



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No.: DOC 5.3.1	Subject: <b>OFFENDER EDUCATION</b>
Chapter 5: OFFENDER PROGRAMS	Page 1 of 3
Section 3: Education Programs	Effective Date: 03/25/2015
Signature: /s/ Mike Batista, Director	Revised: 06/28/2016

## **I. POLICY**

The Department of Corrections will provide a comprehensive basic education program for all eligible offenders.

## **II. APPLICABILITY**

All Department-owned and contracted secure facilities, as specified in the contract.

## **III. DEFINITIONS**

Accredited School – A school that has met the minimum standards determined by the board of public education.

Basic Education – Instruction in basic skills, such as reading, writing, arithmetic, and other skills required to function in society, which may include any subject normally offered in the basic curricula of an accredited elementary or secondary school in the state.

Diploma – A certificate issued from an accredited school indicating a student has successfully completed the minimum requirements prescribed by a state education agency.

High School Equivalency - A battery of tests, such as the HiSET or GED, that measures a person's academic skills as compared to a high school graduate.

Individualized Education Program (IEP) – A document that guides the delivery of special education supports and services.

Office of Public Instruction (OPI) – The office that provides advocacy, support and leadership in education for schools and communities.

## **IV. DEPARTMENT DIRECTIVES**

### **A. General Requirements**

1. Each facility will provide a basic education program consistent with the needs of the offender population.
2. Juvenile facilities must provide education through an accredited school or high school equivalency program.
3. Facilities will request prior academic records for offenders under age 22.

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4. Offenders in education programs with qualifying disabilities may be provided reasonable accommodations in accordance with *DOC Policy 3.3.15 Americans with Disabilities Act (ADA) Offender Accommodations*.
5. Educational services provided to offenders in administrative segregation and special management units may vary from those provided to the general population. Public safety and the health, safety, and security of all employees, service providers, volunteers, and offenders will be an overriding consideration when determining the extent of educational services provided to offenders in administrative segregation and special management units.
6. Offenders must meet the facility's educational requirements to be eligible for work assignments.
7. Education compensation will follow the compensation structure as provided in *DOC 5.1.1 Inmate Assignments*.

**B. Assessment and Placement in Educational Programming**

1. Upon intake or initial evaluation at a facility, an offender may be required to complete an assessment to determine educational skill levels.
2. Facilities will verify if an offender has a high school diploma or high school equivalency certificate. If the offender has a verified high school diploma or high school equivalency certificate, an assessment may not be necessary.
3. Reassessment and standardized testing of offender educational skill levels will be conducted on a regular basis as required by the Office of Public Instruction (OPI), grants or special academic program requirements.
4. Upon completion of assessments, adult offenders who have not attained a high school diploma or high school equivalency certificate may be placed in educational programming or program waiting list. Juvenile offenders who have not attained a high school diploma or high school equivalency certificate must be placed in educational programming.

**C. Special Education Services**

1. All education programs must comply with special education and IEP rules under state and federal law.
2. Facilities will provide eligible offenders with special education services until the age of 22.
3. Offenders age 18 or older who qualify for special education services but refuse services must sign a revocation form. Offenders under age 18 may not refuse services unless a parent or guardian signs a revocation form.

**D. Exclusions from Educational Programming**

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1. Offenders may be removed, suspended or waived from participation in education programs or classroom settings if continued participation jeopardizes safety, security, or is not in the best interest of the offender.
2. Adult offenders under the age of 22 who do not have a high school diploma or equivalency certificate must sign a revocation form to opt out of assessments or educational programs. Juvenile offenders may not opt out of assessments or educational programs.
3. All waivers, suspensions and removals will be documented and the documentation placed in the offender's education file. Facilities will have procedures for reviews and expiration of waivers, suspensions and removals.

**E. Records**

1. Offender education files will be kept in accordance with OPI standards, state and federal law.

**F. Other Education Programs**

1. In addition to traditional primary and secondary education programs, each facility may offer academic, vocational, occupational, career technical education or apprenticeship opportunities on or off site.
2. Offenders may pursue self-study, distance learning or correspondence programs provided through colleges, universities, vocational and technical schools. Offenders will pay the tuition for these programs from personal funds or other sources such as scholarship awards. Grants may be used to pay for offender participating in these programs.
3. Participation guidelines for other educational programs will be created by each facility.

**V. CLOSING**

Questions concerning this policy should be directed to the facility or program administrator.

**VI. REFERENCES**

- A. 53-1-203, 52-5-101, 52-5-106 MCA
- B. 4-4012, 4-4013; *ACA Standards for Adult Correctional Institutions, 4<sup>th</sup> Edition*
- C. *DOC Policy 3.3.15 Americans with Disabilities Act (ADA) Offender Accommodations; 3.5.1 Locked Housing Unit Operations; 5.1.1 Inmate Assignments*
- D. *Individuals with Disabilities Education Act (IDEA)*

**VII. ATTACHMENTS**

None