



# Operating Procedure

<b>Effective Date</b>	August 1, 2016	<b>Number</b>	601.5
<b>Amended</b>		<b>Operating Level</b>	Department
<b>Supersedes</b>		Operating Procedure 601.5 (4/1/15)	
<b>Authority</b>		COV §53.1-10, §53.1-32.1	
<b>Subject</b>		<b>ACA/PREA Standards</b>	
ACADEMIC PROGRAMS		None	
<b>Incarcerated Offender Access</b>		<b>Office of Primary Responsibility</b>	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Superintendent of Education	
<b>Public Access</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Attachments</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

## I. PURPOSE

This operating procedure provides for the Division of Education to offer functional literacy instruction, through the Adult Basic Education Program, to all identified offenders assigned to Department of Corrections facilities.

## II. COMPLIANCE

This operating procedure applies to all facilities operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

## III. DEFINITIONS

**Adult Basic Education Program (ABE)** - A program that provides educational skills necessary to function independently in society including, but not limited to: reading comprehension, writing, and arithmetic computation, and culminates with the completion of the High School Equivalency (HSE). Eligible offenders are those who do not have a verifiable high school diploma or HSE.

**College and Career Readiness (CCR) Standards for Adult Education (2013)** - Standards adopted by the State Board of Education to provide guidance regarding essential knowledge and skills for secondary completion and preparedness for workforce and postsecondary training and education

**Eligible Status** - The status assigned to an offender who has not earned a HSE certificate or verified high school diploma

**High School Equivalency (HSE)** - Instruction for students with 9.0 and above grade level TABE test scores; successful completion of this level of instruction requires that the offender pass a Virginia Department of Education approved HSE test and results in the awarding of a HSE certificate.

**Individualized Education Plan (IEP)** - A written educational plan developed for a student with disabilities to help meet their unique needs

**Ineligible Status** - The status assigned to an offender who is presently incarcerated and has a verified HSE certificate or high school diploma, or has been exempted

**Pending Status** - The status assigned to an offender who has been declared eligible but has not requested participation

**Personal Learning Plan (PLP)** - A contractual learning agreement between the Teacher and the student based upon the student's individualized needs; if the student is identified as eligible for special education services, the Individualized Education Plan (IEP) will serve as the personal learning plan.

**Refused Participation Status** - The status assigned to an ABE eligible offender who elects not to enroll in the ABE program; a release must be signed and dated by the offender and the offender's signature must be witnessed on the document. If an offender refuses to sign, the tester or officer on duty shall print "Refused to Sign" and initial.

**Refused Test Status** - The status assigned to an offender who refused to take the TABE test when the test

was first offered at the receiving site

**Refused Second Test Status** - The status assigned to an offender who refused TABE testing at the receiving site and refused a second test opportunity after leaving the receiving center

**Student** - An offender assigned to a DOC facility that is enrolled in an educational program

**Test of Adult Basic Education (TABE)** - Norm-reference tests designed to measure student achievement levels in reading, math, and language arts; the TABE is used to uniformly assess student achievement and to determine student eligibility and/or for completion of the HSE level of the ABE Program, as well as eligibility for the WorkKeys Assessment for the Career Readiness Certificate.

**Waiting List** - The approved list composed of the names of offenders assigned to participate in the program based on their release date and the TABE score; the official waiting list maintained in VACORIS will be used to determine student placement.

#### IV. PROCEDURE

##### A. Eligibility for Adult Basic Education Program

1. Offenders shall be identified for eligibility during the intake process. Eligibility is based on whether the offender has earned a HSE certificate or verified high school diploma.
  - a. Offenders shall be tested with the TABE Survey at the Receiving Unit, and at any jails serving as Reception and Classification Centers. Offenders will be tested with the complete TABE test at all adult institutions. (see Operating Procedure 601.4, *Educational Testing*)
  - b. Results of the TABE screening shall be entered into VACORIS.
  - c. Six distinct categories will be used to determine participation in the Adult Basic Education program.

TABE	Total Average Score	Adult Basic Education Level
ABE I	0.0-1.9	Beginning ABE Literacy
ABE II	2.0-3.9	Beginning Basic Education
ABE III	4.0-5.9	Low Intermediate Basic Education
ABE IV	6.0-8.9	High Intermediate Basic Education
ABE V	9.0-10.9	Low Adult Secondary Education (Pre HSE)
ABE VI	11.0-12.9	High Adult Secondary Education (HSE)

2. Each offender shall be informed of their eligibility for the ABE program, the program's purpose, policies, benefits and consequences. The information shall be conveyed to the offender within 15 days of arrival at the assigned institution.
3. Once eligibility has been established, responses regarding participation in ABE shall be placed in the offender's School Office file.
4. If an offender refuses to test at a Receiving Unit, the offender will be assigned Refused Receiving Test status. Offenders refusing educational testing should be charged with Offense Code 119b in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*.
  - a. The offender will be given one additional opportunity to test for ABE program eligibility at the institution.
  - b. An offender, who refuses to take the initial TABE Test while at the Receiving Unit, shall sign an [\*Adult Basic Education Program: Test Refusal\*](#) 601\_F1 witnessed by the testing instructor.
  - c. If the offender refuses to sign the refusal form, the testing instructor shall indicate the offender's refusal to sign in the presence of a witness.

##### B. Adult Basic Education

1. Eligible offenders shall be provided adult basic education instruction, that:
  - a. Is the equivalent of at least 1½ hours per day, five days per week; the specific class schedule may be determined by the Principal of the School. (see Operating Procedure 601.2, *Class*

*Organization and Management)*

- b. Is individualized according to each student's needs and shall emphasize the development of functional literacy skills. Each student shall have a Personal Learning Plan (PLP) in their file based upon their latest Academic standardized testing.
2. Student achievement and progress shall be monitored regularly by Teachers.
  - a. Appropriate Academic Assessments, based upon individual need, shall be administered in accordance with Operating Procedure 601.4, *Educational Testing*, to determine student progress.
  - b. There should be documentation of student progress based upon mastery of prescribed adult education competencies aligned to College and Career Readiness Standards, student educational history, student activity sheets, personal learning plans, and Teacher observations.
  - c. This documentation should be used to determine whether the student qualifies for an Adult Basic Education Program exemption.
3. Program Evaluation - The Assistant Superintendent for Education Operations in concert with the Assistant Superintendent for Adult Academic Programs shall prepare and submit an annual program evaluation report to the Superintendent.
4. Facility Job Placements
  - a. Offenders at Security Level 2 and higher institutions who are ABE eligible must be enrolled in ABE classes or on an initial waiting list to be eligible for an institutional job assignment. (see Operating Procedure 841.2, *Offender Work Programs*)
    - i. Offenders who are on a waiting list due to removal from ABE class are not eligible for an institutional job assignment.
    - ii. In Security Level 1 institutions and work centers, exceptions may be granted or alternative job/class schedules developed to maximize student participation.
  - b. Offenders working prior to April 6, 2015 are not required to meet the academic requirement for continuing their employment in their current job or for a promotion in a related job.
    - i. ABE eligible offenders who change jobs will be subject to the academic requirements.
    - ii. Reasonable efforts should be made to allow offenders currently working an opportunity to earn their HSE.
  - c. ABE eligible offenders who are removed from academic class will be terminated from their job and be ineligible for earning good time, transfer requests, housing in an honor pod, or receiving special incentives.
    - i. The Academic Teacher shall charge the offender with Offense Code 200 (in addition to any other offenses that may be related to the removal), notify the work PAR to remove the offender from any institutional job assignment, and refer the offender to the ICA to reduce the offender to Good Time Class IV. (see Operating Procedure 861.1, *Offender Discipline, Institutions*)
    - ii. The offender must request to be placed on the waiting list, but will remain ineligible for work until they enroll in class.
  - d. Exceptions to the academic requirement may be granted for those offenders working for Corrections Construction Unit (CCU), Environmental Services, or for an offender in an institutional job assignment deemed critical by the Facility Unit Head. Jobs to be exempted will be reviewed annually by the Facility Unit Head, and forwarded to the Regional Operations Chief, and to the Chief of Corrections Operations for final approval.
  - e. Students who have been exempted from academic classes by the Principal shall be eligible for institutional job assignment.

C. Adult Basic Education Program Exemptions

1. An exemption from the Adult Basic Education Program shall not impact the student's ability to participate in other DOC programs unless program prerequisites have been established that are

higher than the student's level of academic achievement. The student will not be allowed to enroll in the ABE program, but may participate if a waiver is granted.

2. Program exemption requests require documentation stating the student's enrollment and educational history and the rationale for the recommendations.
3. Discretionary Exemptions
  - a. All students will be evaluated with the complete TABE test at least four times annually after enrollment to determine academic progress and effort.
    - i. In evaluating student progress and effort, Teachers should take into consideration the student's TABE scores, the PLP, and classroom performance.
    - ii. If the Teacher decides that the student has made little or no progress or effort, the Teacher shall develop a remediation plan, based upon the PLP, for the next scheduled TABE testing cycle.
  - b. Principals, in consultation with the Teacher, may exempt from the program students who have been continuously enrolled when they have shown no measurable progress or effort over a 12-month period on TABE scores, the competency assessment checklist, or the PLP. Program exemption requests require documentation stating the student's enrollment and educational history as well as the rationale for the recommendation.
  - c. The Principal may use discretion and allow the student to remain in class based on documented sound educational reasons.
  - d. This section does not apply to students who have been identified for special education services.
4. Mandatory Exemptions
  - a. A student should be exempted from the Adult Basic Education Program if the student does not show significant progress over an 18-month period of continuous enrollment as demonstrated by the student's TABE scores on at least three TABE tests and the PLP.
  - b. At the discretion of the Principal, the student may be allowed to remain in class as long as there is no waiting list.
  - c. This section does not apply to students who have been identified for special education services.
5. Unspecified Exemptions - A student shall be exempted from the program if medical and/or psychological documentation can be provided by DOC that clearly indicates the student cannot participate in classroom activities.
6. A student who has reached the age of retirement under Social Security guidelines and does not wish to participate in the ABE program may request a waiver.

#### D. Special Education Services

1. Eligibility
  - a. The Principal or designee at each Receiving Unit will screen students at intake to identify all incoming offenders age 22 and under who may be eligible for special education services.
    - i. All offenders complete a screening form in which they identify whether or not they have ever received special education services.
    - ii. Educational records are requested for all offenders under age 18.
    - iii. Educational records are requested for all offenders age 22 and under, and who identify that they have received special education services in the past.
    - iv. Educationally relevant information will be entered into VACORIS for the purpose of determining appropriate institutional placement.
  - b. Upon receipt of scholastic records, the special education (SPED) Teacher/Case Manager or IEP Coordinator reviews all packets and identifies students currently eligible or eligible in the past for special education services.
  - c. The SPED eligibility determination process should be completed while the offender is still

housed at the Receiving Unit.

- d. Annual reviews are delayed until the student is transferred to the receiving school, unless unusual circumstances make it necessary for the Individualized Education Plan (IEP) process to be facilitated at the Receiving Unit.
  - e. The school secretary or Principal designee gathers all scholastic records as well as evaluations and screenings completed at the receiving center and forwards them with the student upon transfer to the receiving school.
  - f. Receiving schools are notified, in writing, regarding identified students with disabilities as well as students who may require further child study review.
2. Receiving School
- a. Within five school days of the student's arrival, the SPED Case Manager will contact the offender to ascertain their interest in receiving special education services and review the file to determine the status of the IEP and eligibility.
  - b. The SPED Case Manager will establish the date for the upcoming IEP, meeting within 30 days of the student's arrival, if the student has indicated they would like to attend school.
  - c. The SPED Case Manager will establish a date for the pre-eligibility meeting, if the triennial date is not current.
3. Annual Reviews
- a. The SPED Case Manager will be responsible for the following:
    - i. Sending a meeting notice letter to the parent(s) of a student under the age of 18, or adult student, inviting them to attend the IEP meeting at a designated date within 30 days of the student's arrival or indication that they want special education services; the letter will include a copy of the procedural safeguards.
    - ii. Sending a notice to all participants inviting them to attend the IEP meeting
    - iii. Meeting with the student to obtain any information regarding their previous school history, interests, strengths and weaknesses, and any information they would like addressed in the IEP.
  - b. If the parent of a student under age 18 does not respond to the invitation to attend the IEP meeting within seven school days, the SPED Case Manager will place a minimum of two telephone calls in an attempt to verify attendance and solicit input for the IEP. All telephone calls will be documented on the Log of Contacts.
  - c. The SPED Case Manager will prepare the IEP draft based on a review of the records and all input received from the Teachers, parents, and the student.
  - d. A School participant will be assigned to record the minutes of all meetings. Meeting minutes will include information regarding why decisions were made related to the Least Restrictive Environment, diploma status, accommodation, and any other pertinent information.
  - e. Parents or the adult student who are present will sign the IEP and be given a copy prior to leaving the meeting.
  - f. If the IEP needs to be revised and/or the parent or adult student was not present, the revised IEP will be mailed to the parent or the adult student within one school day of the meeting.
  - g. If the signature page is not returned within 10 school days, the SPED Case Manager will contact the parent or the adult student to obtain the written signature.
    - i. By day 15, the SPED Case Manager will commence with weekly efforts to obtain the written signature via a variety of avenues to include seeking additional contact information from the student, enlisting the assistance of the DOC counselor, meeting with the parent at visitation, etc.
    - ii. Beginning day 15, the SPED Case Manager will notify the Principal regarding efforts to obtain written permission and by day 30 the SPED Case Manager will notify the Assistant Superintendent for Education Operations regarding efforts to obtain written permission.
    - iii. Services will not be provided on the new IEP until the signature sheet is returned. Telephone



with Teachers may be either in person or via a monthly checklist.

- c. SPED Case Managers are responsible for making recommendations regarding academic and behavioral needs as appropriate based upon monthly contacts, review of progress notes and report cards.
8. Delivery of Services
- a. The full continuum of special education services is available, based upon the student's individual needs. Special services, such as interpreters for the deaf, will be contracted as needed and in accordance with applicable law.
  - b. Service delivery options at adult schools may include the following:
    - i. Self-Contained Classes - Students receive all of their instruction in classrooms composed of students with disabilities. Instruction is highly individualized, closely supervised and taught by a special education instructor.
    - ii. Resource Classes - Students are assigned a specific period where they receive individualized or small group instruction or remediation from a special education Teacher in an identified subject area with the balance of the time spent in regular classrooms. Non-disabled students with similar educational needs may be assigned to the same classroom for remediation.
    - iii. Consultation - A consulting special education Teacher provides guidance and support regarding a student with disabilities by meeting with assigned Teachers and sometimes the student, rather than providing direct instructional services to the student.
    - iv. Correspondence - Specialized individual instruction is provided by a special education Teacher through intra-facility mail for those students who cannot physically attend class due to security restrictions.
    - v. Itinerant Services - Students with disabilities receive resource or related services, such as speech therapy, by a Teacher who may work at various locations.
  - c. Teachers assigned to students with disabilities will complete progress reports on identified annual goals at the completion of each trimester. Progress reports are sent to parents and adult students.
  - d. Principals will be responsible to ensure that progress reports are completed and sent out each trimester.

E. Admission to Academic Classes

1. Prior to assigning an offender to an academic program (except the Plaza Comunitaria Program), the following information pertaining to the offender in question should be assembled:
  - a. Good Time/Mandatory Release Date
  - b. Medical Information (including side effects of any medications being taken or other significant factors which may limit certain activities or otherwise affect class behavior)
  - c. TABE Scores
  - d. Current Work Assignment
  - e. Career and Technical Education Program Status
  - f. Other Institutional Program Assignments (education has priority over other institutional programs that do not involve security issues)
  - g. Institutional Adjustment Record (charges for infractions that occur in schools).
2. The following TABE scores shall be used to indicate the proper placement of the student in the appropriate Adult Basic Education (ABE) level:

TABE	Total Average Score	Adult Basic Education Level
ABE I	0.0-1.9	Beginning ABE Literacy
ABE II	2.0-3.9	Beginning Basic Education
ABE III	4.0-5.9	Low Intermediate Basic Education
ABE IV	6.0-8.9	High Intermediate Basic Education
ABE V	9.0-10.9	Low Adult Secondary Education (Pre- HSE)
ABE VI	11.0-12.9	High Adult Secondary Education (HSE)

3. Students eligible for special education services (up to 23rd birthday) shall be immediately placed in school and be provided services as outlined in the *Special Education Services* section of this operating procedure.
4. Reasonable accommodations must be made for students with disabilities to ensure that the testing procedure is not discriminatory based on the disability. Reasonable accommodations may include extended time to complete tests, reading aides, interpreters, etc.
5. Waiting List Process
  - a. Offenders shall receive a general orientation to all academic programs offered by the facility prior to their names being placed on any academic waiting list. The general orientation may be in the form of an audio-visual presentation, or a verbal explanation with supplementary reading material. The waiting list policy should be explained at this time.
  - b. The Principal or designee shall provide counseling regarding course content and course requirements if needed.
  - c. All required information regarding the offender shall be collected by the Principal or designee. Criteria to establish the priorities used to enroll students include length of sentence and TABE scale score.
6. Special Waiting List Categories
  - a. Special Education students should not be wait listed for Academic classes.
  - b. HSE FastTrack - Offenders with qualifying scores on the appropriate TABE or Steck Vaughn Test. (see Operating Procedure 601.4, *Educational Testing*, for eligibility)
  - c. Plaza Comunitaria programs (see Operating Procedure 601.4, *Educational Testing*, for eligibility) - priority for enrollment must be given to those Latino offenders with active detainee status and that will be deported upon release.
  - d. Educational services should not be disrupted for individuals who are demonstrating appropriate behaviors. A change in security level, which results in the transfer of the student, should not have a negative impact.
    - i. When students are in an academic program and are transferred to another facility, prior to completion, due to a decrease in their security level, they should be placed into the classroom immediately.
    - ii. When students are in an academic program and are transferred to another facility, prior to completion, due to an increase in their security level, they must be placed on the waiting list.
7. Classroom Vacancies
  - a. All academic classroom vacancies are to be filled as expeditiously as possible. Principals may transfer students from one academic group to another to best accommodate student and class needs and to assist in filling vacancies.
  - b. When the demand for a course(s) exceeds available capacity, a waiting list shall be maintained.
  - c. An offender shall be placed on the waiting list based on the Good Time/Mandatory Release Date. A change in the length of a sentence will alter the offender's place on the waiting list.
  - d. The waiting list for academic programs shall be maintained in VACORIS, and updated as offenders are enrolled.

- i. Enrollment information, including the offender's name, grade level, action taken, date, and reason for the action will be part of the waiting list.
- ii. The VACORIS administrator will determine persons authorized access to the waiting list information.
- e. If an offender declines enrollment in an academic program, their name shall be dropped from the list.
  - i. The offender should be charged with Offense Code 200 in accordance with Operating security 861.1, *Offender Discipline, Institutions*.
  - ii. The offender's Counselor should be notified for appropriate classification actions.
- f. If an offender whose name is on an academic waiting list cannot enroll in a program due to DOC disciplinary action taken against them, their name may be placed back on the waiting list effective the last day of the disciplinary action.
- g. Reenrollment on the waiting list after a student is dropped from ABE class is contingent upon the offender's request and PAR approval.
- h. A copy of the waiting list procedures shall be posted prominently in the school area and/or reviewed during orientation

#### V. REFERENCES

*College and Career Readiness (CCR) Standards for Adult Education (2013)*

Operating Procedure 601.2, *Class Organization and Management*

Operating Procedure 601.4, *Educational Testing*

Operating Procedure 841.2, *Offender Work Programs*

Operating Procedure 861.1, *Offender Discipline, Institutions*

#### VI. FORM CITATIONS

[Adult Basic Education Program: Test Refusal](#) 601\_F1

#### VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

*Signature Copy on File*

**6/28/16**

Christopher S. Colville, Superintendent of Education

Date