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SUMMARY OF REVISION/REVIEW


PURPOSE – Language updated. PROCESS – I.D. – Language updated. I.G. – Language updated.
I.L. – Language updated. II. – Language updated. III. POST-SECONDARY EDUCATION – New section.
III.A. – Prison Education Programs, new section. III.B.1. – Language updated. III.B.2. – Language
updated. IV. – Language updated. Minor grammar changes throughout.

APPROVED:

Rob Jeffreys

Rob Jeffreys (Sep 18, 2024 16:31 CDT)

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PURPOSE

To provide comprehensive quality educational services concerned with meeting incarcerated individual needs throughout the Nebraska Department of Correctional Services (NDCS). (ACI-1A-11)

By state statute, NDCS is required to establish appropriate programs for each facility which are designed, as far as practical, to prepare and assist each person committed to NDCS to assume his/her responsibilities toward successful reintegration into the community. NDCS shall seek to make educational services available to each person who may benefit from such services. (ACI-1A-11, ACI-5F-01, ACI-7B-08)

To assure compliance with state statute, NDCS will develop and maintain, where practical, comprehensive educational services concerned with meeting individual needs and certified by the Nebraska Department of Education (NDE) or other recognized agencies. (ACI-7B-07, ACI-7B-08)


NDCS shall develop a comprehensive educational program which is in conformity with this policy, while considering the particular needs of each facility's population. (ACI-7B-01)

The Education program shall include educational philosophy and goals, communication skills, English as a Second Language (ESL), Adult Basic Education (ABE), Adult Secondary Education (ASE), High School Equivalency and the Nebraska High School diploma through the General Education Development (GED) preparation, special education, employment preparation, vocational education, post-secondary education, and/or other education programs as dictated by the needs of the facility population. (ACI-7B-01)

PROCESS

I. STRUCTURE

- A. NDCS shall provide certified, comprehensive, continuous educational programs available to all individuals who can benefit and who have an interest in such programs. Programs shall be made available to all eligible individuals at a time when the majority can take advantage of the programs. (ACI-4A-27, ACI-5F-01, ACI-7B-07, ACI-7B-12)
- B. All existing United States high school and high school equivalency diplomas will be verified and the data will be entered into NICaMS. A complete transcript and Individual Education Plan (IEP), when applicable, shall be requested from the last school attended for all individuals under the age of 22, if no diploma exists. High school diplomas received outside of the United States do not equivocate to a United States high school diploma.
- C. Whenever possible, the educational programs offered shall be designed to allow individuals to enter at any time and to proceed at a self-paced rate. Such a competency-based curriculum shall be supported by appropriate classroom materials, classroom resources, and equipment. (ACI-7B-02, ACI-7B-11)
- D. Educational counseling services shall be provided within the educational programs to assist students in developing individual academic and/or vocational goals and to facilitate goal attainment. (ACI-7B-09)
- E. An individual's educational needs will be determined upon admission to NDCS. This will be accomplished through initial screening, assessment, and evaluation using a standardized assessment test norms referenced for the specified population which may include the Comprehensive Adult Student Assessment Systems (CASAS) testing or an

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approved ESL Test as determined by the NDCS education administration. A high school diploma or equivalent must be verified for each individual who indicates a diploma has been earned. (ACI-7B-09)

- F. The educational program in each facility will include proper equipment and materials, including but not limited to classrooms, audio-visual equipment/materials, computers, administrative space, locking file cabinets, American Correctional Association (ACA) guidelines, NDE Standards/Rules, and other specialized equipment to meet program needs.
- G. Educational and vocational records will be maintained in compliance with NDE regulations on school records and be available to specified team members, consistent with education guidelines concerning confidentiality and student privacy. (ACI-7B-14)
- H. The educational program team members at each facility shall utilize appropriate business, industry and community resources in developing educational programs for selected individuals.
- I. The educational programs formally recognize student achievement with either certification, graduation ceremonies, or other forms of incentives for participation in those programs. (ACI-7B-15)
- J. Employment preparation programs shall be integrated with academic programs and shall be relevant to the individual's vocational needs as well as employment opportunities in the community. (ACI-7B-03)
- K. The educational program team members at each facility shall coordinate with other facility services in providing instruction in functional social skills, including but not limited to, parenting and job skills. (ACI-7B-13)
- L. The educational programs of each facility shall meet the needs of students who require special placement because of physical, mental, emotional impairment, or learning disabilities. (ACI-7B-10)

II. SECONDARY EDUCATION

All persons between the ages of five and twenty-one years are eligible for free education in the common schools of Nebraska. All individuals, regardless of age, without a high school diploma will be referred to participate in educational programming and be offered the opportunity to pursue either a high school diploma or equivalent at no cost to the student. Referral to a specific education program is decided based on education proficiency assessment, needs of the student, and other factors determined as considered by education team members.

The educational programs shall be adult oriented and shall provide individualized and group instruction. Individuals who are excluded from enrollment shall require written documentation of the restriction. This status shall be reviewed and documented in writing every 90 days. Individuals under the age of 22 will not be excluded/dropped from education without direction of the principal. Programs through high school/ASE or high school equivalency shall be available at no cost to the student.

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

III. POST-SECONDARY EDUCATION

Whenever possible, post-secondary education and pre-release programming will be available to qualified incarcerated individuals. (ACI-7B-05)

Veterans may be eligible to receive partial GI Bill benefits to account for the cost of post-secondary tuition, fees, and necessary books. Individuals wishing to utilize such benefits must communicate with their veterans' representative and/or the post-secondary institutions' certifying official prior to enrollment.


A. Prison Education Programs

Prison Education Program (PEP) is an education program that is eligible for Title IV financial aid, to be delivered to students under the jurisdiction of the correctional department and complies with the requirement of 34 CFR § 668.236.

1. Institutions interested in providing a PEP within a NDCS facility will complete an NDCS PEP Application, enter a formal partnership with NDCS through a Memorandum of Understanding and receive approvals from the Higher Learning Commission and the U.S. Department of Education.
2. Nebraska Consortium on Post-Secondary Education in Prison is the overarching entity of collaborative organizations, institutions of high education, state agencies, and unique individuals which together, formulate an Advisory Committee, a Prison Education Program Application Review Committee, an Incarcerated Student Body Council, and a Best Interest Council.

Advisory Committee: This committee shall serve to offer advice and expertise regarding education with the intent to assist NDCS in building a robust post-secondary education system with all state correctional facilities. General members include at least one representative from each college or university offering or wishing to offer educational opportunities within NDCS facilities, a representative of Nebraska's Coordinating Commission for Postsecondary Education, NDCS assistant deputy director-reentry, NDCS assistant deputy director-programs, NDCS reentry program manager, NDCS career services and adult education program manager, and other representatives as necessary.

Prison Education Program (PEP) Application Review Committee: This committee shall convene for the specific purpose of reviewing and providing feedback regarding PEP applications. Members of the PEP Application Review Committee may include NDCS assistant deputy director-reentry, NDCS assistant deputy director-programs, NDCS warden(s)/designee(s) for the proposed PEP location, a representative from the Nebraska Department of Labor (NDOL), a representative from the Nebraska Department of Veterans' Affairs (NDVA), one or more individuals with lived experience, a representative from a local organization who

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serves in representative of incarcerated students, and the state higher education executive officer.

Incarcerated Student Body Council: Each NDCS facility offering a PEP shall formulate a Student Body Council to discuss education and training opportunities at their respective facility and provide important feedback to facility and agency leadership and the Advisory Committee.


Best Interest Council: This Council shall convene for the specific purpose of reviewing and providing feedback on PEPs according to the timeline determined by the U.S. Department of Education. The following entities and representatives shall participate in the Best Interest Council by providing feedback regarding the operational PEPs: NDCS, the Higher Learning Commission (HLC), the Incarcerated Student Body Council Representative at the facility of the specific PEP under review, one or more individuals with lived experience, a Nebraska higher education executive officer and a representative of a local organization who serves in representation of incarcerated students.

3. Students who wish to participate in a PEP must have proof of diploma status on file in NCPT before enrollment in a PEP. Student may only participate in one PEP at a time.

B. Correspondence Courses

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

1. Individuals shall initiate a request to take correspondence courses by submitting the correspondence course request form (Attachment A) to the Education team member at their facility. The request shall include information as to who will be responsible for making the payment. If self-paying, the student will attach an institutional check and self-addressed stamped envelope to the form. The educational program team members will review the request to ensure it is appropriate and that the educational facility is appropriately accredited. The individual may be asked to provide pamphlets, fliers, or other information to help facilitate this process. The educational program team members will then forward the request along with his/her recommendation to the warden/designee for a final decision. If the request is denied, the individual will be informed of the reason(s) in writing. If the request is approved, it will be the individual's responsibility to ensure he/she properly enrolls in the course. Any needed assistance from team members (i.e., acting as a proctor for examinations) must be agreed upon prior to enrollment in any correspondence course.
2. NDCS will not be responsible for any costs associated with the course. If the student is paying for these expenses, he/she must have the appropriate funds in his/her account. A student will not be allowed to make installment payments. The student must submit an approved institutional check payable to the educational facility, application, self-addressed stamped envelope, and a copy of the warden/designee's approval to Central Office inmate accounting. If someone other than the student is paying the expenses, a receipt from the educational facility indicating that


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the course and materials have been paid for in full and by whom must accompany the first set of materials sent in for each course. Only those individuals authorized to send funds to an incarcerated individual as identified in Policy 113.01 *Inmate Accounting* are eligible to pay for the course and materials for an incarcerated person. No referral/finder fees or gifts are permitted. Any checks identified as a referral/finder fee or gift will be returned to the educational facility by central office inmate accounting.

3. All materials related to the correspondence course will be received through the facility mailroom. Mailroom team members will review the materials to ensure they comply with NDCS policies and facility procedures (i.e., no metal binders, etc.). A student may receive self-addressed stamped envelopes from an educational facility if they are included as part of an approved correspondence course. If mailroom team members determine the materials do not conform to policy, the warden/designee will review the materials and determine disposition (i.e., return them to sender, or allow them into the facility with or without modifications). Once the materials are approved to enter the facility, mailroom team members will forward them to the educational program for review and issuance. The educational program team members will be responsible for providing the mailroom with the list of students who have been approved to take correspondence courses.
- d. All students participating in a correspondence course will be entered into NICAAMS for tracking purposes. Students will be permitted to continue participating in approved correspondence courses if transferred to any NDCS facility.

III. SPECIALIZED PROGRAMS

- A. The educational programs within NDCS should provide courses which enable individuals to succeed in society such as, career development, consumer education, family and personal growth, communication skills, and other related course offerings.
(ACI-7B-04)
- B. The educational programs that serve students who need special education services shall develop appropriate programs or accommodations as required by the NDCS' Policy and Procedure Manual - Individuals with Disabilities Education Act (IDEA) and the NDE. Individuals under the age of 22 who have not graduated and have identified disabilities shall have a current IEP in accordance with IDEA and Title 92 Rule 51 of the Nebraska Administrative Code.
- C. Vocational programs offered throughout NDCS may require a high school diploma. Courses may be offered in conjunction with existing community training programs and through partnerships with community groups. Vocational programs are considered relevant to the vocational needs of the population for employment opportunities in the community.
(ACI-7B-03, ACI-7B-04)

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IV. STAFFING

- A. All NDCS teachers covered by the SCATA contract and the principal shall be licensed or endorsed by the NDE or other comparable authority. (ACI-7B-05)
- B. Contracted educational team members working within NDCS facilities, but who are not employed by NDCS, shall meet the certification standards established by their employer and NDCS. All service contracts with community education agencies will specify the duties and responsibilities of personnel employed by those agencies.
- C. All team members shall complete training to enable them to effectively work with the special needs of students and other team members within a correctional setting. Teachers and administrators must maintain current certification and are encouraged to continue their education. The team member-student ratio shall be such as to ensure access to team members and services while maintaining a safe and secure area.

V. PROGRAM EVALUATION

Educational programs at each facility shall be evaluated against stated performance objectives utilizing facility team members as well as other qualified individuals, professional groups, and trade associations to ensure that programs continue to meet the approval of NDE, ACA, and NDCS. The NCYF Community High School will be audited/evaluated through NDE on a five-year schedule as required by NDE. (ACI-7B-06)

VI. EDUCATION IN RESTRICTIVE HOUSING AND SPECIAL MANAGEMENT

Individuals housed in restrictive housing and special management units shall be provided educational services that meet security protocol. Documentation shall be made in the student's file if a student cannot participate in education. Availability for education will be monitored and documented weekly by education team members. Each facility will establish a process for assignments, sending and receiving materials for restrictive housing and special management units students, and testing procedures.

Additional information pertaining to restrictive housing and special management can be found in Policy 210.01 *Restrictive Housing* and Policy 210.02 *Special Management Units*.


REFERENCE

I. STATUTORY REFERENCE AND OTHER AUTHORITY

- A. Individuals with Disabilities Education Act (IDEA)
- B. Nebraska Administrative Code: Title 92 Rule 51

II. NDCS POLICIES

- A. Policy 210.01 *Restrictive Housing*
- B. Policy 210.02 *Special Management Units*.

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III. ATTACHMENTS

- A. Correspondence Course Request Form

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)

- A. Expected Practices for Adult Correctional Institution (ACI) (5th edition): 5-ACI-1A-11, 5-ACI-4A-27, 5-ACI-5F-01, 5-ACI-7B-01, 5-ACI-7B-02, 5-ACI-7B-03, 5-ACI-7B-04, 5-ACI-7B-05, 5-ACI-7B-06, 5-ACI-7B-07, 5-ACI-7B-08, 5-ACI-7B-09, 5-ACI-7B-10, 5-ACI-7B-11, 5-ACI-7B-12, 5-ACI-7B-13, 5-ACI-7B-14, 5-ACI-7B-15