

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 106.01	Page 1 of 10
		EDUCATIONAL SERVICES	

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

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SUMMARY of REVISION/REVIEW

Annual Review. Section I.C.2. incorporated Education Release from AR 209.02.

APPROVED:



 Scott R. 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;">106.01</p>	<p style="text-align: center;">Page 2 of 10</p>
		<p>EDUCATIONAL SERVICES</p>	

PURPOSE

To provide comprehensive quality educational services concerned with meeting individual inmate needs throughout the Nebraska Department of Correctional Services (NDCS).

GENERAL

By state statute, NDCS is required to establish appropriate programs for each facility which are designed, as far as practical, to prepare and assist each person committed to NDCS to assume his/her responsibilities toward successful reintegration into the community. The NDCS shall seek to make educational services available to each person who may benefit from such services.

To assure compliance with state statute, NDCS will develop and maintain, where practical, comprehensive educational services concerned with meeting individual needs and certified by the Nebraska Department of Education or other recognized agencies. The Education Program shall include educational philosophy and goals, communication skills, English as a Second Language (ESL), high school, Adult Basic Education (ABE), Adult Secondary Education (ASE), Nebraska High School diploma through the General Education Development (GED) preparation, special education, employment preparation, post-secondary education and/or other education programs as dictated by the needs of the institutional population.

NDCS shall develop a comprehensive educational program which is in conformity with the above stated guideline, while considering the particular needs of each facility's population.

PROCEDURE

I. STRUCTURE

- A. NDCS shall provide certified, comprehensive, continuous educational programs available to all inmates who can benefit and who have an interest in such programs. Programs shall be made available to all eligible inmates at a time when the majority can take advantage of the programs.
- B. All existing high school and GED diplomas will be verified and the data entered into WEBSUITE. A complete transcript and Individual Education Plan (IEP), when applicable, shall be requested from the last school attended for all inmates under the age of 22, if no diploma exists.
- C. Whenever possible, the educational programs offered shall be designed to allow inmates to enter at any time and to proceed at a self-paced rate. Such a competency-based curriculum shall be supported by appropriate classroom materials, classroom resources, and equipment.

1. Educational Programs

A youth convicted as an adult and under the age of 22 shall participate in a high school program until such time that a high school diploma is earned or it is determined the inmate would receive greater benefit from the ABE/ASE program. Inmates over 22 may be eligible for continued high school participation upon application to the high school program if it is deemed appropriate by a committee of educators including the two NDCS principals. The center of the high school program shall be located at NCYF. All other

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 106.01	Page 3 of 10
		EDUCATIONAL SERVICES	

facility schools are a satellite of NCYF and can offer the high school program under the guidance of the Principals.

The educational programs shall be adult oriented and shall provide individualized and group instruction. Inmates who are excluded from enrollment shall require written documentation of the restriction. This status shall be reviewed and documented in writing every 90 days. Readmissions to the program will be recommended to the classification team. Programs through high school/GED shall be available at no cost to the inmates. Whenever possible, post secondary educational and Pre-Release programming will be available to qualified inmates.

Each inmate who has no verified diploma and is under the age of 18 must be enrolled in high school education. An inmate under the age of 18 may not participate in GED preparation classes without approved waiver from their public school administrator.

2. Educational 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,
 - 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;

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 106.01	Page 4 of 10
		EDUCATIONAL SERVICES	

- 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 106.01	Page 5 of 10
		EDUCATIONAL SERVICES	

- 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.

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 106.01	Page 6 of 10
		EDUCATIONAL SERVICES	

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.

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:

i. Be eligible and receive alternative funding to cover books and tuition.

ii. 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.

iii. 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.

3. Correspondence Courses

Correspondence courses offer an inmate the opportunity to continue his/her education beyond that provided by NDCS.

a. Each Inmate shall initiate a request to take correspondence courses by submitting the correspondence course request form (attachment A) to the lead teacher/designee. The request shall include information as to who will be responsible for making the payment,

	<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;">106.01</p>	<p style="text-align: center;">Page 7 of 10</p>
		<p>EDUCATIONAL SERVICES</p>	

specifically the inmate or an immediate family member. The inmate should attach an institutional check and self-addressed stamped envelope to the form if he/she will be making the payment. The lead teacher/designee will review the request to ensure it is appropriate and that the educational institution is appropriately accredited. The inmate may be asked to provide pamphlets, fliers or other information to help facilitate this process. The lead teacher/designee will then forward the request along with his/her recommendation to the Warden/designee for a final decision. If the request is denied, the inmate will be informed of the reason(s) in writing. If the request is approved, it will be the inmate's responsibility to ensure he/she properly enrolls in the course. Any needed assistance from staff (i.e., acting as a proctor for examinations) must be agreed upon prior to enrollment in any correspondence course.

- b. NDCS will not be responsible for any costs associated with the course. If the inmate is paying for these expenses, he/she must have the appropriate funds in his/her account. An inmate will not be allowed to make installment payments. The inmate must submit an approved institutional check payable to the educational institution, application, self-addressed stamped envelope, and a copy of the Warden/designee's approval to Central Office Inmate Accounting. If an immediate family member is paying the expenses, a receipt from the educational institution indicating that the course and materials have been paid for and by whom must accompany the first set of materials sent in for each course. No referral/finder fees or gifts are permitted. Any checks identified in such a manner will be returned to the educational institution by Central Office Inmate Accounting.
- c. All materials related to the correspondence course will be received through the institutional mailroom. Mailroom staff will review the materials to ensure they comply with NDCS and Institutional policies (i.e., no metal binders, etc.). An inmate may receive self-addressed stamped envelopes from an educational institution if they are included as part of an approved correspondence course. If mailroom staff determine the materials do not conform to policy, the Warden/designee will review the materials and determine disposition (i.e., return them to sender, or allow them into the institution with or without modifications). Once the materials are approved to enter the institution, mailroom staff will forward them to the lead teacher/designee for review and issuance. The lead teacher/designee will be responsible for providing the mailroom with the list of inmates who have been approved to take correspondence courses.
- D. Educational Counseling services shall be provided within the educational programs to assist the inmate in developing individual academic or vocational goals and to facilitate goal attainment.
- E. Inmates housed in restrictive housing shall be provided educational services that meet security protocol. Documentation shall be made in the inmate student file if an

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 106.01	Page 8 of 10
		EDUCATIONAL SERVICES	

inmate cannot participate in education. Availability for education will be monitored and documented weekly by education staff.

- F. An Inmate's educational needs will be determined upon admission to NDCS. This will be accomplished through initial screening, assessment and evaluation using the Test of Adult Basic Education or an approved English as a Second Language test. A GED or high school diploma must be verified for each inmate who indicates a diploma has been earned.
 - G. The educational program in each institution will include proper equipment and materials, including but not limited to classrooms, teaching carrels, audio-visual equipment and materials, computers, administrative space, locking file cabinets, and other specialized equipment to meet program, ACA and Nebraska Department of Education (NDE) Standards and Rules.
 - H. Educational and vocational records will be maintained in compliance with NDE regulations on school records and be available to specified staff, consistent with education guidelines concerning confidentiality and inmate privacy of information.
 - I. The educational program staff at each facility shall utilize appropriate business, industry and community resources in developing educational programs for selected inmates.
 - J. The educational programs formally recognize inmate achievement with either certification, graduation ceremonies or other forms of incentives for participation in those programs.
 - K. Employment preparation programs shall be integrated with academic programs and shall be relevant to the individual's vocational needs as well as employment opportunities in the community.
 - L. The educational program staff at each institution shall coordinate with other institutional services in providing instruction in functional social skills, including but not limited, to parenting and job skills.
 - M. The educational programs of each institution shall meet the needs of inmates who require special placement because of physical, mental, emotional impairment or learning disabilities.
- II. **SPECIALIZED PROGRAMS**
- A. The educational programs within NDCS should provide courses which enable inmates to succeed in society such as, career development, consumer education, family and personal growth, communication skills, and other related course offerings.
 - B. The educational programs that serve inmates who need special education services shall develop appropriate programs or accommodations as required by the NDCS' Policy and Procedure Manual - Individuals with Disability Education Act and the Nebraska Department of Education. Inmates under the age of 22 who have not graduated and have identified disabilities shall have a current IEP in accordance with Title 92 Rule 51 of the Nebraska Administrative Code.

	<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;">106.01</p>	<p style="text-align: center;">Page 9 of 10</p>
		<p>EDUCATIONAL SERVICES</p>	

- C. Pre-release programs shall be provided at each facility and shall follow topics established within NDCS.
- D. Vocational programs offered throughout NDCS may require a high school diploma. Courses may be offered in conjunction with existing community training programs and through partnerships with community groups.
- E. Vocational and employment programming is available for probation offenders and NDCS inmates at the Work Ethic Camp (WEC). All potential participants shall be screened by WEC staff and meet all criteria set forth by agency partners participating in this project. NDCS will not be responsible for any costs incurred for offenders/inmates to participate in this program. All materials related to this program shall be provided by agency partners.

III. STAFFING

- A. All NDCS teachers and principals shall be licensed or endorsed by the Nebraska Department of Education or other comparable authority.
- B. Contracted educational staff working within NDCS institutions, but who are not employed by NDCS, shall meet the certification standards established by their employer and the NDCS. All service contracts with community education agencies will specify the duties and responsibilities of personnel employed by those agencies.
- C. All staff shall complete training to enable them to effectively work with the special needs of inmates and other staff within a correctional setting. Teachers and administrators must maintain current certification and are encouraged to continue their education. The staff-student ratio shall be such as to ensure access to staff and services while maintaining a safe and secure area.

IV. PROGRAM EVALUATION

Educational programs at each institution shall be evaluated against stated performance objectives utilizing institutional staff as well as other qualified individuals, professional groups and trade associations to ensure that programs continue to meet the approval of the Nebraska Department of Education, ACA and NDCS. Educational programs at each facility shall be evaluated at least every three years.

V. EDUCATION IN RESTRICTIVE HOUSING

Inmate students under the age of 22 in restrictive housing will be provided and expected to continue their education through self-study and teacher assistance as available. Depending on interest, education staff will accommodate needs of other restrictive housing inmates by providing self-study packets. Each facility will establish a process for assignments, sending and receiving materials for restrictive housing inmates, and testing procedures.

	ADMINISTRATIVE REGULATION Department of Correctional Services State of Nebraska	NUMBER 106.01	Page 10 of 10
		EDUCATIONAL SERVICES	

REFERENCE

I. ATTACHMENTS

- A. Work/Education Release Application
- B. Reclassification Action Form
- C. Inmate Transfer Order
- D. Correspondence Course Request Form

II. AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS

- A. Standards for Adult Correctional Institution (ACI) (4th edition): 4-4011, 4-4273, 4-4442, 4-4464, 4-4465, 4-4466, 4-4467, 4-4468, 4-4469, 4-4470, 4-4471, 4-4472, 4-4473, 4-4474, 4-4475, 4-4476, 4-4477, 4-4478, 4-4479, and 4-4480.