DEPARTMENT OF CORRECTIONS

Policy Number:	**204.041**
Title:	**Education – MCF-Red Wing**
Effective Date:	**6/4/24**

PURPOSE: To provide all juvenile student residents with no-cost, high-quality education to promote successful transition out of the facility, and back to school if appropriate. To assure that MCF Red Wing 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.

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.

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.

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.

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.

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.

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, and reintegration issues.

PROCEDURES:

A. General guidelines and applicable facility expectations

1. 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.

2. The principal must ensure the consistent administration of system-wide resident testing and review of disability-related educational needs at intake and release.

3. 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.

4. The facility's education program staff 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.

5. The facility must provide formal and informal recognition of specific educational accomplishments, including annual graduation ceremonies.

6. All education records must be maintained in accordance with the DOC education records retention schedule.

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

8. 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 may test and earn a GED. (See MCEC GED Program and Testing Guidelines 204.040C (link attached) for requirements.)

3. 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

Education program staff must coordinate with other facility program staff to provide functional life skills and transitions 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, 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.

D. Post-secondary education

The facility education program may provide post-secondary education designed to prepare students for successful 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 or designee may determine eligibility for enrollment in post-secondary classes and programs based on educational achievement, facility discipline, work history, 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. Students who qualify for special education must be provided an IEP that directs those services. All applicable due process procedures outlined in Minn. Rules Ch. 3525 must be followed.

2. Students with special education needs must continue to receive special education services during any and all incidents of continuing observation status that result in a student with special education needs being removed from the student's general and special education services.

   a) If a student is on continuing observation status for six or more consecutive school days, the student's IEP team must meet to review the student's IEP.

   b) If a student is on continuing observation status 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)

1. 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 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).

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."

H. 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 the students were provided the opportunity to progress toward IEP goals while in the secured unit and retain the documentation according to the retention schedule.

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

3. The Alteration of School Day form must be retained in the students' academic files.

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.

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

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 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.

REFERENCES: Minn. Stat. §§ 241.01; 242.20; 242.21; 244.03; 13.04, subd. 2; 13.32
Minn. Rules Ch. 3525
Policy 204.035, "Secondary 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)
Minnesota Department of Education Regulations
Walter Maginnis High School Procedure Manual

REPLACES: Policy 204.041, "Education – Juvenile Facilities," 9/3/19.

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) (public pdf)
DOC Education Record Retention Schedule (on iShare retention page)
MCEC GED Program and Testing Guidelines (on iShare education page)

APPROVALS:
Deputy Commissioner, Chief of Staff
Deputy Commissioner, Client Services and Supports
Assistant Commissioner, Facilities
Assistant Commissioner, Facilities
Assistant Commissioner, Health, Recovery, and Programming