

Minnesota Department of Corrections

Division Directive: 204.040
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Title: Education

AUTHORITY: Minn. Stat. §§[241.01](#); [242.20](#); [242.21](#); [244.03](#); [13.04, subd. 2](#).

PURPOSE: To provide eligible incarcerated offenders with educational opportunities that provides a pathway to achieve an enhanced quality of life and improved economic stability.

APPLICABILITY: Minnesota Department of Corrections (DOC); all adult facilities

DIRECTIVE: The minimum educational standard for all DOC offenders is a verified high school or GED diploma. The educational goal for all DOC offenders is preparation for and/or completion of post-secondary training or education. Adult facilities must provide comprehensive educational programming including literacy, general education development (GED) and high school diploma, special education, transition to post-secondary and career, post-secondary, life skills, and other programs designed to prepare offenders for successful reentry into society. Facility programming is directed by the Master Academic Plan (attached).

DEFINITIONS:

Adult basic education – directed literacy instruction below the post-secondary level to adults who have not received a high school diploma or equivalent award or who are unable to speak, read, or write the English language, who have attained 16 years of age, who are required to be enrolled in secondary school under State law and who lack sufficient mastery of basic educational skills to enable them to function effectively in society; or for those who have a high school or GED diploma, but who need developmental courses to prepare for post-secondary education.

DOC literacy mandate – all DOC offenders must have a verified GED or high school diploma issued in the United States or a foreign equivalency as defined in Procedure B of this policy.

Fine arts – instruction in the arts (e.g., painting, music, drawing).

Life skills – courses that help offenders to direct their own lives and/or to better understand themselves and others.

Literacy target group – offenders who do not meet the DOC literacy mandate and are not excluded by waiver.

Open entry/open exit – scheduling that allows offenders to begin and end at any time.

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

Special education – any specifically-designed instruction and related services to meet the unique cognitive, academic, communicative, social and emotional, motor ability, vocational, sensory, physical, or behavioral and functional needs of a pupil as stated in the individualized education program (IEP).

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

Waiver – formal exemption from the DOC literacy mandate based on inability to benefit, documented by appropriate professional(s) (e.g. medical documentation of cognitive impairment or traumatic brain injury).

PROCEDURES:

A. General guidelines applicable to all areas of instruction

1. The education administration team and the facility education directors must review and update the Master Academic Plan (MAP) every three years. Funding guidelines must determine how funds are used and the target population. The MAP is published and maintained on the education iShare site. MAP performance measures must be reported annually and archived on iShare.
2. Each facility education program must be formally evaluated every three years.
3. Offenders, upon entering the department, must have their educational needs and records assessed and evaluated as part of the initial screening. This data may be used when counseling or programming offenders.
4. Each facility provides formal and informal recognition of specific educational accomplishments including at least one graduation ceremony per year.
5. Programming must be consistent with the needs of the population and the facility and offered, when feasible, when the majority of the population can take advantage of the opportunity.
6. Programming is supported with research-based materials and resources based on current best practices.
7. Student participation in and completion of education programming must be documented in the correctional operations management system (COMS). All educational records must be maintained in accordance with the DOC Education Record Retention Schedule (attached).
8. Offenders participating in an education program must have a signed Tennessee Warning in the base file.
9. The education unit's director of education must ensure consistent offender education assessment at intake and approve the education assessment instruments.

B. Adult basic education

Each facility must offer adult basic education (ABE) programs to enable offenders to complete a GED or high school diploma and to improve their literacy skills. Student participation in ABE programming must be documented in the Minnesota ABE reporting and collection system (MARCS).

1. Courses are open entry/open exit. Exceptions must be approved by the DOC ABE manager.
2. ABE teachers must hold a current K-12 or ABE license issued by the Minnesota Department of Education.
3. Instruction must be provided at no cost to the offender.
4. The department ABE consortium programming must be sanctioned by the Minnesota Department of Education.
5. Offenders with a National Reporting System (NRS) functioning level of Low Adult Secondary (or higher) in reading and math are eligible for GED testing.
6. As required by the GED Testing Service and the Minnesota Department of Education, an offender may only take GED tests under his/her legal name. The GED examiner must ask each offender prior to his/her first exam to indicate his/her legal name. If the legal name is other than the incarcerated name, the examiner must verify the legal name before testing can proceed. Verification may be provided by the offender's base file, birth certificate or court document regarding a name change.
7. Graduation-required assessments must be administered to eligible offenders based on the testing schedule and guidelines established by the Minnesota Department of Education and following the graduation requirement assessment protocol established by the department director of education or designee.
8. Offenders in the literacy target group must be assigned to education programming. If an education assignment is not available, offenders must be placed on a wait list. Facilities may place wait-list offenders into other facility job assignments, on a temporary basis, until an appropriate education assignment is available.
9. Offenders assigned to mandated treatment are, during the duration of the treatment, exempt from the literacy mandate. Offenders in the literacy target group may be granted a waiver. Waivers are granted at the discretion of the facility education director, remain valid at all DOC facilities, and must be documented in COMS. Waivers requested by or on behalf of the offender may be granted under the following conditions:

- a) The offender reports a diploma from a foreign country or other difficult-to-verify source AND demonstrates an NRS functioning level of Adult Secondary Low or higher in reading.
 - b) The offender has an INS detainer AND demonstrates an NRS functioning level of Low Adult Secondary or higher in reading.
 - c) The offender has received maximum education programming benefit, and, due to a significant (documented or substantiated) medical or mental health condition may benefit more from a non-education placement.
 - d) The offender has a verified post-secondary certificate or degree AND demonstrates an NRS functioning level of Low Adult Secondary or higher in reading.
10. Offenders who have a verified foreign diploma equivalent to a United States-issued high school or GED diploma AND demonstrate a NRS Functioning Level of Low Adult Secondary or higher in reading must have the award entered into COMS. Home-school and other non-traditional diplomas may be considered for a diploma award on a case-by-case basis. To be considered, these students must demonstrate a NRS functioning level of Low Adult Secondary or higher in reading and math.
11. An offender with a verified high school or GED diploma AND an NRS functioning level of Low Adult Secondary or lower may attend ABE programming to increase his/her academic skill level and/or prepare for post-secondary education.

C. Life skills

Each facility may provide life skills programming to assist offenders in directing their own lives and understanding themselves and others.

1. Life skills programming must be consistent with the needs of the offenders and the facility.
2. Instruction must be provided at no cost to the offender.
3. Department staff, contract staff and community volunteers may be instructors.
4. Programming may be offered in conjunction with other facility and community services.
5. Life skills programming may include such examples as instruction in social skills, consumer skills, communication skills, parenting, family life, stress management, victim impact, restorative justice and critical thinking/cognitive skills.

D. Fine arts

Facilities may offer fine arts programming to provide alternative forms of expression and personal development for offenders. Programming may include studio and performing arts.

1. Programming must use materials and mediums that are consistent with department policy and facility instructions.
2. Offenders may have the opportunity to exhibit/perform their work in ways that are consistent with the security policies and procedures of the facility.
3. Programming may include exhibitions, performances and demonstrations by guest artists.
4. Art is the property of the offender and is subject to provisions of department policy.
5. Offenders may sell works of art created in an educational program in accordance with DOC Policy 204.048, "Offender Sale of Artwork."

E. Post-secondary education

Each facility may provide post-secondary education designed to prepare students for successful re-entry into the workplace and community. Post-secondary education may include career/technical and academic classes and programs that lead to degrees, certificates and/or diplomas.

1. Determining offender eligibility
 - a) The facility education director or designee determines eligibility for enrollment in post-secondary classes and programs based on educational achievement, facility discipline, work history, employability upon release and other factors. Offenders 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 may be utilized to determine appropriate post-secondary education placement.
 - c) Offenders who have less than five years of incarceration remaining may receive priority consideration for admission.
2. Programs/classes
 - a) The department director of education or designee must review and approve all contracts with post-secondary institutions.
 - b) The department director of education or designee must ensure that a program approval process has been completed for new post-secondary education programs and classes. Process approvals are retained by the director of education.

- c) The department director of career technical education, in cooperation with the career technical advisory committees, must meet annually to review the career technical program curriculum.
 - d) Offenders may not audit post-secondary education programs or classes.
 - e) The facility education director or designee must ensure that post-secondary education awards are entered into COMS.
3. DOC post-secondary career technical instructors must hold current credentials issued by the DOC's Minnesota Correctional Education Center (MCEC)

F. Correspondence courses

Offenders may enroll in approved correspondence courses in accordance with Division Directive 204.042, "Correspondence Courses."

G. Special education

Special education is governed by federal and state guidelines and monitored by the Minnesota Department of Education.

1. The DOC youth services director must provide administrative oversight of the design, development, implementation and evaluation of all special education programs in DOC-operated facilities and must ensure that all special education programs meet state and federal educational standards.
2. Special education services must be available to offenders meeting the criteria as established by the Minnesota Department of Education.
3. Each offender with an individual education plan (IEP) must be reviewed to determine eligibility and need for special education services.
4. During their enrollment in the facilities' education programs, offenders qualifying for special education must have an IEP that directs those educational services. All applicable due process procedures prescribed in Minn. Rules Chap. 3525 must be followed during his/her period of eligibility.
5. The need for access to special education programming must be a consideration in the DOC transfer process.
6. The DOC youth services director or designee may participate in the selection of special education staff.

INTERNAL CONTROLS:

- A. Student participation in education programming is documented and retained in COMS and/or MARCS.
- B. MAP performance measures are reported annually and archived on iShare.

REVIEW: Annually

REFERENCES: [Division Directive 204.042, "Correspondence Courses."](#)
[Division Directive 204.010, "Offender Assignment and Compensation Plan."](#)
[Division Directive 204.048, "Offender Sale of Artwork."](#)
[Division Directive 303.040, "Use of Electronic Equipment by Offenders."](#)
ACA Standards 4-4464 through 4-4480; 1-ABC-5B-01 through 1-ABC-5B-15; 2-CO-5B-01; 4-JCF-5E-01 through 4-JCF-5E-03.
[Minn. Stat. Chapter 13, "Minnesota Data Privacy Act."](#)
[Minn. Rules Chapter 3525, "Children with a disability."](#)

SUPERSESSSION: Division Directive 204.040, "Education," 7/6/10. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: [DOC Education Record Retention Schedule](#) (204.040A)
[DOC Assessment Policy](#) (204.040B)
[DOC GED Testing Policy](#) (204.040C)
[DOC Adult Diploma Guidelines](#) (204.040F)
[Mn ABE Student Progress Policy](#) (204.040G)
[Graduation Assessment Protocol](#) (204.040I)
[Master Academic Plan](#)

/s/

Assistant Commissioner, Facility Services

Instructions

[204.040ML, "Offender Sale of Art Work"](#)
[204.040OPH, "Offender Sale of Art Work"](#)
[204.040RC, "Offender Sale of Art Work"](#)
[204.040SCL, "Offender Withdrawal from Education"](#)