



DEPARTMENT OF CORRECTIONS

Policy Number: 204.041
Title: Education—~~Juvenile Facilities~~ – MCF-Red Wing
Effective Date: ~~9/3/196~~4/24

PURPOSE: To provide all juvenile student residents with ~~no-cost, high-~~quality education ~~and a pathway to lifelong learning that prepares them for to promote successful transition out of the facility, and back to school if appropriate reentry into society.~~ To assure that ~~MCF Red Wing DOC juvenile facilities~~ maintains high-quality educational programs that are consistent with state ~~and federal~~ statutes, rules, and regulations; align with Minnesota Department of Education care and treatment standards; and promote mastery learning ~~for all juvenile residents.~~

APPLICABILITY: MCF-Red Wing

DEFINITIONS:

Americans with Disabilities Act (ADA) – a federal civil rights law that prohibits discrimination against people with disabilities. The ADA guarantees that people with disabilities have the same opportunities as everyone else to participate in and benefit from state and local government services, programs, and activities, including correctional educational programming.

Cognitive skills – courses that help residents to direct their own lives and to understand themselves and others.

Common core standards (CCS) – Minnesota academic standards for language arts, math, science, social studies, and the arts that the district must embed into the curriculum so that all students receive instruction in all standards.

Continuing observation status – as defined in Policy 500.300, “Mental Health Observation.”

Individual with a disability – a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

Individualized education program (IEP) – a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act (IDEA), a federal law that makes available a free appropriate public education to eligible children with disabilities and ensures special education and related services to those children.

Individualized education program team (IEP team) – the persons deemed essential to any determination regarding a student’s special education program. This must include the student, the student’s parents or guardian, a regular education teacher, a special education teacher, a district representative, and an evaluation interpreter. Other individuals who have knowledge or special expertise regarding the student may be included at the discretion of the parent or district.

Minnesota comprehensive assessments (MCAs) – statewide tests that help school districts measure Minnesota students’ progress toward Minnesota academic standards and meet the requirements of the Elementary and Secondary Education Act (ESEA).

Individuals with Disabilities Education Act (IDEA), a federal law that makes available a free appropriate public education to eligible children with disabilities and ensures special education and related services to those children.

Minnesota K-12 academic standards – expectations for the educational achievement of public-school students across the state in grades K-12. The standards and benchmarks: 1) identify the knowledge and skills that all students must achieve by the end of a grade level or grade band; 2) help define the course credit requirements for graduation; and, 3) serve as a guide for the local adoption and design of curricula. Student mastery of the standards is measured through state and local assessments.

Post-secondary education – career/technical and academic instruction above the high school level.

Post-Secondary education options (PSEO) – an opportunity for Minnesota resident high school students, in grades 10, 11 or 12, to earn dual credit for both high school and college.

Providing district – the number of the Minnesota school district where the student is receiving educational services. For education programs operated by the DOC, the providing district is the DOC.

Reasonable modification – an adjustment or change to a program or a process designed to ensure students with disabilities have equal access to educational programming or testing that does not fundamentally alter the nature of the educational program or testing. Students with disabilities will be provided modifications such as instructional approaches focused on meeting their individual needs and designed to ensure equal access to educational programming or testing. Modifications may also include changes in the length of time permitted for completion; substitution of requirements of courses; or adaptation of the manner in which the course, practice test, or exam is conducted, or materials are distributed.

Commented [RK(1)]: Do auxiliary aids and services need to be included here?

Commented [PJ(2R1)]: This definition is lifted directly from the secondary education policy, so I don't think we should modify it.

Resident district – the number of the Minnesota school district where the student has established residence for educational purposes. For students remanded to the commissioner of corrections, the resident district is the DOC.

Restrictive procedures – the use of physical holding or seclusion in an emergency. See Policy 301.079, “Juvenile Restrictive Procedures.”

Section 504 of the Rehabilitation Act of 1973 (Section 504) – a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance.

Section 504 Plan – a plan developed to ensure a student with a disability receives appropriate educational services and accommodations required under Section 504 of the Rehabilitation Act (Section 504), a federal civil rights law that protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance. A student may be eligible for a Section 504 Plan even if they are not eligible for special education under the IDEA.

Secured unit – see DOC Policy 301.086, “Secured Units – Juvenile Facilities.”

Special education – any specially designed instruction and related services to meet the unique cognitive, academic, communicative, social and emotional, motor ability, vocational, sensory, and physical or behavioral/functional needs of a student with a disability who is eligible under IDEA as stated in the individualized education program (IEP).

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

Transitions programming – directed instruction and services for preparing resident students for life outside the facility. Transitions programming includes such examples as courses in pre-employment job searching, job readiness, and retention, as well as career exploration. Topics may include appearance, obtaining documentation, dealing with a criminal history, workplace substance abuse, workplace values, ethics, job search techniques, labor market resources, job retention skills, employer incentives, and reintegration issues.

PROCEDURES:

- A. General guidelines and applicable facility expectations
1. ~~Each facility education program must be formally evaluated every three years. The director of special education is responsible for providing the director of education with an evaluation report, which is retained at the central office education unit.~~
 2. The facility must maintain a Walter Maginnis High School Procedure Manual for the governance of education programs that addresses the administration, programs, personnel, and students. The manual must be reviewed and updated annually.
 3. ~~Education directors, managers, and facility supervisors must formally meet at least twice per year, and each facility education staff must formally meet at least quarterly.~~
 24. The principal/~~facility education director~~ must ensure the consistent administration of system-wide resident testing and review of disability-related educational needs at intake and release.
 35. All students must have equal access to education programs regardless of race, disability, sex, age, color, national origin or ancestry, creed, religion, familial status, sexual orientation, marital or parental status, or any other legally-protected classification.
 46. The facility's education program staff, ~~following the Family Educational Rights and Privacy Act (FERPA) regulations and Minn. Stat. § 13.32,~~ must forward copies of school transcripts, diplomas, certificates, licenses, or other earned credentials to educational institutions and potential employers per the Family Educational Rights and Privacy Act (FERPA) regulations and Minn. Stat. § 13.32.
 57. The facility must provide formal and informal recognition of specific educational accomplishments, including annual graduation ceremonies.
 8. ~~Education programs are supported by Minnesota K-12 academic standards, technology, differentiation of instruction, and appropriate materials and classroom resources.~~
 69. All educational records must be maintained in accordance with the DOC eEducation rRecords rRetention sSchedule.
 10. ~~The principal/facility education director must ensure the consistent administration of system-wide resident testing at intake and release.~~
 11. ~~Instruction must be provided at no cost to the students.~~

~~7~~12. Programs must be recognized and approved by the Minnesota Department of Education or other recognized agencies with jurisdiction.

~~13.~~ ~~An initial screening of students includes assessment of educational needs and records to provide the most appropriate educational programming.~~

~~8~~14. All residents must participate in education full time unless they have been approved for an altered school day per their individualized education program (IEP) or other written accommodation plan, or they have already earned a high school or General Education Development (GED) diploma. A resident with a verified GED or high school diploma may participate in the facility work program and/or facility transition program.

B. High school or GED diploma

1. The facility must provide comprehensive educational programming including high school diploma preparation and credit recovery courses designed following the Minnesota K-12 academic standards. Curriculum and assessments must be available in all areas needed for graduation.

2. Students who meet GED requirements ~~are allowed to~~ may test and earn a GED. (See MCEC GED Program and Testing Guidelines 204.040C (link attached) for requirements.)

3. ~~In order to~~ To earn a Minnesota high school diploma, students must complete the following:

- a) The state course credit requirement under Minn. Stat. § 120B.024;
- b) The state academic standards or local academic standards where state standards do not apply; and
- c) Graduation assessment requirements.

C. Cognitive skills/transitions courses

~~The facility~~ Education program staff must coordinate with other facility program staff to provide functional life skills and transitions ~~and~~ programming to help students direct their own lives and understand themselves and others.

1. The functional life skills/transitions programming must be appropriate to the security level of the facility and to the needs of the students.

2. Department staff, ~~contractors~~ staff, or community volunteers may be instructors.

3. Programming may be offered in conjunction with other facility and community services.

4. Cognitive skills programming includes such examples as courses in social skills, consumer skills, communication skills, parenting, leisure education, family life, stress management, anger management, conflict resolution, victim impact and empathy, and critical thinking/cognitive intervention.

~~5.~~ ~~Transitions programming includes such examples as courses in pre-employment job searching, job readiness, and retention, as well as career exploration. Topics may include appearance, obtaining documentation, dealing with a criminal history, workplace substance~~

~~abuse, workplace values, ethics, job search techniques, labor market resources, job retention skills, employer incentives, and reintegration issues.~~

D. Post-secondary education

The facility education program may provide post-secondary education designed to prepare students for successful re-entry into college, career, and community.

1. Post-secondary education may include career/technical and academic classes and programs that lead to degrees, certificates, and/or diplomas.
2. Determining resident eligibility
 - a) The principal/~~facility education director~~ or designee may determine eligibility for enrollment in post-secondary classes and programs based on educational achievement, facility discipline, work history, ~~employability upon release~~, and other factors. Residents are required to have a high school or GED diploma prior to enrollment in post-secondary programs or classes with the exception of post-secondary enrollment options (PSEO) participants.
 - b) A system to include screening, assessment, counseling, and/or evaluation must be used to determine appropriate post-secondary education placement.
3. Programs/classes
 - a) The department director of education/designee must review and approve all contracts with post-secondary institutions.
 - b) The department director of education must ensure that a program approval process has been completed for new post-secondary education programs and classes.
 - c) The department director of education, in cooperation with the career and technical advisory committees, must annually review the career and technical programs.
 - d) Residents may not audit post-secondary education programs or classes.

E. Special education

Special education is governed by federal and state statutes, rules, and regulations and is monitored by the Minnesota Department of Education.

1. ~~The DOC director of special education provides administrative responsibility for the design, development, implementation, and evaluation of all special education programs in DOC operated facilities and ensures all special education programs meet state educational standards.~~
2. Students ~~who qualify~~ing for special education must ~~be provided~~have an individualized education program (IEP) that directs those services. All applicable due process procedures outlined in Minn. Rules Ch. 3525 must be followed ~~during the period of confinement~~.
3. ~~Special education is discontinued when the resident meets the criteria established by the Minnesota Department of Education.~~
4. ~~The DOC director of special education participates in the selection of special education staff, assisting the principal/facility education director in the process.~~

~~5. Workload limits for special education teachers are determined by the DOC director of special education, in consultation with the DOC management team. In determining workload limits for special education staff, the director must take into consideration the following factors: student contact minutes, evaluation and reevaluation time, indirect services, management of IEPs, travel time, and other services required in the IEPs of eligible students.~~

26. Students with special education needs must continue to receive special education services during any and a All incidents of ~~continuing~~ constant observation status (COS) that result in a student with special education needs being ~~removed from~~ unable to access the student's ~~general~~ regular and special education services ~~must be tracked by education staff and reported to the DOC director of special education.~~

- a) If a student is ~~on continuing observation status~~ unable to access the student's regular and special education services for six or more consecutive school days, the student's IEP team must meet to ~~review the student's IEP~~ develop and implement an alternative education services plan.
- b) If a student is ~~on continuing observation status~~ unable to access the student's regular and special education services for eleven or more cumulative school days in a school year, the student's IEP team must meet to conduct a manifestation determination to determine if the student's behavior was or was not a manifestation of the student's disability, to conduct or review a functional behavioral assessment, and to develop and implement an alternative education services plan.
- c) If the IEP team determines there is a relationship between the student's disability and the behavior, the IEP team must determine whether the student's IEP should be modified.

F. Section 504 of the Rehabilitation Act of 1973 (Section 504) ~~is governed by federal law and monitored by the Office of Civil Rights, U.S. Department of Education. Section 504 is designed to protect students with disabilities from discrimination on the basis of disability and also to identify and evaluate learners who, within the intent of Section 504, need services, accommodations, or programs so that they may receive a free, appropriate, public education.~~

1. ~~Students with disabilities who meet the criteria below are protected from discrimination on the basis of a disability.~~

~~2.~~ The juvenile facility is responsible to identify and evaluate learners who, within the intent of Section 504, need services, accommodations, or programs so that they may receive a free appropriate public education without experiencing discrimination on the basis of disability. A learner who is protected under Section 504 is one who:

- a) Has a physical or mental impairment that substantially limits one or more of the person's major life activities; or
- b) Has a record of such impairment; or
- c) Is regarded as having such an impairment.

3. Learners ~~are~~ may be protected from disability discrimination and may be eligible for services, accommodations, or programs under the provisions of Section 504 even though

they are not eligible for special education pursuant to the Individuals with Disabilities Education Act (IDEA).

- ~~4. To provide assurance that it does not discriminate, the juvenile facility must designate an employee to assure compliance, provide grievance procedures, identify and locate all children with disabilities who receive education within the facility, and provide notice of the district's Section 504 responsibilities and procedures safeguards to parents and guardians.~~
- ~~5. The DOC director of education must designate a manager to serve as the district's Section 504 administrative liaison.~~

G. Student requests for modifications in educational programming

1. A student with a disability who does not qualify for special education services and an IEP under IDEA or for a Section 504 Plan may request reasonable modifications to educational programming pursuant to the Americans with Disabilities Act (ADA) by following the ADA process set out in Policy 204.035, "Secondary Education." Procedure D. If a student makes such a request, it will be reviewed by following Procedure E of Policy 204.035, "Secondary Education."
2. If a student is not satisfied with the outcome of their request for modifications, they have the right to appeal that decision to the DOC's ADA compliance officer by following Procedure F of Policy 204.035, "Secondary Education."

HG. Educational programs for students in a secured unit

1. Students in a secured unit must be provided appropriate educational programming.
2. The secured unit teacher must document the educational services provided to the students in the secured unit, and retain the documentation according to the retention schedule.
3. Facility education staff must be able to demonstrate that the education services provided in a secured unit were linked to the curriculum standards that would have been accessed had the student been in the general education setting.
4. Facility staff must be able to demonstrate that state and federal guidelines relevant to the provision of education to students with special needs have been addressed.
5. The secured unit special education teacher must ~~document how they gather data to demonstrate that~~ document how the gather data to demonstrate that students were provided the opportunity to progress toward IEP goals while in the secured unit, and retain the documentation according to the retention schedule.

H. Title I

- ~~1. Title I services are governed by federal and state statutes, rules, and regulations and monitored by the Minnesota Department of Education.~~
- ~~2. The director of special education is responsible for the Title I contract and services and provides administrative responsibility for the design, development, implementation, and evaluation of the Title I program.~~

I. Special enrollment considerations

1. The facility must ensure that special enrollment consideration of an alternative school schedule is appropriately approved and documented in compliance with federal and state statutes, rules, and regulations. Documentation must occur on the Alteration of the School Day form (attached).

~~2. The district must ensure a school day, of the same length as the school day of the providing district, unless the unique needs of the student, as documented through the IEP or education record, requires an alteration in length of day.~~

~~23.~~ Recommendations for an altered school day must be documented on an Alteration of School Day form and approved by the director of education/designee.

~~34.~~ The Alteration of School Day form must be retained in the students' academic files ~~at the providing school district.~~

J. Staffing

1. All academic teachers must hold a current, valid Minnesota teaching license.

2. Documentation of teacher licenses must be maintained by the principal/~~facility education director.~~

3. Licensed teachers are responsible for submitting continuing education hours to the DOC continuing education committee for re-licensure and retention purposes.

~~4. The director of special education must participate in the selection of licensed and unlicensed education staff.~~

~~5. The department director of education must participate in the selection of the facility education administrative staff, assisting human resources, the facility warden, and others in the process.~~

INTERNAL CONTROLS:

A. Documented program evaluations from each facility are retained in the central office education department.

B. Documentation of teacher licenses is maintained and retained by the principal/~~facility education director~~ and documentation of continuing education hours is retained by the DOC continuing education committee.

C. The secured unit teacher retains all documentation of the educational services provided to students in the secured unit

D. The secured unit special education teacher retains documentation of the progress of students in the secured unit towards their IEP goals.

E. The original Alteration of the School Day form is retained in the students' academic files ~~at the providing school district.~~

~~ACA STANDARDS: None~~

REFERENCES: Minn. Stat. §§ [241.01](#); [242.20](#); [242.21](#); [244.03](#); [13.04, subd. 2](#); [13.32](#)
Minn. Rules Ch. [3525](#)
~~Policy 204.03540, "Secondary Education"~~"Education"
[Policy 500.300, "Mental Health Observation"](#)
[Policy 203.250, "Modifications for Offenders/Residents with Disabilities"](#)
[Policy 301.086, "Secured Units – Juvenile Facilities"](#)
[Family Educational Rights and Privacy Act \(FERPA\)](#)
[Federal Individuals and Disabilities Education Act \(IDEA\)](#)
~~[Elementary and Secondary Education Act \(ESEA\)](#)~~
[Minnesota Department of Education Regulations](#)
Walter Maginnis High School Procedure Manual

REPLACES: ~~Policy~~~~Division Directive~~ 204.041, "Education ~~—~~ Juvenile Facilities,"
[9/3/195/20/14](#).
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: [Alteration of School Day form](#) (204.041A)
DOC Education Record Retention Schedule (~~204.040A~~, also on [iShare retention page](#))
MCEC GED Program and Testing Guidelines (~~204.040C~~, on [iShare education page](#))

APPROVALS:
Deputy Commissioner, ~~Chief of Staff~~~~Community Services~~
Deputy Commissioner, ~~Client~~~~Facility~~ Services ~~and Supports~~
~~Assistant Commissioner, Operations Support~~
Assistant Commissioner, ~~Facilities~~~~Services~~
~~Assistant Commissioner, Facilities~~
~~Assistant Commissioner, Health, Recovery, and Programming~~