

CHAPTER: 900
Inmate Programs and Services

DEPARTMENT ORDER:

910 – Inmate Education

**OFFICE OF PRIMARY
RESPONSIBILITY:**

IP&R

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ACCESS

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Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to read "David Shinn", is written over a horizontal line.

David Shinn, Director

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STANDARDS

American Correctional Association (ACA) Standards: 5-ACI-2C-13, 5-ACI-7A-07 (M), 5-ACI-7B-06, 5-ACI-7B-09, 5-ACI-7B-12, and 5-ACI-7B-14

PURPOSE

This Department Order 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 Department Order #920, Inmate Exceptional Student Services.

APPLICABILITY

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

Except for section 2.0 and those inmates who fall under state and federal regulations, this Department Order does not apply to inmates temporarily assigned to medical isolation or Detention status, as outlined in Department Order #804, Inmate Behavior Control.

RESPONSIBILITY

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

The Education Unit shall:

- Under the authority of the Assistant Director for Inmate Programs and Reentry or designee, 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 shall be conducted on a regular basis.
- Ensure correct placement codes are entered into Arizona Correctional Information System (ACIS).

- 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. {5-ACI-7A-07 (M)}
- 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. {5-ACI-7B-06}

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, in accordance with Arizona Revised Statutes (A.R.S.) §41-1607(B)(1) and A.R.S. §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 Department Order #920, Inmate Exceptional Student Services.

1.1.2.1 Inmates who have received a regular high school diploma and are 22 years of age and younger and have disabilities shall be considered post-secondary students and are no longer entitled to Free Appropriate Public Education (FAPE), as outlined in Department Order #920, Inmate Exceptional Student Services, but may be eligible to receive an accommodation in accordance with section 8.0.

1.1.2.2 In accordance with Title I of the Improving America's Schools Act, a High School Equivalency (HSE) Test shall not be considered a regular high school diploma.

1.2 Inmate's Educational Records {5-ACI-7B-14}

1.2.1 Pursuant to 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 Correctional Education Program Supervisor (CEPS) or designee shall 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 shall be sent to the Department Registrar at the Central Office Education Unit.

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

1.2.1.2 If an inmate is a Recommitment, before requesting any records from the previous school, records shall be requested from the previous institution where the inmate was housed at and the Central Office Education Unit.

- 1.3 Unless eligible in accordance with 1.1 through 1.1.2 of this section, inmates shall not be eligible for educational evaluation and/or programming when they are:
 - 1.3.1 Housed in a Maximum Custody unit/area (e.g., Special Management Unit (SMU), Special Management Area (SMA), and Complex Detention Unit (CDU)).
 - 1.3.1.1 Inmates housed in a Maximum Custody unit/area released back into a general population unit shall be required to meet the 8th grade literacy standard before being released from prison, unless exempt from the standard.
 - 1.3.2 Sentenced to death.
 - 1.3.3 Foreign Nationals legally present in the United States with a detainer or order of protection. Foreign Nationals legally present in the United States without a detainer or order of protection shall have an educational assessment and may be eligible for educational programming.
 - 1.3.4 Foreign Nationals not lawfully present in the United States.
- 1.4 Inmates shall be instructed using Department-adopted educational textbooks, software and instructional materials. Other supplemental instructional materials and software complying with the Arizona Department of Education (ADOE) standards and this Department Order may be used upon the approval of the unit/institution CEPS.
- 1.5 The Department’s Education programs and classroom curricula shall 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 shall consist of a period of no less than 208 days of instruction. A school-year calendar shall be developed annually and approved by ADOE before going into effect.
 - 1.6.1.1 Each school year is broken into two semesters. The first semester shall be scheduled between July 1 and December 31. The second semester shall 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 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 a time when the majority can take advantage of the programs. {5-ACI-7B-12}
- 1.7 English Language Learners – 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, HSE, and Career and Technical Education (CTE))
- 1.8.1 Inmates enrolled in traditional classes shall:
- 1.8.1.1 Attend classes daily.
 - 1.8.1.2 Not act in a manner that would require disciplinary action, as outlined in Department Order #803, Inmate Disciplinary Procedure.
 - 1.8.1.3 Only be excused from class for lock-down, court, medical, dental and/or psychological appointments.
 - 1.8.1.4 When possible, schedule appointments for non-class times.
 - 1.8.1.4.1 Attorneys or their agents shall request visits in accordance with Department Order #902, Inmate Legal Access To The Courts. In an emergency, the Warden, Deputy Warden or designee may waive the advance notice requirement.
 - 1.8.1.5 Not be excused for other reasons (e.g., Inmate Store, Inmate Mail and Property, recreation, etc.). ***[Revision – April 27, 2021: Sections 1.8.1.5 and 1.8.1.5.1]***
 - 1.8.1.5.1 Inmates wishing to be excused from class for holy days or other religious activities must present a signed approval from the unit Chaplain, in accordance with Department Order #904, Inmate Religious Activities/Marriage Requests.
- 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 1.8.1.2 of this section and/or behavioral problems.
- 1.8.2.1 Pursuant to A.R.S. §31-229, inmates shall not be administratively removed from the Functional Literacy program.
 - 1.8.2.2 Inmates administratively removed from any education program may be ineligible for further program enrollment consideration.
 - 1.8.2.3 Administrative Refusals, Administrative Discharges and Administrative Removals shall be recommended to the Correctional Officer IV or designee and entered into ACIS by educational staff within five workdays 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:
- 1.8.3.1 Inform the unit/institution CEPS at the receiving institution of:

1.8.3.1.1 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 workdays of arrival, based on availability and the Priority Ranking Report.

1.8.3.1.2 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 CD-ROM or other computer software in a classroom or Resource Center/libraries.

1.8.3.2 Be responsible for seeing that textbooks and course materials are transferred to their 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. {5-ACI-7B-09}

2.0 EXEMPTIONS

2.1 Pursuant to 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.

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 shall 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 Exemption requests shall be documented and may be approved by the supervising unit/institution CEPS using the Request for Medical Exemption from Education, Form 910-13 for the following:

2.6.1 Medical, developmental or learning disabilities, as outlined in A.R.S. §31-229.

- 2.6.1.1 Medical 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. Medical staff shall document their findings on the Exemption Consultation/Request form and forward it with any associated supportive documentation to the unit/ institution CEPS for the final exemption decision.
- 2.6.1.2 Inmates with a history of a developmental disability may be exempted with the unit/institution CEPS’ approval.
- 2.6.1.3 Inmates may qualify for a learning disability exemption if they have a documented history of special education or learning disability placement.
- 2.6.2 Administrative – Educational staff may request an Administrative Exemption when they determined an inmate, after at least 780 classroom hours, has demonstrated a lack of reasonable academic progress based on all of the following:
 - 2.6.2.1 Documented classroom actions
 - 2.6.2.2 Work samples
 - 2.6.2.3 Interactions between the inmate and the CEPT
 - 2.6.2.4 Non-standardized and standardized assessments
- 2.7 The unit/institution CEPS, upon determination an inmate qualifies for an exemption, shall enter the appropriate exemption codes and notes on the ACIS Condensed Literacy Test screen and appropriate notes on the ACIS Offender Comments screen.
- 2.8 Time Constraints – 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.
- 2.9 All inmates sentenced to Death shall be exempt from meeting Functional Literacy Requirements.

3.0 FUNCTIONAL LITERACY PROGRAM

- 3.1 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:
 - 3.1.1 Placed on the Priority Ranking Report within ten workdays of receipt at the first institutional assignment. Inmates shall be enrolled in the program for a minimum of 900 minutes 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 Department Order. Inmates shall be placed on the Priority Ranking Report in the following order:
 - 3.1.1.1 All special education inmates
 - 3.1.1.2 Inmates under the age of 21 who have not met the 8th grade literacy standard

- 3.1.1.3 Inmates 21 and older who have not met 8th grade literacy standard
- 3.1.2 Given the TABE Complete Battery subtests in one or more areas of deficiency within 45 calendar days of being enrolled in a Functional Literacy program.
- 3.2 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 Department Order #1002, Inmate Release Eligibility System.
- 3.3 Inmates assessed as functionally illiterate and non-English speaking shall participate in Functional Literacy program instruction as appropriate.
- 3.4 Protective Custody inmates housed in institution detention units or classified in another detention status shall be enrolled in the Functional Literacy program. Instruction shall be provided as allowed by confinement status.

4.0 8TH GRADE LITERACY STANDARD

- 4.1 Applicability – The 8th grade literacy standard shall not be applicable to inmates, who meet 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 six months incarceration to serve upon initial commitment to the Department
 - 4.1.6 Foreign Nationals
 - 4.1.7 Maximum Custody
- 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 Department Order #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 appropriate ACIS screens by the 15th day of the month.

5.0 HIGH SCHOOL EQUIVALENCY (HSE) PREPARATION PROGRAM

- 5.1 Eligible inmates may participate in a HSE Preparation program when they do not have a verified HSE certificate or high school diploma.

- 5.2 HSE Preparation program enrollment shall be:
 - 5.2.1 Prioritized by the Priority Ranking Report 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 HSE certificate
 - 5.2.1.3 Inmates 21 years old and older in need of a HSE certificate
 - 5.2.2 For a minimum of 900 minutes per week, not including meals and recess periods or breaks, until an inmate successfully completes and passes all HSE tests or withdraws from class in accordance with this Department Order.
 - 5.2.2.1 Inmates eligible to take the HSE Exam shall not 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 HSE certificate or high school diploma, shall participate in the HSE Preparation program.
 - 5.3.1 In accordance with A.R.S. §31-229.01 A, an inmate responsible for the support of a dependent child(ren) receiving public assistance according to Title 46, Chapter 2, Article 5, shall be assigned to the lowest possible pay grade identified in the WIPP program, and shall not be eligible for any raises until a HSE diploma is earned.
- 5.4 Upon reaching the 8th grade literacy standard in every category of the standardized assessment, HSE Preparation program inmates shall be encouraged to earn a HSE certificate. 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 appropriate ACIS within five workdays after the return of the HSE test scores from ADOE.
- 5.6 Inmates shall be evaluated on a monthly basis by the supervising instructor. Designated educational staff shall enter the monthly evaluations on the appropriate ACIS screens 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 CTE instruction shall focus on career-oriented skills and experiences, as determined by the workforce needs of the Department and community.

- 6.2 All CTE programs shall be under contract for delivery and subject to prior approval annually by the Education Administrator or designee.
- 6.3 The Correctional Officer IV shall provide the CEPS:
 - 6.3.1 The inmate's enrollment information, to include the start date, at least one workday prior to the scheduled start date. The Correctional Officer 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 Correctional Officer 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 workday 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 shall be:
 - 6.5.1 Limited to inmates meeting education eligibility requirements in accordance with this Department Order who have completed the Functional Literacy program and meet minimum course requirements.
 - 6.5.1.1 Inmates with a documented history of special education may participate if they meet minimum course requirements.
 - 6.5.2 Prioritized in accordance with the Priority Ranking Report.
 - 6.5.3 In keeping with an inmate's Corrections Plan, with respect to previous career training and work experience and the inmate's crime. Inmates shall not be assigned to CTE programs relating to a crime for which they have been sentenced (i.e., an inmate convicted of a computer crime, shall not be assigned to a CTE computer technology program).
- 6.6 CTE program inmates shall:
 - 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 shall not be given any 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:
 - 6.6.2.1 Two CTE programs at one time, without the approval of the CEPS.
 - 6.6.2.2 Three CTE programs in a five-year period. Unless a full program is completed, inmates may not start a new program within that period.
- 6.6.3 Be evaluated by the supervising instructor on a monthly basis. Evaluations shall be entered on a monthly basis on the appropriate Electronic Inmate Records System 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 shall inform the unit/institution CEPS or designee. The unit/institution CEPS or designee shall enter the inmate's completion onto the appropriate ACIS screen within five workdays of completion.

7.0 SELF-PAY DISTANCE LEARNING/CORRESPONDENCE COURSES

7.1 Course Requirements

- 7.1.1 All courses shall 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 Department Order #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 Courses requiring Internet access shall not be permitted.
- 7.1.6 Course materials shall be sent to the inmate's assigned Unit Resource Center/Library.
- 7.1.7 Inmates shall request paperback versions of course textbooks, if available.
- 7.1.8 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.
- 7.1.9 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 forms.
 - 7.1.9.1 Only one such class may be taken at a time.

- 7.1.9.2 Security considerations, the availability of computer hardware and adequate staff supervision at the particular unit shall be taken into consideration.
- 7.1.9.3 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 direct supervision of Department or contract educational staff.
- 7.1.10 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.
 - 7.1.10.1 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 Department Order.
 - 7.2.2 Have completed the Functional Literacy program and earned a HSE certificate or shown proof of a high school diploma or HSE certificate 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 three 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
 - 7.3.1 Inmates meeting the eligibility requirements as outlined this section shall:
 - 7.3.1.1 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. If a printed textbook and course material list is not available, the inmate shall be responsible for obtaining this information.
 - 7.3.1.2 Submit the following to the unit/institution CEPS for review and disposition:

- 7.3.1.2.1 Course registration and textbook and course material order forms
- 7.3.1.2.2 Inmate Application for Self-Pay Postsecondary Education, Form 910-1
- 7.3.1.2.3 The Distance Learning Materials/Arrangements Approval form
- 7.3.1.2.4 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. {5-ACI-2C-13}

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

8.2.1 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.

8.2.1.1 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.

8.2.1.1.1 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

8.3.1 The CEPT shall:

8.3.1.1 Review the following:

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

8.3.1.1.2 Classroom observations and work samples

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

8.3.1.1.4 The self-identifying information provided by the inmate

8.3.1.2 Complete an ADA Evaluation Report.

8.4 Evaluation Process

8.4.1 The 504 Committee, made up of at least two CEPTs and one CEPS, shall:

8.4.1.1 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.

8.4.1.2 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.

8.4.1.2.1 The CEPT shall complete and send the Meeting Notice for Section 504 Inmate form to the inmate and/or parents/guardians.

- 8.4.1.3 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.
- 8.4.1.4 Develop and sign the Section 504 Individual Accommodation Plan form for the eligible inmate within ten workdays of the eligibility determination.
 - 8.4.1.4.1 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.
 - 8.4.1.4.2 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

- 8.5.1 The unit/institution CEPS shall:
 - 8.5.1.1 Enter the Individual Accommodation Plan information on the appropriate ACIS screen(s).
 - 8.5.1.2 Within five 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.
 - 8.5.1.3 Either ensure the approved accommodations begin within ten workdays 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.
 - 8.5.1.4 Ensure the CEPT maintains all Section 504 documentation in the inmate's Education File.
 - 8.5.1.5 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 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 Department Order #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 Department Order #802, Inmate Grievance Procedure.

9.0 CONFIDENTIALITY OF INFORMATION {5-ACI-7B-14}

- 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. 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 days of the effective date of this Department Order, the Assistant Director for Inmate Programs and Reentry shall update and maintain the Department Order #910, 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.
- Tracking education file transfer system.
- Providing educational data through the Work Force Development Data (WFDD) and other required reports.
- Monitoring community college contracts.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms

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

AUTHORITY

A.R.S. §13-3501, Definitions

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, Prohibitions

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

A.R.S. §41-1604.07, Earned Release Credits, Forfeiture; Restoration

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

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