



## SCDC POLICY/PROCEDURE

**NUMBER: PS-08.01**

**TITLE: MANDATORY EDUCATIONAL ATTENDANCE PROGRAM**

**ISSUE DATE: JULY 1, 2001**

**RESPONSIBLE AUTHORITY: DIVISION OF EDUCATIONAL SERVICES**

**OPERATIONS MANUAL: PROGRAM SERVICES**

**SUPERSEDES: PS-08.01 (August 1, 1999); Change 1 dated 8/24/1999**

**RELEVANT SCDC FORMS/SUPPLIES: E-6**

**ACA/CAC STANDARDS: 3-4410, 3-4410-1, 3-4418**

**STATE/FEDERAL STATUTES: Part IB of the 2000-2001 Appropriations Act (H.4775) (NOTE: The above law is updated every fiscal year when the budget is *approved*.)**

**PURPOSE:** To establish guidelines requiring the mandatory attendance of inmates in educational programming pursuant to applicable state statutes.

**POLICY STATEMENT:** In an effort to promote the importance of education and to assist inmates in their self-improvement and successful reintegration back into society, the Agency will require those inmates under its jurisdiction who test below an eighth grade educational level to attend mandatory educational programming consistent with state statutes. In addition, young straight time inmates who are legally of school age (under 21 years of age) and all *inmates sentenced under the Youthful Offender Act* who have not earned a high school diploma or passed the General Educational Development (GED) test will be required to attend educational programs. (3-4410, 3-4410-1)

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## **SPECIFIC PROCEDURES:**

**1. REQUIRED ATTENDANCE:** The following inmates will be required to attend mandatory educational programming pursuant to applicable state statutes:

**1.1** Inmates under the authority of the South Carolina Department of Corrections (SCDC) who do not test above the eighth grade level (8.0 or above) in either reading or math will be required to attend appropriate educational classes.

**1.2** Younger straight time inmates who are legally of school age (under 21 years of age) and all *inmates sentenced under the Youthful Offender Act (YOAs)* who have not earned a high school diploma or GED will be required to attend appropriate educational classes. (3-4410, 3-4410-1)

## **2. INMATES FUNCTIONING BELOW THE EIGHTH GRADE LEVEL IN READING AND MATH:**

**2.1** Inmates who score 7.9 or less on the Wide Range Achievement Test (WRAT) administered at the Reception and Evaluation (R&E) Center will be designated for further evaluation. These inmates will be tested on the Test of Adult Basic Education (TABE) after they are assigned to an institution that has a school program.

**2.2** Inmates who have no recorded R&E test score or previous TABE score will also be tested on the TABE once they are assigned to an institution with a school program. (3-4418)

**2.3** The school staff will schedule inmates for testing on the TABE. Inmates will be required to report for testing as scheduled.

**2.4** Inmates who wish to challenge the accuracy of their current score of record will be retested on the TABE at institutional schools, but not more often than once every six (6) months unless the retest is recommended by school staff.

**2.5** All Youthful Offenders (YOAs) and straight time inmates under the age of 21 are required to furnish documentation of their high school diploma or GED to the school Principal or *Education Coordinator*. If the inmate states that s/he has completed high school or obtained a GED, s/he will be assigned to school until a diploma or verification is produced. School Principals *or Education Coordinators* will assist in obtaining documentation, if necessary.

**2.6** Inmates may be assigned to a waiting list based on the WRAT score and tested on the TABE when room is available in a school program.

## **3. PROCEDURES FOR ASSIGNING INMATES REQUIRED TO ATTEND A SCHOOL PROGRAM:**

**3.1** Once an inmate has been identified for inclusion in the group required to attend school, s/he will either be assigned to the appropriate school program or to a waiting list for that program.

**3.2** Inmates assigned to a waiting list will not be penalized for not attending school. Those who are offered the opportunity to attend and refuse and those who seek to avoid the program through failure to report to school or for testing will be subject to disciplinary action and possible reclassification. (See Procedure #5., below, for additional information.)

**3.3 Priority of Assignment:** Inmates will be assigned based on the following priority schedule:

**3.3.1** Priority One: Inmates who are legally of school age (younger straight time offenders and YOAs under the age of 21) *and who do not have a high school diploma or GED* will be assigned to a school program meeting at least 15 hours per week.

**3.3.2** Priority Two: All other YOAs age 21 and older *who do not have a high school diploma or GED will be assigned to a school program determined by the Principal or Education Coordinator.*

**3.3.3** Priority Three: Those who are 21 years of age or older (straight timers) who have a functioning level less than the eighth grade *will be managed as follow:*

- In assigning those in this priority group to school, the Principal or *Education Coordinator* will consider the inmate's scheduled max-out date. Those closest to max-out will be served first, except for inmates so close to max-out (less than three [3] months) that they cannot fully benefit from school assignment. This three (3) month provision does not apply to YOAs or those of legal school age (under 21).
- The Principal *or Education Coordinator* may also choose to serve those in greatest need (lowest functioning levels) first.
- The inmate's productivity status may also be considered in establishing priority. Those who are unemployed or less than productively assigned for the entire day will be served first.

**3.4** The school Principal *or Education Coordinators* may reserve school slots to serve inmates who are not required to attend, but who are strongly motivated to attend school and who are within reach of GED completion.

#### **4. SCHOOL AND WORK SCHEDULES:**

**4.1** Inmate school and work schedules will be altered to avoid long waiting lists for one school program when there are openings in other programs.

**4.2** Inmates (straight timers) who are not eligible for educational credit, but who are required to attend school under this policy/procedure, may be placed in an institutional job assignment that allows for full-time work and school attendance. An adequate number of institutional jobs (dorm helper, clean-up crews, inside grounds maintenance, etc.) will be reserved by institutional classification and the institutional administration for this purpose. (See SCDC Policy/Procedure OP-21.07, "Earned Work Credits," for additional information.)

**4.3** For inmates eligible for Earned Work Credits (EWC), the time spent in school can be combined with work time to count toward meeting full-time EWC status.

**4.4** Part-time school programs (programs that meet from four [4] to 14 hours per week) may be utilized to meet required school attendance for those functioning below the eighth grade level if full-time programs are at capacity. Priority in assigning inmates to part-time school will be given to those inmates assigned to critical institutional jobs as determined by institutional classification and institutional administrators.

**4.5** Inmates below the age of 21 must be assigned to school for 15 hours per week as required by the Defined Minimum Program, Palmetto Unified School District No. 1. Inmates receiving full time Earned Educational Credits (EEC) must be assigned full time.

#### **5. PENALTIES:**

**5.1** Inmates assigned to an institution without a school program and those placed on school waiting lists will not be subject to a penalty.

**5.2** Those who are identified for inclusion in the group **required to attend** school who do not successfully attend school and/or who seek to avoid the program by failing to report will be penalized as follows:

**5.2.1** Inmates will be ordered verbally or in writing to report to school for testing or for assignment to class. Those who fail to report will be charged with "Refusing to Attend Compulsory School Program" or "Refusing to Obey a Direct Order" under the Agency's inmate disciplinary procedures.

**5.2.2** Inmates who are officially enrolled in school **and** who fail to attend will be charged with "Refusing to Attend Compulsory School Program" or "Out of Place" under the Agency's inmate disciplinary program.

**5.2.3** Inmates will be charged separately for each incident. If an inmate continues to resist school assignment and attendance mandated by this policy/procedure, s/he will be charged repeatedly until s/he complies with the same.

**5.2.4** Inmates who attend but who refuse to do required work or who disrupt the class will be charged with refusal to work or another appropriate charge(s) under the Agency's inmate disciplinary procedures.

**5.2.5** The charges noted above will be documented and brought by the Principal, **Education Coordinator**, or designee and forwarded to appropriate institutional officials for processing pursuant to Agency inmate disciplinary procedures.

## **6. DISMISSAL FROM THE PROGRAM:**

**6.1** As long as they are in the custody of SCDC, straight timers under the age of 21 will be required to continue in school until the end of the school year in which they turn 21 **unless** they obtain a GED or high school diploma **prior to that time**.

**6.2** All YOAs will be required to attend school until they are paroled, released, or obtain a GED or a high school diploma.

**6.3** Straight timers who are over the age of 21 at the time of enrollment, who originally function below the eighth grade level, and who later score 8.0 or higher on the TABE will no longer be subject to a penalty **if they decide to withdraw from school by following proper assignment change procedure**. Those enrolled in school who wish to continue in school will be encouraged to **do so**.

**6.4** Based on an educational assessment of the inmate's ability to benefit from the program, the school staff may excuse an inmate from mandatory school attendance for one or more of the reasons outlined below:

- age (65 years of age or older);
- disabilities; and/or
- medical problems which limit an inmate's ability to adjust to school (e.g., side effects from medication).

Documentation of this assessment and justification for the decision will be maintained in the inmate's school record.

## **7. INSTITUTIONAL TRANSFERS:**

**7.1** Those inmates already on a waiting list who transfer to another institution with a school program will be moved to the waiting list at the new institution.

**7.2** Those inmates enrolled in school who remain under the provision of this required school program will be enrolled in school at their new institution at the earliest time possible.

## **8. ADDITIONAL REQUIREMENTS FOR YOUTHFUL OFFENDERS:**

**8.1** The Division of Educational Services and the Division of Young Offender Services will jointly implement required school attendance for YOAs.

**8.2** If a YOA is having any minor behavioral or attendance problems or refuses to attend school, the school Principal or **Educational Coordinator** will make appropriate referrals to the **Sanctions Board**.

**8.3** YOAs may not quit or be expelled from academic education. (This does not apply to college or vocational training, unless the vocational training is court ordered.) Inmates may be suspended for short periods of time.

**8.4** The following action will be taken if a YOA does not meet the requirements of the school program:

***8.4.1 The school Principal or Educational Coordinator will counsel the offender, document the counseling, and send a copy of the counseling form to the Sanctions Board. Additional disciplinary actions may be taken by the Sanctions Board.***

***8.4.2 If the inmate fails to improve his/her attendance or behavior, documentation will be forwarded to the Sanctions Board and appropriate sanctions will be administered. (See PS-10.09, "Youthful Offender Intensification Program (YOIP)," for additional information.)***

## **9. DEFINITIONS:**

**Sanctions Board** refers to a panel comprised of members from the ***Case Management Team*** and the Associate Warden/designee (designee must be a Lieutenant or above) that is responsible for reviewing all minor incident reports received during the week and determining appropriate sanctions for the incidents ***as specified in this policy/procedure. A Sanctions Board consists of at least three (3) members. One of the members must be a security representative and one must be a clinical counselor and another non-security staff person.***

**Youthful Offender Act (YOA)** refers to Chapter 19, Section 24 of the South Carolina Code of Laws, as amended.

**Youthful Offender Act Inmate** refers to an inmate who is at least 17 but less than 25 years of age at the time of conviction and who is sentenced under the Youthful Offender Act as defined in Chapter 19, Section 24 of the South Carolina Code of Laws, as amended, for a crime that is a misdemeanor, a Class E or F felony, or a felony which provides for a maximum term or imprisonment of 15 years or less.

**SIGNATURE ON FILE**

**s/ Gary D. Maynard, Director**

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