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**Policy Number:** 204.040  
**Title:** Education  
**Effective Date:** 2/4/20

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**PURPOSE:** To provide eligible incarcerated offenders with educational opportunities that reduce recidivism by providing pathways to achieving an enhanced quality of life and improved economic stability.

**APPLICABILITY:** All adult facilities

**DEFINITIONS:**

Adult basic education – directed literacy instruction below the post-secondary level to adults who have not received a high school diploma or an equivalent award or who are unable to speak, read, or write the English language, who have attained 17 years of age, who are required to be enrolled in secondary school under state law and who lack sufficient mastery of basic educational skills to enable them to function effectively in society; or for those who have a secondary diploma, but who need developmental instruction to prepare for college.

Appointing authority – the warden of a facility or a central office or field/community services manager designated as the appointing authority for a division; for the purposes of this policy, the appointing authority is the director of education.

DOC literacy mandate – all DOC offenders must have a verified secondary credential issued in the United States or a foreign equivalency as defined in Procedure B of this policy.

Facility education director – the working title of an institution education supervisor.

Fine arts – instruction in the arts (e.g., painting, music, drawing).

General education development (GED) diploma – a test-based secondary credential.

High school diploma – a K-12 credit-completion or credit-recovery diploma.

High school equivalency diploma – a test-based secondary credential (GED®, HiSet®, or TASC®).

Life skills – courses that help offenders to direct their own lives and/or to better understand themselves and others.

Literacy target group – offenders who do not have a verified secondary credential and are not excluded from the DOC literacy mandate by waiver.

Minnesota Career Education Center (MCEC) – the organizational structure for teaching and learning in the Minnesota Department of Corrections (DOC).

Minnesota Department of Education (MDE) – a state government agency responsible for education in Minnesota.

National Reporting System (NSR) functioning level – a national accountability system for adult education programs. The NSR divides educational functioning into six levels each for adult basic education (ABE) and English language learners (ELLs).

Open entry/open exit – scheduling that allows educational assignments to start at any time, with students progressing through at their own rates of learning and exiting at the completion of training or upon obtaining a credential.

Post-secondary – career technical and other college-level courses and programs that lead to higher education certificates, diplomas, and/or academic degrees.

Postsecondary Enrollment Options (PSEO) – a program that allows eligible secondary students to earn secondary and post-secondary credit concurrently, through enrollment in, and successful completion of, college-level courses.

Secondary credential – a high school equivalency diploma, high school diploma, or state adult diploma.

Section 504 of the Federal Rehabilitation Act of 1973 (Section 504) – a civil rights law that prohibits discrimination against individuals with disabilities in all educational programs and activities. The Section 504 regulations require an education program to ensure equal educational opportunity to each qualified student in the program’s jurisdiction who has a physical or mental impairment that substantially limits one or more major life activities.

Special education – any specifically-designed instruction and related services to meet the unique cognitive, academic, communicative, social and emotional, motor ability, vocational, sensory, physical, or behavioral and functional needs of a student as stated in the individualized education program (IEP).

State adult diploma – a competency-based diploma awarded by the Minnesota Department of Education.

Title I – federally-funded program that provides targeted services to help ensure that all students meet challenging state academic standards.

Waiver – formal exemption from the DOC literacy mandate based on specific conditions, as defined in Procedure B of this policy, and documented by appropriate professional(s) (e.g. medical documentation of cognitive impairment or traumatic brain injury).

## **PROCEDURES:**

- A. General guidelines applicable to all areas of instruction
1. Adult facilities must provide comprehensive educational programming; which may include literacy; general education development (GED) diploma; high school diploma or state adult diploma preparation; special education; transition to post-secondary, college, and career; post-secondary education; life skills; and other programs designed to advance academic achievement and prepare offenders for successful reentry into society.
  2. Facility programming is directed by the Master Academic Plan (link attached). The appointing authority or designee must review and update the Master Academic Plan (MAP) every three years.
  3. Programming must be consistent with the needs of the population and the facility and offered, when feasible, when the majority of the population can take advantage of the opportunity.

4. The appointing authority or designee must evaluate each facility education program every three years.
5. Each facility education director must develop a facility Education Procedures Manual that outlines the administration, personnel, students, and programs and must review and update that manual annually.
6. Education staff must assess and evaluate the educational needs and records of offenders upon initial incarceration, as part of the intake screening. The appointing authority or designee must approve the education assessment instruments. Staff may use this data when counseling, or providing programming for, offenders.
7. The appointing authority or designee must ensure a formal system of educational advisement is provided to offenders as part of the initial incarceration intake process.
8. All qualified students must have equal access to facility education programs/classes regardless of race, disability, sex, age, color, national origin, creed, religion, sexual orientation, ancestry, or any other legally-protected classification.
9. Each facility must provide formal and informal recognition of specific educational accomplishments, including at least one graduation ceremony per year.
10. Each facility education director must develop a written procedure for securing offenders' graduation-related items/memorabilia and certification documents and, when appropriate, mailing those items to an offender-specified community address at no cost to the offender.
11. The appointing authority or designee must develop a curriculum review cycle and implementation process to promote evidence-based instruction supported with research-based curricula and resources.
12. Education staff must document student participation in, and completion of, education programming in the correctional operations management system (COMS). All educational records must be maintained in accordance with the DOC Education Record Retention Schedule (maintained on iShare).
13. Offenders participating in an education program must sign a Minnesota Career Education Center (MCEC) Tennessee Warning (attached), which education staff must enter into the offender's electronic file.
14. The facility education director must determine maximum student/teacher ratios, in consultation with the appointing authority or designee and the facility associate warden of operations, and in consideration of classroom size, facility operational needs, local resources, and other relevant factors.
15. The appointing authority, managers, and facility education directors must formally meet at least quarterly, and each facility's education staff must formally meet at least monthly. All unit and facility education department meeting minutes are maintained on iShare.
16. The appointing authority or designee must develop a technology plan that outlines the goals and objectives for the application of technology throughout the education unit and for the placement and use of technology in each facility education program.

17. The appointing authority or designee must develop educational indicators of program performance related to educational achievement, student certificate and diploma acquisition, enrollment, and attendance. Each facility education director must report on these indicators on a quarterly basis to the appointing authority, who assures the reports are maintained on iShare. Staff may use quarterly report date for program planning, improvements, and accountability purposes.
18. Each facility education director must develop a written procedure to track Title 1 data for Consolidated State Performance Report Survey Data reporting purposes.

B. Adult basic education

The minimum educational standard for all DOC offenders is a verified secondary credential. Each facility must offer adult basic education (ABE) programs to enable offenders to complete a secondary credential and to improve their literacy skills. Education staff must document student participation in ABE programming in the Minnesota Department of Education's ABE database.

1. Courses are open entry/open exit. The DOC director of ABE must approve any exceptions.
2. ABE teachers must hold a current teaching license, in a teaching or administrative license area, issued by the Professional Educator Licensing and Standards Board (PELSB).
3. The DOC must provide instruction at no cost to the offender.
4. The department ABE consortium programming must be sanctioned by the Minnesota Department of Education.
5. The district assessment coordinator (DAC) must ensure students who are working towards a high school diploma are afforded the opportunity to participate in required graduation assessments.
6. The offender assignment committee/coordinator must assign offenders in the literacy target group to education programming. If an education assignment is not available, offenders must be placed on a wait list. The offender assignment committee/coordinator may place wait-list offenders into other facility job assignments, on a temporary basis, until an appropriate education assignment is available.
7. Offenders assigned to mandated treatment are, during the duration of the treatment, exempt from the literacy mandate.
8. The facility education director may grant an offender in the literacy target group a waiver and must document the waiver in COMS. Once granted, a waiver remains valid at all DOC facilities. Waivers requested by or on behalf of an offender may be granted under the following conditions:
  - a) The offender reports a diploma from a foreign country or other difficult-to-verify source AND demonstrates an NRS functioning level of ABE 5 or 6 in reading.
  - b) The offender has received maximum education programming benefit, and, due to a significant (documented or substantiated) medical or mental health condition may benefit more from a non-education placement.
  - c) The offender has a verified post-secondary certificate or degree AND demonstrates an NRS functioning level of ABE 5 or 6 in reading.

9. Education staff must enter the diploma award into COMS when an offender has a verified foreign diploma equivalent to a State of Minnesota approved secondary credential AND demonstrate an NRS functioning level of ABE 5 or 6 in reading.
10. The facility education director may consider home-school and other non-traditional diplomas as eligible for a diploma award on a case-by-case basis. To be considered, these students must demonstrate an NRS functioning level of ABE 5 or 6 in reading and math.
11. ABE staff must provide offenders in the literacy target group individual counseling regarding options for completing a secondary credential (GED diploma, high school diploma, state adult diploma). Placement into, and subsequent completion of, a diploma program must be done in accordance with the relevant guidelines connected to each of the secondary credential options.
12. An offender with a verified secondary credential AND an NRS functioning level of ABE 5 or lower may attend ABE programming to increase the offender's academic skill level and/or prepare for post-secondary education.
13. Each facility education director must develop procedures to provide educational programming to offenders in the literacy target group who are on a restricted status, in accordance with policies, including Policy 301.083, "Restrictive Housing Management."

C. Life skills

Each facility may provide life skills programming consistent with the needs of the offenders and the facility.

1. The facility must provide instruction at no cost to the offender.
2. Department staff, contract staff and community volunteers may be instructors.
3. Programming may be offered in conjunction with other facility and community services.

D. Fine arts

Facilities may offer fine arts programming to provide alternative forms of expression and personal development for offenders.

1. Programming must use materials and mediums that are consistent with department policy.
2. Offenders may have the opportunity to exhibit/perform their work in ways that are consistent with the security policies and procedures of the facility.
3. Programming may include exhibitions, performances and demonstrations by guest artists.
4. Art is the property of the offender and is subject to provisions of department policy.
5. Offenders may sell works of art created in an educational program in accordance with DOC Policy 204.048, "Offender Sale of Artwork."

E. Post-secondary education

Each facility may provide post-secondary education designed to prepare students for successful re-entry into the workplace and community. Post-secondary education may include career technical and other college-level courses and programs that lead to higher education certificates, diplomas, and/or academic degrees.

1. Determining offender eligibility and placement

- a) The appointing authority or designee must determine student eligibility for enrollment in post-secondary classes and programs based on educational achievement, facility discipline, work history, employability upon release, and other relevant factors. Offenders are required to have a secondary credential prior to enrollment in post-secondary courses and programs with the exception of specialty programs or initiatives (e.g., Postsecondary Enrollment Options (PSEO)) that have been reviewed and approved by the appointing authority or designee.
  - b) The facility education director or designee must use a procedure; including screening, assessment, counseling and/or evaluation; to determine appropriate post-secondary education placement.
  - c) The facility education director or designee must provide priority consideration for admission to offenders who have less than five years of incarceration remaining.
2. Programs/classes
- a) The appointing authority or designee must review and approve all contracts with post-secondary institutions.
  - b) The appointing authority or designee must complete a needs assessment for new post-secondary program proposals, and retain documentation of the needs assessment decision process, including relevant documents.
  - c) The director of career technical education or designee must meet with the career technical advisory committees once a year to review the career technical program curriculum.
  - d) The facility education director may grant permission for an offender to audit a post-secondary education program or class, as long as that offender does not displace an offender who is eligible to take the program or class for credit. Offenders approved to audit a program or class must pay all required fees.
3. DOC post-secondary career technical instructors must hold current credentials issued by the MCEC.

F. Correspondence courses

Offenders may enroll in approved correspondence courses in accordance with Policy 204.042, "Correspondence Courses."

G. Special education

Special education is governed by federal and state guidelines and monitored by the Minnesota Department of Education.

1. The director of special education must provide administrative oversight of the design, development, implementation and evaluation of all special education programs in DOC-operated facilities and must ensure that all special education programs meet state and federal educational standards.
2. Special education services must be available to offenders meeting the criteria as established by the Minnesota Department of Education.
3. A special education teacher must meet with each offender who, in the last educational placement prior to incarceration in an adult correctional facility, was identified as being a

student with a disability and had an individualized education program (IEP) to determine eligibility and need for special education services.

4. During their enrollment in the facilities' education programs, offenders qualifying for special education must have an IEP that directs those educational services. All applicable due process procedures prescribed in Minn. Rules Chap. 3525 must be followed during the offender's period of eligibility.
5. The facility transfer coordinator must ensure that each offender qualifying for special education has received transfer clearance from the director of special education or designee.
6. The director of special education may participate in the selection of special education staff.
7. The director of special education determines workload limits for special education teachers, in consultation with the facility education director. In determining workload limits for special education staff, the district must take into consideration the following factors:
  - a) Student contact minutes;
  - b) Evaluation and reevaluation time;
  - c) Indirect services;
  - d) Management of IEPs;
  - e) Travel time; and
  - f) Other services required in the IEPs of eligible students.

H. Section 504

The responsibility of the education program is to identify and evaluate learners who, within the intent of Section 504 of the Federal Rehabilitation Act of 1973 (Section 504), need services, accommodations, or programs to ensure equal educational opportunity.

1. The appointing authority or designee must maintain a Section 504/Americans with Disabilities Act (ADA) Handbook that addresses identification and referral procedures, evaluation, accommodation plans, and procedural safeguards.
2. The MCEC Section 504 facility coordinator serves as the education representative on the facility's ADA committee regarding Section 504-related accommodations.

**INTERNAL CONTROLS:**

- A. Student participation in education programming is documented and retained in COMS and/or individual program databases.
- B. The Master Academic Plan (MAP) is published and maintained on the Education iShare site. MAP performance measures are reported annually and archived on iShare.
- C. All unit and facility education department meeting minutes are maintained on iShare.
- D. Reports of educational indicators of program performance related to educational achievement, student certificate and diploma acquisition, enrollment, and attendance are maintained on iShare.
- E. The appointing authority or designee retains documentation of the needs assessment for new post-secondary proposals, including documentation of the decision process, and other relevant documents.

**ACA STANDARDS:** 4-4464 through 4-4480; 1-ABC-5B-01 through 1-ABC-5B-15; 2-CO-5B-01; 4-JCF-5E-01 through 4-JCF-5E-03.

**REFERENCES:** Minn. Stat. §§ [241.01](#); [242.20](#); [242.21](#); [244.03](#); [13.04, subd. 2](#)  
[Minn. Stat. Chapter 13, “Minnesota Data Privacy Act”](#)  
[Minn. Rules Chapter 3525, “Children with a disability”](#)  
[Policy 204.042, “Correspondence Courses”](#)  
[Division Directive 204.010, “Offender Assignment and Compensation Plan”](#)  
[Division Directive 204.048, “Offender Sale of Artwork”](#)  
[Division Directive 303.040, “Use of Electronic Equipment by Offenders/Residents”](#)  
[Policy 301.095, “Central Transportation – Offenders”](#)  
[Policy 203.250, “Modifications for Offenders/Residents with Disabilities”](#)  
[Policy 301.083, “Restrictive Housing Management”](#)  
Correctional Education Association, “Performance Standards for Correctional Education Programs in Adult Institutions”

**REPLACES:** Division Directive 204.040, "Education," 8/18/15.  
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:** Forms on Education iShare site are under Staff Resources – [Documents and Data, 204.040 Education - Attachments](#)  
[MCEC ABE Consortium Assessment Policy](#) (204.040B, on Education iShare site)  
[MCEC GED Program and Testing Guideline](#) (204.040C, on Education iShare site)  
[MCEC State Adult Diploma Program Guidelines](#) (204.040F, on Education iShare site)  
[MN ABE Student Progress Policy](#) (204.040G, on Education iShare site)  
[MCEC Graduation Assessment Protocol](#) (204.040I, on Education iShare site)  
[MCEC Tennesen Warning](#) (204.040J, on Education iShare site)  
[MCEC High School Diploma Program Guidelines](#) (204.040K, on Education iShare site)  
[MCEC Section 504/ADA Handbook](#) (204.040L, on Education iShare site under Special Education, 504-ADA)  
[Master Academic Plan](#) (on Education iShare site)

**APPROVALS:**

Deputy Commissioner, Community Services

Deputy Commissioner, Organizational Services

Assistant Commissioner, Facility Services

Assistant Commissioner, Office of Strategic Planning, Implementation, and Employee Development

Assistant Commissioner, Criminal Justice Policy, Research, and Performance