

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 209.02	Page 1 of 6
		WORK / EDUCATION RELEASE APPROVAL and PLACEMENT	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

- EFFECTIVE: June 10, 1986
- REVISED: July 29, 2005
- REVISED: September 4, 2006
- REVISED: August 15, 2007
- REVIEWED: August 11, 2008
- REVIEWED: August 17, 2009
- REVISED: August 18, 2010
- REVISED: August 24, 2011
- REVIEWED: August 27, 2012
- REVISED: September 3, 2013
- REVISED: November 24, 2014
- REVISED: August 31, 2015

SUMMARY of REVISION/REVIEW

Pg.1.Update Director's signature block. I.B.6. Added criteria for work release program.

APPROVED:



 SCOTT FRAKES, Director
 Nebraska Department of Correctional Services

	<p style="text-align: center;">ADMINISTRATIVE REGULATION</p> <p style="text-align: center;">Department of Correctional Services State of Nebraska</p>	<p style="text-align: center;">NUMBER</p> <p style="text-align: center;">209.02</p>	<p style="text-align: center;">Page</p> <p style="text-align: center;">2 of 6</p>
		<p>WORK / EDUCATION RELEASE APPROVAL and PLACEMENT</p>	

PURPOSE

To provide a uniform approval and placement policy for inmates requesting work release and/or education release within the community corrections centers.

GENERAL

Each Nebraska Department of Correctional Services (NDCS) institution, consistent with its function and the nature of its inmate population and programs, shall develop its own version of this Administrative Regulation (AR) within the limits and guidelines which follow.

PROCEDURE

The Work Release Program provides inmates the opportunity to acquire and maintain employment in the community prior to discharge or parole. The Education Release Program provides an opportunity for eligible inmates to pursue academic or vocational education within the community. Both assist the inmate in his/her reintegration into the community.

I. WORK RELEASE

A. Responsibility

It is the responsibility of the institutional staff through proper use of the classification system to regularly review their caseloads and identify those inmates eligible for placement in a community corrections center and participation in the work release program.

B. Criteria

Minimum criteria for selection of inmates to participate in the work release program include:

1. Community "B" custody;
2. Be within 12 months of his/her tentative release date or be scheduled for a parole hearing.
3. Able to meet all essential program eligibility requirements.
4. Have on file a current (within past 12 months) psychological evaluation if past criminal history or current conviction is for taking the life of another or for a sexual offense.
5. Demonstrate a level of responsible performance, which provides reasonable assurance that he/she will comply with the policies, rules, and regulations of the Work Release Program. This includes consideration of his/her institutional adjustment, disciplinary record, escape history and past community placement.
6. Inmates who are within 60 days or less of their tentative release or parole hearing dates will not be considered for transfer to the work release program unless there is a verifiable job offer or exceptional circumstances that may be considered on a case by case basis.

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 209.02	Page 3 of 6
		WORK / EDUCATION RELEASE APPROVAL and PLACEMENT	

C. Approval Process

1. With the assistance of the unit case manager, the inmate submits a Work/Education Release Application form (Attachment A) to the Unit Classification Committee. The application will be checked for detainers and outstanding warrants. All inmates applying for work release who have detainers or warrants are to be carefully reviewed. The inmate may be required to pay fines and/or court costs to such authority holding the detainer as a condition of work release. Inmates having serious detainers or detainers which will likely result in additional incarceration shall not be approved by the Warden for work release. If approval is recommended by the Warden, it is forwarded with a Reclassification Action form (Attachment B), Transfer Order form (Attachment C) and Inmate Readiness Inventory (Attachment D) to the Department's Classification Manager.
2. The custody reclassification will be reviewed by the Director's Review Committee (DRC). If the custody promotion is denied, the Work Release Application is void. If the custody promotion is approved, the Work Release Application is submitted to the Director for action.
3. The Director/designee will review the application and any other pertinent information, approve or deny the request, and forward it to the Board of Parole.
4. The Board of Parole will approve or deny the request and return it to the classification manager. Upon receipt of the application, the classification manager will send notice of disposition to the inmate, with a copy to the records office of record. If approved, a third copy will be sent to the receiving community center. It is the responsibility of the receiving institution to coordinate the transfer of the inmate with the sending facility.

II. EDUCATION RELEASE

Education Release programming is a process which should begin upon placement in the institution and be reflected in the development of the inmate's personalized treatment plan.

A. Responsibilities

1. It is the responsibility of the unit case managers to regularly review their caseloads to identify those inmates eligible for community "B" custody and placement in a community corrections center on education release.
2. It is the responsibility of the inmate to develop an educational plan with the help of the staff assigned to the case management function according to the guidelines in the Education Release Handbook.
3. It is the responsibility of the Department's Correctional Programs Coordinator to:
 - a. Maintain the Education Release Handbook;
 - b. Act as a resource person for other staff in the Department; and,

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 209.02	Page 4 of 6
		WORK / EDUCATION RELEASE APPROVAL and PLACEMENT	

c. Provide final approval for the educational plan.

B. Criteria

Minimum criteria for the selection of inmates to participate in an education release program include:

1. Community "B" custody;
2. Submission of an education plan;
3. Have on file a current (within past 12 months) psychological evaluation if past criminal history or current convictions for taking the life of another or for a sexual offense.
4. Demonstrate a level of responsible performance which provides reasonable assurance that he/she will comply with the policies, rules and regulations of the Education Release Program. This includes consideration of his/her institutional adjustment, disciplinary record, escape history and past community placement. In addition,
5. Has served a sufficient amount of time to be eligible for work release, parole or discharge from sentence at or before completion of the educational program.

C. Approval Process

1. Initial Approval
 - a. With the assistance of the unit case manager, one semester or one quarter prior to expected placement, the inmate is responsible for submitting a Work Release/Education Release Application form (Attachment A) including school to be attended, area of study, and the proposed education plan to the Unit Classification Committee. The Unit Classification Committee is responsible for assessing the inmate's potential for success on the program and determining if the application merits further consideration. The application will be checked for detainers and outstanding warrants. All inmates applying for education release who have detainers or warrants are to be carefully reviewed. Inmates may be required to pay fines and/or court costs to such authority holding the detainer as a condition of education release. Inmates having serious detainers or detainers which would likely result in additional incarceration shall not be approved by the Warden for education release. If approval is recommended by the Warden, it is forwarded with a Reclassification Action form (Attachment B) and Transfer Order form (Attachment C) to the Department's Classification Manager.
 - b. The custody reclassification will be reviewed by the Director's Review Committee. If the custody promotion is denied, the education release application is void. If the custody promotion is approved, the education release application is submitted to the Director for action.

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 209.02	Page 5 of 6
		WORK / EDUCATION RELEASE APPROVAL and PLACEMENT	

- c. The Director/designee will review the application and any other pertinent information, approve or deny the request, and forward it to the Board of Parole.
 - d. Upon approval or denial by the Board of Parole, the request will be forwarded to the Department's Correctional Programs Coordinator.
 - e. The Correctional Programs Coordinator will forward a disposition form indicating approval/denial to the inmate and the unit case manager. A copy will also be sent to the receiving community corrections center. If approved, this form will indicate a time for submission of the final educational plan.
2. Final Approval
- a. The inmate will submit the completed plan to the unit case manager.
 - b. The unit case manager will review the completed packet as indicated in the Education Release Manual and forward it to the Department's Correctional Programs Coordinator.
 - c. The Correctional Programs Coordinator will give final approval or denial and submit a final disposition (including special conditions and stipulations as indicated by the initial approval) to the inmate and the unit case manager.
- D. Special Conditions and Options Relative to Financing the Inmate's Educational Release Program
1. All funds received by the inmate regardless of their origin must be processed through the NDCS inmate trust accounting department.
 2. All loans, grants, benefits or other financial assistance must be approved by the Correctional Programs Coordinator, with written verification of need from the unit case manager.
 3. Employment
 - a. Inmates requesting work-study must show it on their final education release plan (see Education Release Handbook).
 - b. Inmates wishing to work while on education release (other than work-study) must first satisfactorily complete one semester or one quarter of schooling and be approved for part-time work release.
 - c. Inmates on education release, but not eligible for work release, may be permitted to accept part-time employment during school breaks (not to exceed 30 days).
 4. All inmates must maintain a full time student status; a class schedule of at least 12 credit hours.
 5. Options for financing the inmate's Education Release Program.

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 209.02	Page 6 of 6
		WORK / EDUCATION RELEASE APPROVAL and PLACEMENT	

The following two options are being offered with the intention of providing more inmates an opportunity to participate in education release:

- a. The inmate may choose to finance his/her program through traditional financial assistance; i.e., grant, work-study, personal and family funds.
- b. Those inmates who cannot generate sufficient funding for their program can elect this option:
 - 1) Be eligible and receive alternative funding to cover books and tuition.
 - 2) Be assigned a detail job by the community corrections center which does not conflict with a school schedule. The job must include at least 20 hours of work per week depending upon the particular needs of the job assignment. The inmate must maintain a satisfactory work report. This job assignment will be used as payment for room and board.
 - 3) Maintain sufficient funds from savings or family to cover personal items, transportation and clothing.

Inmates on education release who choose to change from option (a) to option (b) must have all board and room charges paid in full prior to the change.

REFERENCE

I. ATTACHMENTS –

- A. Program Request (DCS-A-clc-010-pc)
- B. Reclassification Action Form (DCS-A-clc-028)
- C. Inmate Transfer Order (DCS-A-adm-011)
- D. Inmate Readiness Inventory

II. ACA STANDARDS

- A. Standards for Adult Correctional Institutions (ACI) (4th edition): 4-4444.
- B. Performance Based Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-5A-14.