



**DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE**

Procedure:	MSP 5.3.1 INMATE ACADEMIC EDUCATION	
Effective Date:	November 24, 2003	Page 1 of 6 and 1 Attachments
Revision Date(s):	January 24, 2017, October 30, 2020	
Reference(s):	DOC Policy 5.3.1	
Signature:	/s/ Jim Salmonsens / Warden	
Signature	/s/ Gayle Butler / MCE Administrator	

I. PURPOSE:

Montana State Prison will provide a comprehensive basic education program for all eligible offenders.

II. DEFINITIONS:

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

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

Disability – see DOC 3.3.15, Americans with Disabilities Act (ADA) Offender Accommodations, for the definition and an explanation of disability.

General Education Development (GED) – The previous Montana High School Equivalency Exam.

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

High School Equivalency Test (HiSET) – A battery of tests which measures a person’s academic skills as compared to a high school graduate. If passed, a Montana High School Equivalency Diploma is issued which is accepted by institutions of higher education and employers as equivalent a regular high school diploma.

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

National Reporting System (NRS) – An outcome-based reporting system for the State-administered federally funded adult education program.

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

Primary Area of Instruction (PAI) – A student’s lowest performance area.

Test of Adult Basic Education (TABE) – A battery of tests which measure a person’s skills in reading, language, mathematics and spelling.

III. PROCEDURE:

A. General Requirements

1. The educational goals of Montana State Prison (MSP) are as follows:
 - a. provide meaningful and rehabilitative learning experiences through formal programs of academic instruction;
 - b. provide educational programming that will improve the inmate's knowledge, skills, and abilities, while supporting the inmate's reentry plan;
 - c. give priority to inmates requiring basic, elementary, and secondary level academic instruction;
 - d. improve inmate functioning in literacy, employment, communication, and life skills;
 - e. help the inmate successfully transition into the community; and
 - f. help the inmate qualify for living wage jobs upon release.

B. Assessment and Placement in Educational Programming

1. All inmates will be educationally assessed using the standardized test known as the Test of Adult Basic Education (TABE) at MDIU. Once enrolled in the Education Department the inmate will be reassessed using the TABE.
2. Inmate education verification will be done in the Education Department and entered into the OMIS by an Education Department staff member.
3. All inmates claiming completion of secondary or post-secondary education, or a portion thereof, must show proper documentation of that claim; or must provide the Education Department with sufficient information to verify that claim. This verification documentation includes the following:
 - a. copies of transcripts or approved high school equivalency test scores;
 - b. an official document from a state education agency verifying HiSet, GED, or an approved high school equivalency exam will be accepted. High school equivalency exams must have an official signature and once the document is verified it will be entered into OMIS; and
 - c. if an inmate does not have a transcript, the Education Department will work with the inmate to confirm the inmate's educational history, but this may take an extended period of time.
4. Inmates who have had an Individualized Education Program (IEP) in the past or currently qualify for an IEP, and who are under the age of 22, will have access to special education services as per OPI requirements.
5. Students who have not completed high school or HiSet will be put on a waiting list and required to attend school once in population. Designated education staff will develop and maintain the waiting list with communication and input from case management.
6. All students are expected to show reasonable progress as measured by monthly evaluations. Failure to show reasonable progress in a course will result in termination from the program. Pre- and post-testing shall be used to measure progress of students and the effectiveness of each program.
7. Students that are unable to attend regular classroom instructions due to their classification may be assigned to a cell study program. Students with disabilities who are unable to attend regular classroom instruction because of their disability shall be provided with reasonable accommodations to allow participation in academic education, including but not limited to assignment to a cell study program. Cell Study is only available to inmates whose classification or disability prevents them

from attending regular classes. All educational goals and expectations including program educational gains are expected.

8. In order for students to receive pay, they must be assigned full time. School is a work assignment and students are not allowed to be assigned to another work assignment, while attending school. The regulations of attendance and pay are as follows:
 - a. students will be paid only for the days that they attend class;
 - b. unexcused absences will result in progressive disciplinary action. Only absences where the inmate is on a call out and is being held in by the unit will be considered excused. Unexcused absences will be penalized as follows:
 - 1) the first unexcused absence the inmate will receive a verbal warning and corrective counseling from their teacher;
 - 2) the second unexcused absence the inmate will receive a disciplinary write up and a 60-day suspension from school;
 - 3) the third unexcused absence the inmate will receive a disciplinary write up and a 120-day suspension from school; and
 - 4) the fourth unexcused absence the inmate will receive a disciplinary write up, will be removed from the course of instruction, and may not return without the permission of the course instructor and the Education Director.
 - c. During the inmate's suspension, the inmate will not be approved to find and/or apply for another assignment. When the suspension is over the inmate will be required to resume attending classes; and
 - d. Inmates with disabilities that affect their ability to complete work may be eligible for reasonable accommodations to this policy. Inmates may make such a request, verbally or in writing, to the ADA Coordinator or to staff, who shall forward the request to the ADA Coordinator. In addition, staff shall alert the ADA Coordinator if they know or suspect an inmate has a disability that affects his ability to complete work so that the ADA Coordinator may consider whether an accommodation is needed. All accommodations shall be documented in OMIS.
9. Post-secondary and other self-study courses obtained through outside resources will be encouraged and made available as independent study. Correspondence studies will not be afforded pay compensation. All independent studies, self-study courses, and correspondence study materials are the responsibility of the individual inmate. All courses will be monitored by a staff coordinator.
10. The Life Skills Program provides learning opportunities directed at independent living through practical preparation in a variety of areas. Life Skills rules that are approved by the Education Department will be discussed with and signed by the inmate before they begin class.
11. If an inmate is identified as having a disability that affects his ability to participate in educational programs, an appropriate accommodation shall be provided, including, but not limited to, individualized instruction. MSP shall use best efforts to facilitate inmates' requests to the HISET and TABE testing companies for reasonable accommodations on non-MSP tests, such as additional time to complete tests. Accommodations shall not be limited to only inmates participating in classroom educational programs but shall include inmates enrolled in cell study and vocational education. All accommodations provided shall be documented in OMIS. The ADA Coordinator shall work with the special education teacher or other person with expertise in special education to

provide inmate-specific accommodation plans for inmates with learning, developmental, or other disabilities requiring an accommodation.

C. Curriculum

1. The Montana Adult Basic Education Content Standards set by the Montana OPI will be issued to govern all classroom curriculums.
2. Program Assessment is done through the following tests or assessments:
 - a. the TABE Survey Assessments will be used to manage and monitor student education gains and to identify areas for program improvement;
 - b. levels L,E,M,D or A for assessment will to measure the progress of learners enrolled in ABE reading, language, and math instruction;
 - c. a mandatory pretest in each subject area will be given to each student within the first 12 hours of instruction; and
 - d. the of level test will be determined by a locator test. This is the baseline from which student educational gains can be measured through.

D. Special Education Services

1. All inmates will be educationally evaluated upon intake to MSP. They will be required to fill out a verification of GED/HiSET form and an Educational Intake Form.
2. All inmates will be entitled to special education services until their 22nd birthday. MSP will comply with all special education and IEP rules under state and federal law.
3. Inmates that qualify for special education, but deny their rights, will need to sign the Revocation of Special Education Services form. This form will stay on file in The Education Department until they are 22.
4. Students requesting accommodations for the TABE and HiSet tests must provide independent verification of disability from an appropriate professional, psychiatrist, psychologist, and/ or doctor within the last year. If no such verification is available, MSP will conduct an appropriate evaluation to determine what accommodations the inmate may require.
5. All accommodations will be screened by the Education Department.
6. Final approval for accommodations will be done by the OPI and Educational Testing Services.

E. Program Application, Assignment, and Removal

1. Students who have not completed high school or HiSet will be identified through screening and testing while in MDIU. Results of the screening, testing, and classification while in MDIU will aid the Education Department in compiling lists of potential students.
2. Inmates who are accepted and refuse to attend educational classes or testing will not be eligible for work assignments.
3. Inmates, whose names are on the waiting list, will be required to stop their work assignment when educational staff notifies them that they have been accepted into the education program. After completion of their HiSet, they will be eligible to go back to another work assignment.

4. Once assigned to classes, inmates must have a verified HiSet (or equivalent) or a high school diploma to work and live at the Work and Re-Entry Center.
5. Inmates who are unable to participate in or complete educational programming due to learning and/or cognitive disabilities may request to be excused from this requirement. Inmates may make such a request, verbally or in writing, to the ADA Coordinator or to staff, who shall forward the request to the ADA Coordinator. In addition, staff shall alert the ADA Coordinator if they know or suspect an inmate has a disability that affects his ability to complete work so that the ADA Coordinator may consider whether an accommodation is needed. All accommodations shall be documented in OMIS.

F. No Fault Waivers and Removals

1. A discipline removal of an inmate. The inmate may be removed from an educational program if, in the judgment of the Education Department, the inmate's behavior is such that continued enrollment jeopardizes the safety or security of the program area. The removal from the education program for disciplinary reasons must be documented by placement of the "Request for Waiver" in the inmate's education file. The waiver must be reviewed quarterly and expires in one year. If there is a compelling reason, the waiver may be renewed.
2. Failures to progress removals consist that some inmates in spite of a great deal of effort, may not progress significantly in their ability to grasp Adult Basic Education (ABE). After 90 days, with no EFLs or progress shown the student may apply for a, "Request for Waiver." This waiver will be done in consultation with the inmate, instructor, and the Director of Education. This waiver will be reviewed quarterly and expires in one year. If there is a compelling reason, the waiver may be renewed. During the waiver period the inmate can apply to work.
3. If it is determined that an inmate's medical, psychological, or emotional status is such that continued enrollment jeopardizes the safety or security of the program area or is not keeping with the individual's treatment plan, education is not necessary. The waiver process shall be followed by completing the "Request for Waiver." An inmate shall not be removed from an educational program on the basis of the inmate's disability or behavior caused by the inmate's disability if a reasonable accommodation would allow the inmate to remain in the program and show continuing progress.
4. If, in the judgment of the instructor and the Director of Education, an inmate's continued presence in an education program presents a safety hazard for reasons other than those already cited, that inmate may be waived from the requirement to participate.
5. If in the judgment of the instructor and the Director of Education, an inmate's continued presence in an educational program is deemed as not in the inmate's best interest for reasons not specified above, that inmates may be waived from the requirement to participate.

G. Accessibility

1. Staff will ensure that classrooms, communications and materials are fully accessible to inmates with disabilities. If necessary to ensure accessibility, staff will move accessible tables, desks or workstations and/or reassign classes to accessible classrooms, provide sign language interpreters or

other auxiliary aides and services, and provide materials in Braille, large print, and/or other accessible formats.

2. All measures to ensure accessibility shall be documented in OMIS, in the file of the inmate for whom the measure is taken.

IV. CLOSING

Questions concerning this operational procedure will be directed to the Director of Education

V. ATTACHMENTS

Request for Waiver

attachment A

**REQUEST FOR WAIVER
FROM THE MANDATORY EDUCATION POLICY**

OFFENDER NAME: _____ AO# _____ FACILITY: _____ CELL LOC: _____

CLASS: _____ DATE: _____ (waiver valid for 1 year)

PAROLE DATE: _____ DISCHARGE DATE: _____

_____ **90 DAYS COMPLETED?**

I. REASON FOR REQUEST

1. _____ Disciplinary
2. _____ Failure to progress
3. _____ Medical, Psychological, Emotional reason
4. _____ Other (explain below)

II. LAST THREE SETS OF ACHIEVEMENT TEST SCORES

(List for Reason #2: include for other reason if available)

DATE	FORM	LEVEL	READING TOTAL	MATH TOTAL
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

III. SPECIFIC REASON FOR WAIVER (To be completed by offender's teacher if offender is currently enrolled, or completed by the offender's case manager if not currently enrolled. For offenders with a disability, a statement must be included describing how reasonable accommodations were provided. Use additional attached sheets if needed.)

IV. APPROVAL

TEACHER/CASE MANAGER _____ Date _____

EDUCATION DIRECTOR _____ Date _____

A.W. of PROGRAMS _____ Date _____

IV. QUARTERLY REVIEWS

DATE	CASE MANAGER	ACTION RECOMMENDED
_____	_____	_____ Continue Waiver _____ Assign to School
_____	_____	_____ Continue Waiver _____ Assign to School
_____	_____	_____ Continue Waiver _____ Assign to School
_____	_____	_____ Continue Waiver _____ Assign to School