

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

103 DOC 441

INMATE TRAINING AND EDUCATION

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MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION: INMATE TRAINING AND EDUCATION
TITLE: INMATE TRAINING AND EDUCATION	NUMBER: 103 DOC 441

PURPOSE: The purpose of 103 DOC 441.00 is to establish Department of Correction ("Department") policy guidelines regarding inmates' involvement in academic and vocational training programs.

REFERENCES: M.G.L., c. 124 § 1 (c), (e) & (q)
M.G.L., c. 127 § 48.

APPLICABILITY: Staff and Inmates **PUBLIC ACCESS:** Yes

LOCATION: Department Central Policy File
Division of Inmate Training and Education Policy File
Institution's Policy File
Inmate Law Library

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:

Director of the Division of Inmate Training and Education

PROMULGATION DATE: 02/21/2012 **EFFECTIVE DATE:** 03/21/2012

CANCELLATION: 103 DOC 441.00 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules and regulations regarding academic and occupational/vocational education for inmates.

SEVERABILITY CLAUSE: If any part of 103 DOC 441.00 is, for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.

441.01 **Academic and Vocational Education**

It is the Department's policy that academic and vocational education programs are consistent with the needs of the inmate population, and are offered at all Department institutions, however not all programs may be offered at each site. The Department uses business, industry and community resources in developing academic and/or vocational education programs for selected inmates.

441.02 **Initial Assessments**

- A. The Department shall provide for a system for academic and vocational counseling as well as initial screening, assessment and evaluation to determine each inmate's needs upon entry into the prison system and in coordination with the initial orientation process.
 - 1. During the initial orientation process all sentenced inmates shall:
 - a. Complete the Education/Vocation Assessment Questions For Risk Assessment form (Attachment 1). If the inmate is unable to complete the form by him/herself, a school counselor shall assist him/her with the process;
 - b. Complete the TABE (Test of Adult Basic Education) locator test and then the recommended level of the TABE test. If the inmate is unable to complete the TABE test because English is not his/her primary language, the inmate shall be given the BEST (Basic English Skills Test) test. If an individual tests below a fifth grade equivalency level, the school counselor/principal may offer further diagnostic testing to be conducted to determine if there are specific learning disabilities.
 - 2. The school counselor or designee shall request each inmate's high school transcript/diploma, or verification of a GED (General Educational Development diploma). These credentials are important for entry into vocational and other post-secondary programs. Other school records may be requested if those records would assist school staff with evaluating and educating the inmate.

3. The school counselor or designee shall advise each inmate of educational opportunities available within the correctional system.
4. To assist in meeting the educational and vocational needs of inmates who require special placement because of physical, mental, emotional or learning disabilities, the school counselor or designee shall advise inmates under the age of twenty-two (22) of their Special Education rights and the associated forms (Attachment 2, Your Rights Under P.L. 94-142 Special Education Services Available Within The Massachusetts Department Of Correction form; Attachment 3, Release of Information Form; Attachment 4, Consent For Assessment and Receipt of Rights Under "Chapter 766" form). The process shall be completed in accordance with the Department's and the Department of Elementary and Secondary Education (DESE) Special Education Services Memorandum of Understanding.
5. Upon completion of the initial assessment process, all information shall be placed in the inmate's school record and on the educational assessment screen on the Inmate Management System ("IMS") and Criminal Offender Management Profiling for Alternative Sanctions ("COMPAS"). During the orientation process, each inmate shall receive a copy of their test score sheet with his/her assessment scores on it. This sheet may be carried by the inmate and may be used to assist with entering a school program at a different institution if his/her education information is not available.

B. Student Records

1. A student education record is initiated during the initial orientation process and will be maintained in the principal's or counselor's office at the facility where the inmate is incarcerated. All information pertinent to an inmate's educational history shall be placed in the record and follow the inmate as he/she moves through the system. This is not a part of the six-part folder. Information may include:
 - Pre-test results;
 - Post-test results;
 - Self-reported interview sheet;

- GED testing results to include GED practice test results;
 - Evaluations completed by an institution school;
 - Copies of institutional certificates earned (certificates of participation and certificates of course completion, etc.);
 - Copies of State licenses or nationally recognized certifications;
 - Competency checklists;
 - Copies of diplomas earned;
 - Any other information deemed pertinent to the education of the student. This information when possible shall be entered on the Inmate Management System (IMS).
2. When an inmate transfers to a pre-release facility, the record shall be sent to the supervising principal's facility. When an inmate leaves the correctional system, the record shall be sent to MCI-Cedar Junction to be archived. Records of female offenders shall be archived at MCI-Framingham. The record shall be maintained for seven (7) years and shall then be destroyed. If an inmate returns within seven years, his/her record shall be retrieved and will become active again. School personnel shall ensure the maintenance and security of all school records (GED record/transcript). Students' rights to privacy and confidentiality shall be maintained in accordance with state and federal laws.

441.03 Counseling:

Appropriate placement on the correct academic level or in a vocational program is an important factor for student success.

- A. The school counselor shall maintain a waiting list for each class. (Waiting lists are maintained on the IMS and COMPAS systems). The school counselor shall call students when a space is available based on closest release date with sufficient time to complete the course of instruction. Academic students within five (5) years of release shall be placed on a first come, first served basis, in order to prioritize class space to those inmates closest to release.

- B. The school counselor shall receive, check and maintain all student records and shall ensure that they are updated with pertinent information before records are forwarded to another institution.
- C. The school counselor shall review the daily change sheet/IMS morning report for entry and exit information in order to determine who has come into his/her institution; who has transferred to another institution; or who has been placed in the SMU. The school counselor shall contact each inmate who enters his/her institution and shall attempt to have him/her come to the school for a record review and education counseling session.
- D. A list of inmates who have left the institution shall be compiled on a weekly basis. The school counselor shall review the transferring inmate(s)' records and collect any education pertinent materials for placement in the inmate(s)' folder before it is sent to the appropriate institution.

441.04 Program Access and Placement

The Department offers eligible inmates the opportunity to participate in education programs for the purpose of building academic and vocational skills. It is imperative that inmates are placed in appropriate instruction levels so that they may receive maximum benefit from the educational programs. The education program allows for flexible scheduling that permits inmates to enter at any time and to proceed at their own learning pace. It is necessary for those inmates whose education recommendation is for special education, literacy or Adult Basic Education, to be allowed to work toward a foundation in basic skills instruction before being eligible for any other program. Offenders who do not have a GED, high school diploma (HSD) are referred to academic programming in order to work toward earning a GED before they can apply for a vocational or college program.

- A. Program Priority - Inmates shall be placed in academic and vocational training programs giving priority to those closest to release who have sufficient time left to complete the course of study. One (1) slot per class may be set aside for an inmate serving a life sentence. Once inmate is enrolled in an education program,

consideration shall be given to avoid moving the inmate from the education program in order to attend other recommended programming unless institution needs dictate otherwise.

- B. Basic Education - One of the goals of the Education Division is to provide in depth screening to inmates who score below fifth grade functioning level on the TABE test. The counselor shall refer to the assessment screen on the IMS and shall look at the inmate education folder before recommending the appropriate program placement.
- C. Vocational Program Eligibility - To best utilize resources and to mirror community standards, inmates shall have a HSD or GED and a seventh grade reading level prior to begin placed in a vocational program. Exception is made for the basic computer training class. This class has an eligibility requirement of a seventh grade reading level as determined by the TABE. For safety reasons speakers of other languages with a HSD or GED must be able to read English at the seventh grade level as measured by the TABE before being placed in any vocational training program.
- D. Waiting List Management - As inmates move in and out of different institutions, they shall be placed on class waiting lists based on their earliest possible release date and their COMPAS risk assessment level. Priority will be given to high risk inmates down to low risk inmates until the class is filled.
- E. Three Year Rule - Due to the high demand for vocational training and the need to train as many individuals as possible, individuals who spend two (2) weeks in and/or complete a training program shall not be able to enroll in another training program for three (3) years. This rule shall be waived if there are no individuals on the waiting list for the desired program. Individuals have two (2) weeks in a class to decide whether the vocational area is one they wish to pursue. If they voluntarily leave before the start of the third week, they do not have to wait three (3) years for placement on a waiting list or enrollment in another program.
- F. Paying for Tests and Credentials- At the start of a vocational training program, inmates shall be given a course outline and the policy and rules the class follows. Part of the policy is that each inmate is expected to pay the costs associated with taking the credential-granting exam,. A transfer slip covering the

cost of the exam shall be presented to the instructor at the start of the class. The instructor shall hold the slips until it is time to order the tests. The slips shall then be given to the institution treasurer, who shall process one check to the testing vendor or the Commonwealth of MA. If an inmate meets the indigence standard and does not have enough money in savings to cover the cost of the test, the Education Division may pay for the test. Anyone who refuses to provide a transfer slip or refuses to take the exam shall be removed from the class.

- G. Hearing or Sight Disabled - Qualified individuals trained in assessing the abilities and functioning level of hearing or sight disabled individuals shall evaluate any hearing or sight disabled inmate wishing to participate in school. These individuals shall make recommendations about the degree of accommodation the inmate shall need to successfully participate. The school principal shall work with the institution administration Americans with Disabilities Act (ADA) Coordinator and the hearing and sight agencies to obtain the accommodations needed.
- H. Special Management and Special Housing Units - Inmates held in segregation or special housing units for non-disciplinary reasons shall be entitled to education services. The school principal shall arrange for existing education staff to modify their schedules to provide services, as needed.
- I. College Programming - The fully donated Boston University program is provided at MCI-Norfolk, and MCI-Framingham. Any costs associated with the program shall be the responsibility of the inmate. However, the Department has the authority to receive an inmate's transcript from the University whenever warranted.
- J. Grant Funded College Programming - Youthful Offender grant funds, when received, will be used to support associate degree level college courses.

441.05 Instruction and Curriculum

- A. Institutions shall offer academic and vocational training programs at times when the majority of inmates may attend.
- B. The Division of Inmate Training and Education shall

review the education program annually, with input from institution staff and students.

- C. Recommendations made may be used to ensure that resources are distributed among institutions to meet student needs and to enhance the chances of inmate success upon reentry. Program offerings are available to all inmates who are eligible and may include

- 1. Academic Programming

- a. education philosophy and goals.
- b. communication skills
- c. general education (Pre-GED)
- d. basic academic skills (ABE)
- e. GED preparation
- f. special education
- g. postsecondary education
- h. Title I supplemental instruction
- i. English as a Second Language (ESL)
- j. Life Skills and Job Preparation Skills
- k. other education programs as dictated by the needs of the institutional population

- 2. The Vocational Programs may include:

- a. Auto Body
- b. Auto Technology
- c. Barbering
- d. Building Trades
- e. CDL (Commercial Drivers License)
- f. Computer Technology
- g. Cosmetology
- h. Horticulture
- i. HVAC (Heating, Ventilation and Air Conditioning)
- j. Occupational Safety and Health Administration "OSHA" Certification
- k. Short Term Certificate Programs
- l. Small Engine Repair
- m. Welding

Vocational training programs are integrated with academic programs and are relevant to the vocational needs of inmates and to employment opportunities in the community.

- D. Culinary Arts

- 1. Overview - The Culinary Arts programs will operate as vocational training programs with

the primary goal of providing entry level job skills to inmate students. Students will obtain nationally recognized credentials in sanitation and hygiene (Serve Safe) and Professional Cooking. Monday of each week will be used as theory instruction day and preparation time. Tuesday will be instruction day if Monday is a legal holiday. As part of the program curriculum, meals prepared by the students will be available to staff (and the public at NECC) for lunch Tuesday through Friday. Weekly menus will be posted in the culinary program dining room and on the institution Intranet. All of the programs will operate in a "restaurant style" mode with table service. Take out meals will also be available. Dining room patrons will purchase meal tickets prior to being seated and will have a waiter come and take their order. At the present time any meal served in the particular facility will have the same price.

Prices will be updated annually based on a cost of living adjustment. Take out patrons will go to the take out area to place their order and must have a ticket for each meal requested. No meal can be served without payment by meal ticket.

2. Paying for meals - Meal tickets will either be sold at a central location in the institution or by a representative of the superintendent in the dining room during the lunch period. The wait staff will have a numerically sequenced order pad and will generate two-copies of the order for each meal requested. The waiter will keep one copy and the other will be submitted to the kitchen with the meal ticket attached to it. This will generate the preparation of a meal. The instructor will reconcile the meal count at the end of the day. If there are discrepancies in the count an incident report will be written and submitted to the school principal and the Superintendent, and a copy to the Director of Inmate Training and Education.

Overtime meal slips will only be used to obtain a meal from the mainline kitchen and will not be accepted as payment for a culinary arts program meal. (In accordance with 214.04

Overtime Meal Reimbursement).

Special meeting meals will be to be requested two weeks in advance using a function application form (Attachment 5) and approved by the school principal and Director of Inmate Training and Education. Costs of the food to be served will be paid for as provided by the facility or division or collection of meal tickets.

E. GED Testing

1. GED testing shall be offered at no cost to the student at least twice annually at each Department institution. Special testing accommodations shall be considered on a case by case basis.
2. A student must first score 2,250 points on all five (5) practice sub tests with no sub test score being below 410 to be eligible to take the GED test. This eligibility shall last for three (3) years unless an inmate scores below 410 on a sub test of the actual GED exam. If that occurs, the inmate shall have to re-qualify in that sub test area only.
3. The following are the Department of Elementary and Secondary Education (DESE) GED testing policies and state that as long as the examinee takes the complete test battery, his/her best scores shall be eligible to be counted towards passing the overall GED exam for a three (3) year period. With each subsequent test taking, only the highest scores obtained during the eligibility period shall be counted. If the inmate has not successfully passed the GED exam within three (3) years, the scores shall be removed from the record and the examinee shall have to start the process over. If only one (1) test or a partial test battery is taken, those scores shall be removed after one (1) year.
4. A student must score 2,250 on all five (5) sub tests with no sub test score below 410 to successfully pass the GED exam.

F. Grant Programs

1. Programs funded with grant monies shall adhere to the parameters of the grant. Title I funds may only be used to provide supplemental instruction to individuals twenty (20) years old and under.
2. Youthful Offender grant funds may only be expended on individuals with a HSD or GED who are thirty-five (35) years old and under and who are within five (5) years of parole or release. Inmates convicted of certain crimes are ineligible.
3. Adult Basic Education grant funds focus on increasing the literacy level of students.
4. Perkins Grant funds support non-traditional vocational and technical training programs.

G. Correspondence Courses

Inmates may initiate correspondence courses. All costs and responsibilities of the course shall be borne by the inmate. Good time is not awarded for participating in or successfully completing the courses.

H. Curriculum

1. Teachers in specific instructional areas, in consultation with the school principals, shall work together to develop and update standardized, competency-based curricula supported by appropriate materials and classroom resources which incorporates all appropriate Massachusetts curriculum frameworks and adult education guidelines.
2. Vocational education curricula shall be chosen and/or developed according to nationally recognized standards, credentials and licenses.

I. Attendance Incentives

Good Time Deductions:

Awarding of good time is subject to the inmate performing at satisfactory level and attending on a regular basis.

- (a) Attendance on a regular basis is defined as four out of five days per week, or at least 80% attendance for the time scheduled per month.

- (b) Each teacher shall determine if an individual inmate is performing at a satisfactory level.
- (c) If both criteria are met, the inmate is eligible to earn good time. Inmates may earn up to seven and one half (7.5) days deduction from their sentence per month.

441.06 Accountability

A. Reporting

1. Teachers shall maintain daily attendance rosters on the prescribed forms and submit them monthly.
2. Teachers shall also enter student attendance and performance reviews onto the IMS. The principal reviews these records monthly and approves the awarding of good time credits.
3. Principals produce a monthly report to summarize significant events, problem areas, accomplishments and future plans for each school they supervise. They shall also note in this report the number of degrees, licenses and program completions that occurred that month.
4. School principals shall complete a monthly capacity report listing the number of seats available, the number of students enrolled and the number of students on the waiting list for each class.
5. Principals write an annual report, which includes data compiled from surveys received from institution administrators, school staff and students. Recommendations made in the report shall serve as a basis for the next year's school improvement plan.
6. Every three (3) years, as part of the external evaluation process, the school principal completes a self-evaluation of the program and shares it with outside evaluators. Two (2) administrators from other institutions shall conduct the external evaluation. They shall evaluate program strengths and weaknesses generally one (1) year prior to the institution's ACA (American Correctional Association) accreditation. The report evaluates the areas of administration, curricula, counseling, student intake, and facilities. The evaluation also includes survey input from staff and student.

B. Competency Checklists

1. In addition to the reports, the school principal shall ensure that all instructional staff use and

- maintain competency checklists.
2. Accountability for student progress shall be measured by using pre- and post-test results and by maintaining competency checklists.
 3. The competency checklists are compiled by reviewing the curriculum and sequentially listing each competency the student should achieve. As the student is taught, the teacher shall note the date the competency was achieved in a particular area. The checklist becomes a part of the student education folder and is used for three (3) purposes. First, it demonstrates that progress is being made. By looking at the dates of competency attainment, it may be determined how quickly or slowly a student is achieving and how effective the teaching strategies are. Second, as a student moves from institution to institution, the checklist follows him/her so that the next teacher may quickly identify what the student has achieved to date and what is an appropriate place to start in the continuation of the student's education. Third, the checklist may be used to indicate when a student is ready to complete the class and move on to the next level. When all of the class competencies are achieved, the student is transitioned to another program so a new student may enter the class.

C. Post Testing

The Education Division presently uses the TABE, the BEST (Basic English Skills Test) and the Official GED practice tests for pre and post-testing purposes when necessary.

441.07 Personnel

A. Qualifications

1. All academic shall be certified by the state Department of Education or other comparable authority.
2. All vocational teachers shall be certification eligible.

B. Policies and Practices

Academic and vocational personnel policies and practices are comparable to the local jurisdictions or other appropriate jurisdictions.

C. New Employee Orientation (NEO)

1. Full Time Employees - All new full time employees and employees working two full days or more per week shall be expected to go to the one (1) week (40 hours) New Employee Orientation training program. Upon completion of the hiring process, the Division of Human Resources shall schedule the new employee for the training program.
2. Part Time Employees - All part time employees working evenings or less than two (2) days per week shall complete the part time employee orientation program. This program consists of the equivalent of forty (40) hours training and is divided into three (3) sections: A twelve (12) hour orientation session that covers the topics outlined in the program material shall be given by the school principal; Eight (8) hours of site specific training; and twenty (20) hours of self-study courses. Each self-study course test shall be passed by a score of at least 70%. If any test is failed, it must be taken again until all tests are passed. Upon successful completion of the orientation, a certificate of completion shall be given to the individual and a copy shall be sent to the Education Central Office along with the testing answer sheets. The individual shall take a copy of his/her orientation completion certificate with an ID application form to the ID issuing authority. A copy of the certificate shall be given to the ITO (Institution Training Officer) for entry into the training academy database.

441.08 Program Evaluation

- A. The academic and vocational training programs shall be assessed against stated objectives of grant programming, interagency agreements and ACA standards by qualified individuals, professional groups, and/or trade associations. This assessment shall be conducted at least every three (3) years, funds permitting.
- B. The academic/vocational training programs shall be reviewed annually by division personnel against goals as outlined in the mission statement of the Division of Inmate Training and Education. A school improvement plan shall be developed annually based on the annual evaluation input and the recommendations of staff and students.

- C. All academic and education programs shall be recognized, certified or licensed by the state Department of Elementary and Secondary Education or other recognized agency having jurisdiction. Programs up to the completion of high school and or the GED are available at no cost to the inmates.

441.09 Pre-Release Education

- A. Any pre-release eligible inmate may be approved by the Commissioner for participation in Education and Training release programs pursuant to MGL Chapter 124, §1 (e,q); and MGL Chapter 127, §48, 49 and 49A.
- B. Pre-release level inmates may seek educational opportunities in the community.

441.10 Graduations and Recognition Ceremonies

It is the policy of the Division of Inmate Training and Education that:

- A. Those inmates who are "graduating" with a GED diploma, college degree, or nationally recognized certification or license shall be entitled to have guests attend the ceremony
- B. Food from outside of the institution shall not be allowed in to the graduation ceremony. A sheet cake or cookies and brownies, coffee and punch provided by the culinary arts program or the main line kitchen are authorized.
- C. Each school shall conduct at least one (1) graduation/recognition ceremony each year. Depending on the size of the program, the ceremony may be for both individuals who have achieved a high school credential, a degree or a vocational license/certification and individuals receiving a certificate of participation or there may be two (2) distinct ceremonies as determined by the school principal dependent upon the number of recipients.

441.11 Annual Review Date

This policy shall be reviewed at least annually from the effective date signed by the Commissioner or designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the central policy file indicating revisions, additions, or deletions which shall be included for the Commissioner's approval.

Attachment 1 (Not on intranet)

Massachusetts Department of Correction Education/Vocation
Assessment Questions For Risk Assessment Form

Attachment 2 (not on intranet)

Your Rights under P.L. 94-142 to Special Education
Services Available Within the Massachusetts Department of
Correction Form

Attachment 3 (not on intranet)

Special Education Release of Information Form

Attachment 4 (not on intranet)

Consent for Assessment and Receipt of Rights under "Chapter 766"
Form

Attachment 5 (not on intranet)

Culinary Arts Function Application Form