapter 6, and DOC policy, inmates sentenced in a court of the District of

Columbia to a misdemeanor sentence and whose conduct complies with institutional rules may be eligible to earn educational good time (EGT) credits for good behavior, successful participation in rehabilitative programs, work details, and special projects.

21. EDUCATIONAL RECORDS

- a. Student education records are confidential. DOC, CCA and DCPS staff shall ensure that student education records are stored in locked and secured file cabinets located in an area designated by the respective Principal.
- b. The Principal shall ensure the records are secured and available only for review upon authorization.
- c. No inmates shall have access to another inmate's record.
- d. Requests to access education records, release a record to a third-party or challenge information in special education records shall be submitted to the DCPS staff and processed in accordance with DCPS policy and the Technical Reference Manual (TRM).
- e. An inmate enrolled in adult education programs may access files via a written request as outlined in PS 1300.1C Freedom of Information Act (FOIA), Chapter 8. Inmates enrolled in adult education programs may consent to the release of information contained in their files in accordance with *PS 4060.2A "Inmate Records"*.
- f. A former inmate who was enrolled in adult education programs may access files in accordance with Freedom of Information Act (FOIA) policy and procedures.

22. **RECORDS RETENTION.** DOC student records and records of each teacher's certification shall be maintained on file in the education unit consistent with the DOC, or when applicable DCPS, records retention policy.



Thomas Faust
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Attachment A	Notice of Special Education Services
Attachment B	Special Education Tracking System Report
Attachment C	Consent to Provide Special Education Assessment & Services
Attachment D	Student Progress Report
Attachment E	Education Program – Classroom Rules of Conduct
Attachment F	Incident/Behavioral Counseling