

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 04/20/1998	NUMBER 05.02.114
	SUBJECT SPECIAL EDUCATION SERVICES FOR PRISONERS	
SUPERSEDES 05.02.114 (12/30/97)		AUTHORITY MCL 791.203; Agreement with U.S. Department of Education; Complaint No. 15-90-4011 (12/22/93)
ACA STANDARDS 3-4410; 3-4418		PAGE 1 OF 2

POLICY STATEMENT:

The Department shall ensure that appropriate special education services are provided to all eligible prisoners as defined by and in accordance with the approved Michigan Department of Corrections Special Education Plan.

POLICY:

DEFINITIONS:

- A. Special Education - Instructional program designed, at no cost to the prisoner, to meet the unique needs of the prisoner including:
 - 1. Instruction conducted in the classroom or other settings;
 - 2. Speech pathology, or any related service, if the service consists of specially designed instruction, to meet the unique needs of the prisoner with a disability;
 - 3. Vocational education, if the services consist of specially designed instruction, to meet the unique needs of the prisoner with a disability.
- B. Special Education Eligible - Twenty-one (21) years old and younger and having a diagnosed disability.
- C. Disability - Determined by a certified professional to have: mental retardation, hearing impairment (including deafness), speech or language impairment, visual impairment (including blindness), serious emotional disturbance, orthopedic impairment, autism, traumatic brain injury, other health impairments, specific learning disabilities, deaf-blindness, or multiple disabilities, and who, because of those impairments, needs special education and related services.
- D. Secondary Resource Room - A room designed for eligible disabled prisoners who, through Individual Education Planning Committee (IEPC) determination, need one-half time or less of their instructional school day in special education.
- E. Least Restrictive Environment - Special education prisoners will be enrolled in regular (non-special education) classroom courses and with non-special education prisoners for the maximum amount of time allowable with the minimum amount of special education teacher assistance.
- F. Individual Education Planning Committee (IEPC) - Groups including: The prisoner, school psychologist, special education teacher, regular education teacher and others as required, that develop the goals and objectives for the special education prisoner.
- G. Multidisciplinary Evaluation Team (MET) - Group of teachers, aides and professionals that provide historical observations, evaluations and interventions to assist in the full evaluation of the prisoner and the development of the prisoner's Individualized Education Plan (IEP).
- H. Individualized Education Plan (IEP) - Education plan developed specifically for the prisoner that describes the goals and objectives for the prisoner to achieve and the services that will be provided to

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assist the prisoner to achieve the outlined goals and objectives.

GENERAL INFORMATION

- I. The MDOC offers a full range of academic education services. Special education is part of the academic education services and provides services to eligible prisoners. Special education services are offered to Correctional Facilities Administration (CFA) prisoners at the institutions identified in Attachment A. Special education services, identification, evaluation and eligibility of MDOC prisoners are defined and explained in the Michigan Department of Corrections Special Education Plan. The Plan conforms to the basic content and organizational format used by the Michigan State Department of Education, Office of Special Education Services.
- J. Prisoners can be referred for special education services by staff, prisoners or by the prisoner themselves. Eligibility for evaluation is limited to prisoners aged twenty-one (21) or under. Prisoners may be required to be enrolled in regular education classes for observation and MET report documentation prior to evaluation. Only prisoners approving of the evaluation will be evaluated. Once the approval for evaluation is obtained, mandatory time lines for processing must be followed as identified in Attachment B.
- K. A prisoner may refuse testing or refuse services at any time. A prisoner may request to receive services at any time, if eligible.
- L. A new IEP is developed and implemented when goals are achieved. An annual review of the IEP is conducted and filed. A full reevaluation is conducted every three (3) years.
- M. An exit IEP will be conducted for each special education prisoner attaining the age of twenty-two (22). An eligible special education student must not be exited prior to age 22.
- N. All forms and required report formats can be obtained from the MDOC Special Education Plan. All time lines for each step of the process can be obtained from the MDOC Special Education Plan.

OPERATING PROCEDURES

- O. Wardens shall ensure that within 60 days of its effective date procedures implementing this policy directive are developed and forwarded to the appropriate Regional Prison Administrator, CFA, for approval.

AUDIT ELEMENTS

- P. A primary audit elements list has been developed and will be provided to Wardens to assist with self-audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

KLM:OPH:03/29/98

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ATTACHMENT A

INSTITUTIONS OFFERING SPECIAL EDUCATION SERVICES

1. Bellamy Creek Correctional Facility (IBC)
2. G. Robert Cotton Correctional Facility (JCF)
3. Gus Harrison Correctional Facility (ARF)
4. Ionia Maximum Correctional Facility (ICF)
5. Michigan Reformatory (RMI)
6. Mound Correctional Facility (NRF)
7. Muskegon Correctional Facility (MCF)
8. Richard A. Handlon Correctional Facility (MTU)
9. Parnall Correctional Facility (SMT)
10. Ryan Correctional Facility (RRF)
11. Standish Maximum Correctional Facility (SMF)
12. Thumb Correctional Facility (TCF)
13. Women's Huron Valley Correctional Facility (WHV)

APPROVED: PLC 08/14/09

ATTACHMENT B

SPECIAL EDUCATION PROCEDURAL SAFEGUARDS

Procedural Time Lines:

STEP	ACTIVITY	PROCESS	TIME LINE
1	Initial Referral by Prisoner or Staff: _____ Date Received	Notice of Intent to Conduct a Special Education Evaluation (CAJ-711) is completed.	Within 10 calendar days of referral
2	Psychological Evaluation by School Psychologist	Prisoner tested and evaluated by School Psychologist.	Within 30 calendar days of referral
3	MET Evaluations Submitted	Written observations, interventions and conclusions submitted for recommendations of eligibility on the MET Report.	Within 30 calendar days of referral
4	MET Meeting	Recommendation for eligibility is submitted on the MET Report.	Within 30 calendar days of referral
5	IEPC Meeting Invitation	Prisoner invited to attend IEPC Meeting.	Four business days prior to IEPC meeting
6	IEPC Meeting	Committee meets with prisoner and implements plan if agreed upon.	Within 30 calendar days of referral
7	Placement	Prisoner is enrolled into courses, classes and programs as agreed upon in the IEP.	Within 15 calendar days of the IEPC meeting
8	Annual Review	Reviews prisoner's progress on stated goals and objectives and appropriate placement in programs.	Within one calendar year of IEPC meeting
9	Three Year Evaluation (Full)	Full reevaluation, including testing by School Psychologist, and new IEP	Within three calendar years of last evaluation
10	Exit IEP	Termination of Special Education Services.	Within 30 calendar days of prisoner's 22nd birthday