

CHAPTER: 900
Inmate Programs and Services

DEPARTMENT ORDER:
910 – Inmate Education

OFFICE OF PRIMARY
RESPONSIBILITY:

EPCR
HS
OGC

Department Order Manual



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ACCESS

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A handwritten signature in black ink, appearing to read 'Ryan Thornell', written over a horizontal teal line.

Ryan Thornell, Director

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PURPOSE

This Department Order (DO) establishes programs which offer eligible inmates access to resources for educational advancement emphasizing academic outcomes and program completion. To this end, the Department provides appropriate programs, accommodations, and services to eligible inmates. Information on Inmate special education can be found in DO #920, Inmate Exceptional Student Services.

APPLICABILITY

This DO applies to all inmates and educational staff in Department operated institutions. **Contract Beds** education operations and personnel shall be specified by contract and are covered under appropriate state and federal regulations laws as they apply.

This DO does not apply to inmates temporarily assigned to medical isolation or Detention status, except for Section 2.0 and those inmates who fall under state and federal regulations. (See DO #804, Inmate Behavior Control)

RESPONSIBILITY

The Education Administrator, in coordination with the Regional Education Directors or designees, shall provide progressive, outcome-oriented leadership and establish a written formal plan of operation for inmate education.

The Education Unit **will**:

- Under the authority of the **Deputy** Assistant Director for Education, **Programs** and **Community** Reentry, administer Inmate Education programs as prescribed by the Director, state and federal laws, court mandates, and applicable written instruction.
- Ensure the Department meets the standards in the Individuals with Disabilities Education Act (IDEA) of 2004 and other applicable state and federal requirements.
- Develop and monitor an annual Education Unit budget to meet the educational needs of the prison population.
- Act as the Program and Contract Manager for the Department's educational services contracts.
- Evaluate the educational programs and services offered at each institution at each contract renewal period. Site inspections **must** be conducted **every six months**.
- Ensure correct placement codes are entered into Arizona Correctional Information System (ACIS).
- **Require** all vocational education programs will meet minimum applicable federal, state, or local work, health and safety standards. There is documentation that the programs are inspected by federal, state, or local health and safety officials at least annually. The programs also are inspected weekly by qualified Departmental staff and monthly by a safety officer.
- **Ensure** the academic and vocational training programs are assessed against stated objectives by qualified individuals, professional groups, and trade associations; this assessment is done at least every three years.

PROCEDURES

1.0 GENERAL GUIDELINES

1.1 In accordance with state and federal laws and standards, the Department shall provide educational programs and services to eligible inmates committed to the Department:

1.1.1 Under the age of 18 (minors) regardless of deportation status, **under** Arizona Revised Statutes (A.R.S.) §§ 41-1607(B)(1) and 31-229.

1.1.2 Under the age of 22 without a high school diploma, regardless of deportation status and Special Education eligibility, in accordance with the Rehabilitation Act of 1973, IDEA and DO #920, Inmate Exceptional Student Services.

1.1.2.1 **Students who participated in the Special Education program and have received a regular high school diploma will be considered post-secondary students and are no longer entitled to a Free and Appropriate Public Education (FAPE), as outlined in DO #920, Inmate Exceptional Student Services even if they are 22 years of age or younger. However, they may be eligible for an accommodation in accordance with Section 8.0.**

1.1.2.2 **Under** Title I of the Improving America's Schools Act, a High School Equivalency (HSE) Test is not considered a regular high school diploma.

1.2 Inmate's Educational Records

1.2.1 **Under** A.R.S. § 15-828, when an inmate transfers from another school district and enrolls in a Department Education program (e.g., functional literacy, HSE Preparation, and Special Education), the **Registrar** or designee, **should** send a completed Request for Educational Records, Form 910-14, to the inmate's previous school within five school days of an inmate's enrollment. All records **should** be sent to the Registrar **within 10 business days**.

1.2.1.1 If the inmate is transferred between institutions, records **will** be requested from the previous institution and the Central Office Education Unit before requesting the records from the previous school.

1.2.1.2 If an inmate is **recommitted**, records **should** be requested from the previous institution where the inmate was housed and **from the Registrar before requesting any records from the previous school**.

1.2.2 **Public entities and formerly incarcerated individuals must complete the Authorization to Release Educational Records, Form 910-15, and submit the form to the Education Bureau for verification and review. All verified records requests should be completed within 10 business days.**

1.3 **Under A.R.S. § 31-240(C)**, inmates shall not be eligible for educational evaluation and/or programming when they are:

1.3.1 **Classified as a Maximum Custody inmate.**

- 1.3.1.1 **Unless otherwise exempt, inmates classified as Maximum Custody, but who reduce to any lower custody level, will** be required to meet the 8th grade literacy standard before being released from prison.
- 1.3.2 Sentenced to death **or Natural Life.**
- 1.3.3 **Criminal Aliens and Foreign Nationals.**
- 1.4 Inmates **will** be instructed using Department-adopted educational textbooks, software, and instructional materials. Other supplemental instructional materials and software complying with the Arizona Department of Education (ADE) standards and this DO may be used upon the approval of the unit/institution **Correctional Education Program Supervisor (CEPS).**
- 1.5 The Department’s Education programs and classroom curricula **should** meet the identified educational needs of inmates and Arizona College and Career Ready standards and/or all future revisions of Arizona standards.
- 1.6 School Year
 - 1.6.1 The school year consists of no less than 208 days of instruction. A school-year calendar **will** be developed annually and approved by ADE before going into effect.
 - 1.6.1.1 Each school year is broken into two semesters. The first semester **will** be scheduled between July 1 and December 31. The second semester **will** be scheduled between January 1 and June 30.
 - 1.6.2 A published list of education programs and class schedules shall be posted on inmate bulletin boards in housing areas and Resource Centers/libraries, **inmate tablet systems,** and on Closed Circuit Television (CCTV), if available.
 - 1.6.2.1 If Closed Circuit Television (CCTV) is available, Resource Center/ library staff shall provide an announcement regarding Resource Center/library policy and procedures to appropriate staff for inclusion on CCTV.
 - 1.6.3 Education programs are made available to all eligible inmates at times when the majority can take advantage of the programs.
- 1.7 English Learners (**EL**) – Inmates whose native/primary language is not English and are not proficient in English may be eligible and included in educational programs, as appropriate.
- 1.8 Traditional Education Settings (e.g., functional literacy, **high school,** HSE, and Career and Technical Education (CTE))
 - 1.8.1 Inmates enrolled in traditional classes shall:
 - 1.8.1.1 Attend classes daily.
 - 1.8.1.1.1 **Excused absences will only be given** for lock-down, court, medical, dental, and/or psychological appointments.
 - 1.8.1.1.2 **Absences will** not be excused for other reasons (e.g., Inmate Store, Inmate Mail and Property, recreation, etc.).

- 1.8.1.2 **Demonstrate proper prosocial behavior. (See DO #803, Inmate Disciplinary Procedure)**
- 1.8.1.3 When possible, schedule appointments for non-class times.
 - 1.8.1.3.1 Attorneys or their agents shall request visits in accordance with DO #902, Inmate Legal Access To The Courts. In an emergency, the Warden, Deputy Warden, or **Administrator** may waive the advance notice requirement.
- 1.8.2 Inmates may be administratively removed from programs as a result of failing to attend multiple classes (excluding functional literacy) in a calendar month without an excused absence as outlined in **Section 1.8.1.1.1**, and/or **due to** behavioral problems.
 - 1.8.2.1 **Under** A.R.S. § 31-229, inmates cannot be administratively removed from the functional literacy program.
 - 1.8.2.2 Administrative Refusals, Administrative Discharges, and Administrative Removals **will** be recommended to the Correctional Officer (CO) IV or designee and entered into ACIS by educational staff within five **business** days of receipt of this information.
- 1.8.3 Inmates transferred to another institution prior to completing CTE or self-pay distance learning/correspondence courses shall inform the unit/institution CEPS at the receiving institution of:
 - 1.8.3.1 The program and courses they are enrolled in. If the programs and courses are available and/or able to be supported, the receiving unit/institution shall make every attempt to assign inmates to the corresponding program within five **business** days of arrival, based on availability.
 - 1.8.3.2 Any special arrangements which required prior approval from the sending institution, as outlined in **Section 7.0**. The receiving unit/ institution’s CEPS shall make necessary arrangements for inmates, if available, to have access to materials, equipment, persons, or computer software in a classroom or Resource Center/ libraries.
- 1.8.4 **The CEPS will ensure that** textbooks and course materials are transferred to **the inmate’s** new institution. Textbooks and course materials shall not be discarded during an inmate’s movement to a new location.
- 1.9 The unit/institution Correctional Education Program Teacher (CEPT) and the CEPS shall use a standardized assessment or HSE predictor test results to help develop and prepare prescriptive individualized instruction plans for each inmate.

2.0 EXEMPTIONS

- 2.1 **Under** A.R.S. § 31-229, inmates who cannot meet 8th grade literacy standard due to a medical, developmental, or learning disability shall not be required to participate in the program **but should be encouraged as able**.

- 2.2 Functional literacy program attendance exemptions may be granted due to inmate safety concerns (i.e., medical or other issues which may cause a negative impact on an inmate’s education).
- 2.3 Exemptions may be temporary if information is obtained which would alter the CEPS’ decision to exempt an inmate from participating in the program during their term of incarceration.
- 2.4 All exemptions shall be reevaluated upon an inmate’s return to custody or recommitment to the Department.
- 2.5 Inmates with a documented history of Special Education, **if under the age of 22, may** participate in education programs, but they are not required to meet the 8th grade literacy standard for release eligibility, in accordance with **Sections 3.0 and 4.0.**
- 2.6 Inmates who, on the date of commitment to the Department have less than 182 days of incarceration time to serve based on their Earned Release Credit Date (ERCD) as indicated on ACIS, shall qualify for an exemption.
- 2.7 All inmates sentenced to death **or Natural life are** exempt from meeting functional literacy requirements.
- 2.8 Exemption requests **must** be documented and approved by the supervising unit/institution CEPS.
 - 2.8.1 Medical, developmental, or learning disabilities, **under** A.R.S. § 31-229.
 - 2.8.1.1 **Healthcare** staff, through appropriate means, shall determine if an inmate’s physical and/or mental diagnosed illness, disease, birth defect, or medication prescription would severely limit or prohibit regular classroom attendance and participation.
 - 2.8.1.1.1 **Healthcare** staff shall document their findings **and exemption recommendations** on the **Request for Medical Exemption from Education, Form 910-13**, and forward it with any associated supportive documentation to the unit/institution CEPS for the final exemption decision.
 - 2.8.1.2 Inmates with a **documented** history of a developmental disability may be exempted with the unit/institution CEPS’ approval.
 - 2.8.1.3 Inmates may qualify for a learning disability exemption if they have a documented history of special education or learning disability placement.
 - 2.8.2 Administrative – Educational staff may request an Administrative Exemption when they determine an inmate, after at least 780 classroom hours, demonstrates a lack of reasonable academic progress based on all of the following:
 - 2.8.2.1 Documented classroom actions
 - 2.8.2.2 Work samples
 - 2.8.2.3 Interactions between the inmate and the CEPT
 - 2.8.2.4 Non-standardized and standardized assessments

- 2.8.3 **All inmates who successfully complete the Drug Release Program under A.R.S. §§ 31-229.02 and 41-1604.07 may qualify for a Drug Possession Release exemption.**
- 2.8.4 **All Criminal Aliens and Foreign Nationals for whom the Department receives an order of deportation from the United States Immigration and Naturalization Service may qualify for a Foreign National exemption.**
- 2.8.5 **All inmates who are non-English and non-Spanish speaking may qualify for a Non-English and Non-Spanish exemption.**
- 2.9 Upon determination an inmate qualifies for an exemption, the unit/institution CEPS shall enter the appropriate exemption codes and notes on the **corresponding** ACIS screens.

3.0 FUNCTIONAL LITERACY PROGRAM

- 3.1 **Under A.R.S. § 31-229, inmates who cannot meet 8th grade functional literacy standard due to a medical, developmental, or learning disability are not required to participate in the program unless it can be reasonably expected by the individual in charge of the functional literacy program that the inmate would benefit from participation.**
- 3.2 Eligible, non-exempt inmates testing below the 8th grade literacy standard in any category or failing to meet that level during a prior commitment shall be:
 - 3.2.1 Placed on the Priority Ranking Report within 10 **business** days of receipt at the first institutional assignment. Inmates shall be enrolled in the program for a minimum of **15 hours** per week, not including meal and recess periods or breaks, until they reach the 8th grade literacy standard or until exempted from the program standard in accordance with this DO. Inmates shall be placed on the Priority Ranking Report in the following order:
 - 3.2.1.1 All special education inmates
 - 3.2.1.2 Inmates under the age of 21 who have not met the 8th grade literacy standard
 - 3.2.1.3 Inmates 21 and older who have not met 8th grade literacy standard
 - 3.2.2 Given the **Test of Adult Basic Education (TABE)** Complete Battery subtests in one or more areas of deficiency within 45 calendar days of being enrolled in a functional literacy program.
- 3.3 Inmates with a release eligibility date after July 18, 2001, not meeting the 8th grade literacy standard, shall continue to participate in the functional literacy program in accordance with educational program enrollment requirements and DO #1002, Inmate Release Eligibility System.
- 3.4 Inmates assessed as functionally illiterate and **who are English and/or Spanish** speaking shall participate in functional literacy program instruction as appropriate.
- 3.5 Protective Custody inmates housed in institution detention units or classified in another detention status **may** be enrolled in the functional literacy program. Instruction shall be provided as allowed by **housing** status.

4.0 8TH GRADE LITERACY STANDARD

- 4.1 Applicability – The 8th grade literacy standard **does not apply** to inmates who meet **any one or more** of the following criteria:
 - 4.1.1 Ineligible for educational evaluation and programming
 - 4.1.2 Unable to meet the 8th grade literacy standard due to a medical, developmental, or learning disability
 - 4.1.3 With history of special education
 - 4.1.4 Administratively exempted
 - 4.1.5 With less than **182** days incarceration to serve upon initial commitment to the Department
 - 4.1.6 **Criminal Aliens or Foreign Nationals for whom the Department receives an order of deportation from the United States Immigration and Naturalization Service**
 - 4.1.7 Maximum Custody, **under A.R.S. § 31-240(C)**
- 4.2 Wages and Wage Promotion – Unless ineligible or exempt from the 8th grade literacy standard, inmates shall be placed by the Work Incentive Pay Plan (WIPP) Coordinator at the lowest wage in a job scale in accordance with the WIPP program until they meet the 8th grade literacy standard, complete a functional literacy program, or have been exempted from the 8th grade literacy standard.
- 4.3 Release eligibility for an inmate’s tentative release date shall be in accordance with DO #1002, Inmate Release Eligibility System.
- 4.4 Inmates shall be evaluated on a monthly basis by the CEPT. Designated educational staff shall enter the monthly evaluations on the ACIS **Manage Participation** screen by the 15th day of the month.

5.0 HIGH SCHOOL OR HIGH SCHOOL EQUIVALENCY PREPARATION PROGRAM

- 5.1 Eligible inmates may participate in a **high school or HSE** Preparation program when they do not have a verified high school or HSE diploma.
- 5.2 **High school or HSE** Preparation program enrollment shall be:
 - 5.2.1 Prioritized in the following order:
 - 5.2.1.1 All special education inmates
 - 5.2.1.2 Inmates under the age of 21 in need of a **high school or HSE diploma**
 - 5.2.1.3 Inmates 21 years old and older in need of a **high school or HSE diploma**
 - 5.2.2 For a minimum of **15 hours** per week, **excluding** meals and recess periods or breaks, until an inmate successfully completes and passes all **high school diploma requirements or HSE tests** or withdraws from class in accordance with this DO.

- 5.2.2.1 Inmates eligible to take the HSE Exam **cannot** take any individual HSE test more than three times in a 12-month period.
- 5.2.2.2 Inmates who have been issued a Class A violation or a violation related to a significant incident with 60 calendar days of scheduled HSE testing shall have their eligibility for testing reviewed by the CEPS and, if needed, Regional Education Director.
- 5.3 Any eligible inmate, who has been reported to the Department as a person responsible for the support of a dependent child(ren) receiving public assistance yet has not received a high school or HSE diploma, shall participate in the HSE Preparation program.
 - 5.3.1 **Under A.R.S. § 31-229.01(C), an inmate responsible for the support of a dependent child(ren) receiving public assistance according to Title 46, Chapter 2, Article 5, who does not participate in educational instruction, will not receive wages for labor performed in excess of the minimum amount necessary for inmate fees, as determined by the Director, except that the inmate will receive 10% of all wages earned. All remaining wages earned by the inmate will be transferred to the general fund to offset the cost of the assistance provided under Title 46, Chapter 2, Article 5.**
- 5.4 Upon reaching the 8th grade literacy standard in every category of the standardized assessment, **high school diploma or HSE Preparation program inmates are** encouraged to earn a **high school or HSE diploma**. Inmates shall be given approved high school equivalency predictor tests by the CEPT prior to being allowed to sign up for official HSE examinations.
- 5.5 Upon successfully passing the HSE test, the unit/institution CEPS or designee shall enter the inmate's completion on the ACIS within five **business** days after the return of the HSE test scores from ADE.
- 5.6 Inmates shall be evaluated on a monthly basis by the supervising instructor. Designated educational staff shall enter the monthly evaluations on the ACIS **Manage Participation** screen by the 15th day of the month.
- 5.7 Self-directed study opportunities for the HSE Preparation program shall be made available to eligible inmates with the recommendation of the unit/institution CEPS.

6.0 CAREER AND TECHNICAL EDUCATION PROGRAMS

- 6.1 **Career and Technical Education (CTE) Program** instruction shall focus on career-oriented skills and experiences, as determined by the workforce needs of the Department and community.
- 6.2 CTE programs **may** be under contract for delivery **or delivered by ADCRR staff, including Arizona Correctional Industries (ACI)**, and subject to prior approval annually by the Education Administrator.
- 6.3 The CO IV shall provide the CEPS:
 - 6.3.1 The inmate's enrollment information, to include the start date, at least one **business** day prior to the scheduled start date. The CO IV shall enter the enrollment information on the ACIS Inmate Program Record screen.

- 6.3.2 Final decisions on Administrative Discharge recommendations, as outlined in this section.
- 6.4 The CEPS shall provide the CO IV:
 - 6.4.1 Program completion dates (the entire program; not the completion of a portion of the program) requiring a change on the ACIS Internal Assignment screen at least one **business** day prior to the scheduled completion of the program.
 - 6.4.2 Recommended Administrative Discharges excluding transfers to another unit that are a result of something other than behavioral in nature (i.e., refusals, removals) with the reason(s) for the Administrative Discharge clearly stated.
- 6.5 CTE program enrollment **is** limited to inmates meeting education eligibility requirements in accordance with this DO, who have completed the functional literacy program and meet minimum course requirements.
 - 6.5.1 Inmates with a documented history of special education may participate if they meet minimum course requirements, **or have an exemption.**
- 6.6 CTE program inmates **must**:
 - 6.6.1 Remain enrolled until they complete all program course requirements, are released, or have an approved change of status.
 - 6.6.1.1 Inmates choosing to drop from a CTE program (refusal) prior to being transferred to a new institution **are** not given preferential treatment at the receiving institution for any CTE programs.
 - 6.6.1.2 Inmates administratively removed from the program due to unexcused absenteeism or behavioral problems or who voluntarily withdraw from a class once enrolled (refusal) shall be prioritized in the lowest category of the Priority Ranking Report.
 - 6.6.2 Not be enrolled in more than two CTE programs at one time, without the approval of the CEPS.
 - 6.6.3 Be evaluated by the supervising instructor on a monthly basis. Evaluations shall be entered on a monthly basis on the ACIS **Manage Participation** screen by designated educational staff by the 15th day of the month.
- 6.7 Upon successful completion of a CTE program, the sponsoring Community College Liaison/**workforce partner** shall inform the unit/institution CEPS or designee. The unit/institution CEPS or designee **then** enters the inmate's completion onto the ACIS **Manage Participation** screen within five **business** days of completion.

7.0 SELF-PAY DISTANCE LEARNING/CORRESPONDENCE COURSES

- 7.1 Course Requirements
 - 7.1.1 All courses **must** be offered by a college, university, or school accredited by an agency and approved by the United States Department of Education.

- 7.1.2 Inmates shall be responsible for all tuition and fees, course material, and textbook costs or they are responsible for making financial arrangements.
- 7.1.3 Inmates may take more than one self-pay distance learning/correspondence course at a time, provided they do not exceed 12 credit hours or the number of books the Department allows as outlined DO #909, Inmate Property.
- 7.1.4 Inmates enrolling and withdrawing from three or more classes within a calendar year shall not be considered for proctoring services by Department or contract educational staff.
- 7.1.5 Course materials shall be sent to the inmate's assigned Unit Resource Center/Library.
- 7.1.6 Inmates shall request paperback versions of course textbooks, if available.
- 7.1.7 Inmates shall not order textbooks or other required course materials prior to being notified that their Distance Learning Materials/Arrangements Approval, Form 910-3, have been approved by the unit/institution CEPS. Textbooks/materials ordered prior to approval shall be returned to the college, university or school at the inmate's expense.
- 7.1.8 Courses requiring the use of audio and videocassettes, calculators, CD-ROM or other computer software, lab kits or other materials may be approved by the unit/institution CEPS on a case by case basis. The requirement of these materials shall be indicated on the Distance Learning Materials/Arrangements Approval, Form 910-3.
 - 7.1.8.1 Only one such class may be taken at a time.
 - 7.1.8.2 Security considerations, the availability of computer hardware and adequate staff supervision at the particular unit shall be taken into consideration.
 - 7.1.8.3 If such materials are approved, arrangements for viewing or using the material shall be made in advance in accordance with staffing availability and scheduling. Materials shall be used or viewed in a classroom or Resource Center/library under the supervision of Department or contract educational staff.
- 7.1.9 Courses requiring visits from individuals for in-person orientation or observation of lab work may be approved. Visitors and any materials or equipment they intend to bring with them shall be approved in advance. The requirement of these types of visits shall be indicated on the Distance Learning Materials/Arrangements Approval, Form 910-3.
 - 7.1.9.1 If such visits are approved, arrangements shall be made in advance in accordance with staff availability and scheduling. Visits shall be in a classroom or Resource Center/library under the supervision of Department or contract educational staff.
- 7.2 Participation in self-pay distance learning/correspondence courses shall be limited to inmates who:
 - 7.2.1 Are eligible for educational programming, in accordance with this DO.

- 7.2.2 Have completed the functional literacy program and earned a HSE **diploma** or shown proof of a high school or HSE **diploma** prior to applying.
 - 7.2.3 Are able to meet the college, university or school’s admission requirements or prerequisites.
 - 7.2.4 Have not committed a major disciplinary violation or more than **two** minor disciplinary violations within the last six months. Proctoring or support services shall not be provided to inmates involved in any major disciplinary infractions during the term of the enrolled course.
- 7.3 Application and Approval Process - Inmates meeting the eligibility requirements as outlined this section shall:
- 7.3.1 Obtain registration forms, course catalogs, textbook and course material lists, and order forms for the course in which they want to enroll meeting the requirements established in this section.
 - 7.3.1.1 If a printed textbook and course material list is not available, the inmate shall be responsible for obtaining this information.
 - 7.3.2 Submit the following to the unit/institution CEPS for review and disposition:
 - 7.3.2.1 Course registration and textbook and course material order forms
 - 7.3.2.2 Inmate Application for Self-Pay Postsecondary Education, Form 910-1
 - 7.3.2.3 The Distance Learning Materials/Arrangements Approval, **Form 910-3**
 - 7.3.2.4 An Inmate Letter, Form 916-1, to indicate how applicable costs will be covered
- 7.4 College Completion While Incarcerated With the Department
- 7.4.1 Inmates meeting degree or certificate requirements from an accredited college or university while incarcerated with the Department shall submit official transcripts to the Department’s Education Bureau Registrars.
 - 7.4.1.1 The transcript(s) should show all work completed and the conferral date of the degree/certificate.
 - 7.4.1.2 Official transcripts must be received directly from the college or university.
 - 7.4.2 The college or university may:
 - 7.4.2.1 Mail official transcripts to: Arizona Department of Corrections, Rehabilitation and Reentry, School Registrar, 801 S. 16th Street, Phoenix, AZ 85034, MC: 800; or
 - 7.4.2.2 Email official transcripts to: Registrars@azadc.gov.

8.0 INMATES WITH DISABILITIES – Inmates with a mental or physical impairment, a documented mental or physical impairment, or are regarded as having such an impairment that substantially limits one or more major life activities, including learning, may qualify for special help/accommodation in a regular classroom setting under Section 504 of the Rehabilitation Act of 1973.

8.1 Section 504 Accommodation

8.1.1 Section 504 is a civil rights law which prohibits discrimination against individuals with disabilities, ensures students with a disability have equal access to an education, and enables eligible students to receive accommodations and modifications.

8.1.2 Under Title II of the Americans With Disability Act of 1990 (ADA), the Department shall provide reasonable accommodations necessary to qualified inmates with a disability, regardless of age.

8.1.3 All Department Education programs shall be accessible to inmates qualified under Section 504 and Title II of the ADA.

8.2 Qualifications and Requirements - To qualify for the accommodation eligibility, inmates shall voluntarily participate in the Section 504 identification process, as outlined in this section. Inmates or the parents/guardians of minor inmates refusing to provide information and/or participate shall not be considered for Section 504 accommodations.

8.2.1 Adult inmates or the parents/guardians of minor inmates may revoke their rights to self-identify at any time, even after their decision to withdraw from receiving accommodations under Section 504. In such a case, a new Section 504 Pre-Referral form shall be initiated by the CEPT.

8.2.1.1 The Department shall not be required to permit inmates who pose a direct threat to the health or safety of others to participate in or benefit from the goods, services, facilities, privileges, advantages, and accommodation.

8.3 Screening and Initial Referral Process - The CEPT shall:

8.3.1 Review the following:

8.3.1.1 Assessment tools (e.g., TABE, standardized assessments, previous special education records, aptitude test)

8.3.1.2 Classroom observations and work samples

8.3.1.3 Inmate Medical Records and or other available records (e.g., education, court)

8.3.1.4 The self-identifying information provided by the inmate

8.3.2 Complete an ADA Evaluation Report.

8.4 Evaluation Process - The 504 Committee, made up of at least two CEPTs and one CEPS, shall:

- 8.4.1 Review the documentation to determine if the information is sufficient or additional data/assessment is needed. Inmates shall be responsible for providing any necessary documentation, as determined by the 504 Committee.
- 8.4.2 Schedule a Final Evaluation Committee meeting. Inmates and/or parents/guardians of minor inmates shall be invited to the Committee meeting. Attendance by the parent/guardian is not mandatory.
 - 8.4.2.1 The CEPT shall complete and send the Meeting Notice for Section 504 Inmate form to the inmate and/or parents/guardians.
- 8.4.3 During the Final Evaluation Committee meeting review documentation to determine if the inmate is Section 504 eligible or ineligible for accommodations due to physical or mental disabilities which substantially limit learning. The Committee's disposition shall be indicated on the Section 504 Notice of Eligibility or Non-Eligibility form.
- 8.4.4 Develop and sign the Section 504 Individual Accommodation Plan form for the eligible inmate within 10 **business** days of the eligibility determination.
 - 8.4.4.1 The Section 504 Individual Accommodation Plan shall detail necessary accommodations, auxiliary aids and services or programs to ensure the inmate's equal access and participation to instructional programs/classroom environment and facilities.
 - 8.4.4.2 If the 504 Committee determines a need to purchase auxiliary aids and services exceeding \$200 for communication, the 504/ADA Education Coordinator and the Education Administrator shall be contacted for funding source allocation and final approval.
- 8.5 Implementation Process - The unit/institution CEPS shall:
 - 8.5.1 Enter the Individual Accommodation Plan information on the ACIS **Manage Participation** screen.
 - 8.5.2 Within five **business** days of receipt, provide a copy of the completed Section 504 Individual Accommodation Plan to the Correctional Education Program Specialist, inmate and/or parent/guardian of a minor inmate.
 - 8.5.3 Either ensure the approved accommodations begin within 10 **business** days of the receipt of the completed Section 504 Individual Accommodation Plan or document on the Section 504 Individual Accommodation Plan the reason or reasons for a delayed start date (i.e., additional time to arrange services, equipment, etc.), as approved by the Education Administrator.
 - 8.5.4 Ensure the CEPT maintains all Section 504 documentation in the inmate's Education File.
 - 8.5.5 Ensure all personnel involved in the delivery of Education programs implement and comply with the Section 504 Individual Accommodation Plan requirement.
- 8.6 Appeal and Grievance Procedures for Inmates

- 8.6.1 Inmates shall have the right to request a prompt and equitable resolution to a complaint alleging any action prohibited by Section 504 and Title II of ADA relating to the Department’s Education programs.
- 8.6.2 Inmates with disabilities needing reasonable accommodation, including auxiliary aids, shall send an Inmate Letter, **Form 916-1**, to the CEPS to request they review the inmate’s concerns, needs and preferences.
- 8.6.3 Inmates not satisfied with the outcome of the informal resolution may grieve the issue, in accordance with DO #802, Inmate Grievance Procedure.
- 8.6.4 Inmates deemed ineligible disagreeing with the Committee’s decision or believe other relevant information was not previously disclosed or available may appeal the ineligibility determination, in accordance with DO #802, Inmate Grievance Procedure.

9.0 CONFIDENTIALITY OF INFORMATION

- 9.1 Adult inmates and the parents of minor inmates may request to inspect and review their educational records collected, maintained, or used by the Department. The Department shall comply with these requests within 45 calendar days.
 - 9.1.1 Inmates may request an amendment of their records if they believe information in their records is inaccurate, misleading, or violates their right to privacy or other rights.
- 9.2 Procedures shall be maintained to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

IMPLEMENTATION

Within 90 **calendar** days of the effective date of this DO, the **Deputy** Assistant Director for Education, **Programs** and **Community** Reentry shall update and maintain the Inmate Education Technical Manual, which shall include procedures for:

- Detailing the guidelines that shall be followed by Department staff to provide educational services in accordance with applicable state and federal laws.
- Administering, scoring and entering all unit educational test results into ACIS.
- **High School/HSE Preparation Program.**
- Tracking education file transfer system.
- Providing educational data through the Work Force Development Data (WFDD) and other required reports.
- Monitoring **CTE** and community college contracts.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms for the following:

- 504 Accommodation Plan
- Administrative Discharge
- Administrative Refusal
- Administrative Removal
- Career and Technical Education (CTE)
- Community College Liaison
- Correctional Education Program Supervisor (CEPS)
- Correctional Education Program Teacher (CEPT)
- Education Administrator (**EA**)
- Eight (8th) Grade Literacy Standard
- English Learner (**EL**)
- Exceptional Student Services (ESS)
- Exempt
- Functional Literacy Program
- Functional Literate
- Functionally Illiterate
- High School Equivalency (HSE) Preparation Program
- Individuals with Disabilities Education Act (IDEA) Program
- Regional Education Director
- Resource Center/Library
- Self-Pay Distant Learning/Correspondence Courses
- Standardized Testing
- Test of Adult Basic Education (TABE)

FORMS LIST

910-1, Inmate Application for Self-Pay Postsecondary Education

910-3, Distance Learning Materials/Arrangements Approval

910-13, Request for Medical Exemption from Education

910-14, Request for Educational Records

910-15, Authorization to Release Educational Records

916-1, Inmate Letter

OTHER REFERENCES

Inmate Education Technical Manual

AUTHORITY

A.R.S. § 15-761, Definitions

A.R.S. § 15-828, Birth Certificate; School Records; Exception

A.R.S. § 15-1372, Equalization Assistance for State Educational System for Persons in the State Department of Corrections; Fund

A.R.S. § 31-229, Functional Literacy Program; Evaluation; Certificate; Exemptions; Wages; Definition

A.R.S. § 31.229.01, Functionally Literate Inmates; Education Requirement; Rules; Inmate Fees; Definition

A.R.S. § 31-229.02, Functionally Literate Inmates; Release Eligibility

A.R.S. § 31-240, Prisoner Education Services Budget, **Prohibited Uses**

A.R.S. § 39-101, Permanent Public Records; Quality; Storage; Violation; Classification

A.R.S. § 41-1604.07, Earned Release Credits, Forfeiture; Restoration; **Released Prisoner Health Care; Annual Report**

A.R.S. § 41-1607, Correctional Facilities for Minors; Programs

A.R.S. § 41-3501, Definitions

Americans with Disabilities Act (ADA), PL. 101-336

Improving America's Schools Act (IASA), PL. 103-382, Title I, Part D, Title I-A, Title II, Title IV

Individuals with Disabilities Education Act 1997 (IDEA), PL. 105-17

Rehabilitation Act of 1973, Section 504, PL. 93-112