

STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following Department rule:

Education Program at the Rhode Island Training School

This proposed amended rule, formerly named Administration of the Education Program at the Rhode Island Training School, is amended to combine previously separate policies into one comprehensive regulation for greater ease of use by staff and the general public. A reference to an educational advisory board is removed, language relating to library services is updated to reflect Juvenile Detention Reform Initiative standards and content related to the following formerly separate areas is added: Educational Program Structure and Operation, Middle/Secondary Programming, Post Secondary Programming, Special Education and Section 504, Post Secondary, Title I, Assessment and Educational Planning, Curriculum P, orientation, evaluation and educational programming for non-adjudicated and adjudicated residents, planning for transition to the community, educational progress reports and educational records. In the amendment of this rule, consideration was given to: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>). Interested persons may submit written comments by **February 9, 2015** to Susan Bowler, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (susan.bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, or by an agency or an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Children, Youth, and Families does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap. The prohibition against discriminatory practices extends to the agencies, organizations and institutions the Department licenses.

POSTED: 1/5/15

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Administration of the Education Program at the Rhode Island Training School

Rhode Island Department of Children, Youth, and Families
Division of Juvenile Correctional Services: Training School

Policy: 1200.1701

Effective Date: June 14, 2004

Revised Date: 2015 July 7, 2014

Version: -34

The Training School provides to residents educational programming that conforms to all state and federal laws. The Principal of the Education Program ensures the:

- Establishment and maintenance of an educational program that complies with Rhode Island General Law and the policies and procedures established by the Rhode Island Department of Elementary and Secondary Education (RIDE);
- Approval of the DCYF-RI Training School Alternative Education Program by the Commissioner of RIDE on behalf of the Board of Regents;
- Assessment of the residents' educational needs;
- Provision of the educational programs to residents; and
- Transition to community education programs upon the resident's release.

The Mission of the Education Program, as a mandatory educational program within a juvenile correctional facility, is to create a safe and consistent learning environment in which residents can learn the skills, knowledge and values to succeed in school, work and the community. The Education Program recognizes the importance of achieving and maintaining the highest standards of performance. The Education Program is reviewed and evaluated by state and nationally recognized autonomous accrediting entities. This practice contributes to continuous improvement and helps to ensure the quality and integrity of services to residents. The Training School Education Program implements a total programming approach that places the educational services in the context of a youth-centered rehabilitative program. The Education Program:

- Allows residents to enter programming at any time and proceed at their own pace.
- Encourages collaborative planning and policy development with educators, community resources and other Training School staff.
- Guides daily operations and supports the delivery of state of the art educational services.
- Facilitates effective communication.
- Complies with requirements under the No Child Left Behind Act, Title I, Part D, for institution-wide programming.
- Makes credit, certification and credentialing courses available to residents.
- Is data driven and competency based.

Related Procedures

Administration of the Education Program at the Rhode Island Training School

Related Policies

Confidentiality

Administrative Responsibility

Mission, Philosophy, Goals and Purpose

Legal Establishment

Discipline for Academic and Vocational Classes

Education Program: Structure and Operations Resident Grievance Procedure

Training and Professional Development
Civil Rights: Federal Laws and Regulations Regarding Nondiscrimination
Incentive System - Points and Levels
Comprehensive Assessment and Service Planning

Administration of the Education Program at the Rhode Island Training School

Procedure from Policy 1200.1701: Administration of the Education Program at the Rhode Island Training School

I. Administration of the Education Program:

- A. The Principal of the Education Program at the Rhode Island Training School (hereinafter, RITS) facilitates the required approval by the RI Department of Elementary and Secondary Education (hereinafter, RIDE) of the Education Program.
- B. The Superintendent routinely meets with the Principal to:
1. Establish and/or review educational policies and procedures;
 2. Identify and plan processes for quality improvement;
 3. Review policies and procedures at least annually and revise as needed; and
 4. Ensure compliance with Rhode Island General Law (hereinafter, RIGL) 16-12.1-1 which recognizes that educational administrators are not members of teacher collective bargaining units. To ensure the orderly and effective functioning of public education, the law requires employers to inform school administrators of the basis or reasons for their suspension, dismissal, or non-renewal of their employment relationship and to afford administrators an opportunity to be heard.
- C. The Principal is responsible for the effective design and delivery of educational services and ensures:
1. A clearly articulated mission that focuses the attention of staff and others on program goals is posted prominently within the facility, reviewed annually and revised as necessary.
 2. A program structure that, in cooperation with clinical and resident life services, moves residents toward greater independence by increasing life skills, productive use of leisure time and transition to the community in conformance with Section II, below DCYF Policy 1200.1702, Education Program: Structure and Operations.
 3. Accountability in goal attainment which is monitored and documented in conformance with state and federal law and regulation.
 4. Accountability in Fiscal Administration:
 - a. Managing the allotment of appropriations and budget preparations.
 - b. Routinely monitoring expenses related to areas of responsibility.
 - c. Preparing itemized operational budgets for areas of responsibility and submitting them to the Superintendent or designee annually.
 5. Educational staff receive orientation and training in conformance with DCYF Policy 400.0000, Training and Professional Development.
 6. Educational staff are credentialed in conformance with DCYF Policy 1200.0000, Legal Establishment.
 7. A system of governance for the Education Program that delineates the chain of authority, provides adequate and appropriate decisional authority to the

administrative, educational, custodial, social service and other professional staff and defines and coordinates their roles in the effective operation of the system.

- a. The Principal provides direct supervision to the Assistant Principal, Director of Special Education and support personnel, as appropriate.
 - b. The Principal assigns supervisory duties and responsibilities as he/she deems necessary and/or appropriate.
 - c. The Principal manages the daily planning and operations of the itinerant and career/technical programs and the post secondary education programs.
 - d. The Director of Special Education provides direct supervision and guidance to the Resident Support Programs. The Director of Special Education is responsible for managing the daily planning and operations of Language support, Guidance and Math, English Language Learners (ELL) support, Resource support and Clinical support.
8. The program development and improvement plan is structured and monitored to:
- a. Identify personnel training and professional development needs to maintain high teaching quality across three primary areas: knowledge of subject matter, of teaching strategies and of approaches for learning.
 - b. Implement initiatives that focus on the continual improvement of programming.
 - c. Develop standardized methods to analyze, monitor and manage program outcomes.
 - d. Assist in the development and monitoring of short and long term goals.
 - e. Develop and manage strategies for data collection and follow-up.
9. Participation in the RIDE student information systems as required.

~~D. The Principal supports a Community Advisory Board that provides an inclusive, cooperative model for involving the other state departments, members of the business community, religious community, voluntary services community and social service community in advising and devising programming and in supporting and advocating for the residents as they attempt to build new and successful lives in the community.~~

~~E.D.~~ In compliance with [DCYF Policy 100.0140, Civil Rights: Federal Laws and Regulations Regarding Nondiscrimination](#), the Education Program administration notifies staff and residents about their rights and grievance procedures to resolve complaints. [Refer also to DCYF Policy 1200.1206, Resident Grievance Procedure.](#)

~~F. Paragraphs A – E are consistent with American Correctional Association Standards 3-JDF-5C-01; 3-JTS-5D-01; 3-JTS-5D-02; 3-JTS-5D-04; 3-JTS-5D-05; 3-JTS-5D-08; 3-JTS-5D-09; 3-JTS-5D-10; 3-JTS-5D-11; 3-JTS-5D-13; 3-JTS-5D-14 and 3-JTS-5D-15.~~

II. Structure and Operations

~~A.~~ The principal develops and maintains a program structure and operational plans that include referral and program entry and exit procedures, safety protocols, monitoring and reporting procedures and guidelines for the operation of a staff team.

- B. This Educational Program addresses the profound and diverse needs of residents:
1. Middle/Secondary Program assists residents to earn credits to return to community schools and continue their studies to obtain a diploma and provides a variety of learning opportunities for residents through Special Education and Regular Education classes.
 - a. Residents are scheduled for courses in conformance with RIDE policy and regulation. The content of these courses is modified according to the needs of the residents.
 - b. Regular Education and Special Education residents receive support services in conformance with state and federal law.
 - c. Educational strategies focus on: standards-based approaches for operations and competency-based approaches for curriculum; assessments; curriculum and instruction; accommodations; individual education and transition planning; integrated academic and career/work based-learning strategies (including the opportunity to participate in RITS on-site vocational programming); and school transitioning for retention until graduation.
 2. General Education Development Program provides residents with the opportunity to obtain an alternative diploma in conformance with state and federal law.
 - a. Eligible residents are assessed for enrollment in the General Education Development (GED) Program. The assessment determines the resident's desire and ability to obtain a GED.
 - b. Residents meet the criteria established by the RI Department of Elementary and Secondary Education to participate in GED programming and to receive a passing score.
 - c. The GED Program is provided at no cost to residents.
 3. Post Secondary Programming encourages residents to begin and/or complete degrees or certifications in a variety of fields related to career and technical educational areas (including the opportunity to participate in RITS on-site vocational programming) and improves residents' access to scholarships, fellowships, funding, stipends and other incentives during transition to the community and/or may provide an opportunity for an on-grounds paid job.
 - a. Post Secondary Education courses vary depending upon resident interest and/or the availability of instructors.
 - b. Programming may include, but is not limited to:
 - i) Computer: provides experience in a range of computer software programs, installation of software, maintenance of systems, management of peripherals and using the computer for research and learning.
 - ii) Carpentry: an introduction with an emphasis on methods, standards and safety in light wood working systems. Residents complete actual or simulated construction projects in a work-simulated class.
 - iii) Culinary Arts: introduction to the food service industry including an introduction to supervisory and managerial responsibilities, sanitation, menu planning, cooking, baking and food service operations.
 - iv) Vocational Preparation: assists residents in building work-related competencies, developing resume and interviewing skills and identifying employment and vocational training opportunities in the community.

- v) Eligible residents may receive college credits that may be applied toward a college degree.
- vi) Creative arts classes facilitate residents' self-expression and incorporate experiential learning through a multitude of senses.

4. Special Education and Section 504

- a. In conformance with the federal Individuals with Disabilities Act (IDEA), the Educational Program:
 - i) Identifies residents eligible for Special Education Services and creates or updates Individual Education Plans (IEPs) as required by law.
 - ii) Provides specially-designed instruction that meets the unique needs of the resident with a disability and enables the resident to meet the goals defined on his/her IEP. Specially-designed instruction has been adapted in its content (curriculum), methodology (instructional strategies) or delivery (how will the content and instruction be delivered) to meet the needs of the resident with a disability.
- b. To classify a resident as learning disabled for Special Education purposes, the Education Program:
 - i) Does not require a severe discrepancy between intellectual ability and achievement.
 - ii) Utilizes a resident's response to scientific, research-based intervention process, as required by the RI Department of Elementary and Secondary Education.
- c. If a resident's response to intervention suggests he/she may be eligible for Special Education Services, necessary evaluations are conducted:
 - i) Evaluations begin within ten school days of receipt of parental consent.
 - ii) Evaluations are completed within sixty calendar days of parental consent.
 - iii) An eligibility determination meeting is held.
 - iv) A written report of the evaluation team is made available to the resident's home/ community school district and parents, as well as the IEP team, if it is determined that the resident is eligible for special education services.
- d. The IEP is developed or reviewed at a team meeting within thirty days of admission and is reviewed at subsequent bi-monthly team meetings. The IEP must be reviewed by the complete IEP team at least once per year and revised as needed.
- e. A team that includes the following people develops the IEP:
 - i) The resident's parent(s), legal guardian or educational advocate.
 - ii) Not less than one regular education teacher of the resident.
 - iii) Not less than one special education teacher of the resident.
 - iv) A qualified representative of the resident's home/community school district, who is knowledgeable about the curriculum and resources and has the ability to commit those resources.
 - v) An individual who can interpret the institutional implications of evaluations.
 - vi) Other individuals at the discretion of the parents or the Education Program who have knowledge or expertise regarding the resident's education and transition needs and services, including at the discretion of the parents or the Training School, persons such as probation officers, institutional staff or other service providers.

- vii) The resident if appropriate.
- f. The secondary transition IEP must be used for residents fourteen years of age or older and when considering post-school goals and the transition services needed to reach those goals.
- g. Re-evaluation may not occur more than once a year unless parent requests it and the Local Education Agency (LEA) agrees. Re-evaluation must occur every three years, unless the parent and LEA determine that it is not necessary.
- h. A resident eligible for Special Education Services may enter the RITS with an expired Individual Education Plan (IEP) or with a plan that expires shortly after entry into the RITS. The education program provides interim services that match the expired IEP as closely as possible until a new plan can be completed in conformance with state and federal law. Interim plans are documented and discussed with parents/guardians as follows:
 - 1. State and federal law provide that the new public agency (i.e., the RITS) is not required to conduct an IEP meeting when:
 - 2. A copy of the child's current IEP is available;
 - 3. The parent(s) indicate that they are satisfied with the current IEP;
and
 - 4. The new public agency (i.e., the RITS) determines that the current IEP is appropriate and can be implemented as written.
 - 5. To comply fully with the standard outlined in paragraph H, the RITS school representative at the initial Individual Treatment Plan meeting:
 - a. Review the most recent IEP with the parent(s).
 - b. If the parent(s) agree that the standards in paragraph A have been met, have the parent(s) sign an addendum to the most recent IEP so stipulating.
 - 6. When a resident eligible for Special Education Services enters the RITS with an expired IIEP or with an IEP that expires shortly after entry:
 - a. The RITS School staff inform the parent(s) that a new IEP will be written when the full IEP team can be assembled and educational information has been gathered on how the resident is performing academically.
 - b. If the parent(s) agree that the standards in paragraph A have been met with regard to the expired IEP, the parent(s) sign an addendum so stipulating and identified services are provided on an interim basis until the new IEP is developed.
- i. The Education Program identifies all residents who qualify for Section 504 protections due to an impairment that substantially limits a major life activity.
 - i) Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, self care and performing tasks.
 - ii) The condition need only substantially limit one major life activity in order for the resident to qualify.
 - iii) The Principal ensures that the Education Program has a coordinator, a grievance process, procedural safeguards and impartial hearing requirements to implement Section 504.

- j. Eligible residents perform essential school functions with reasonable accommodations which are described in a 504 Plan.
 - i) Reasonable accommodations include making facilities accessible or usable as well as modifying equipment or devices.
 - ii) A group of individuals who are knowledgeable about the resident, evaluation data and accommodation options convenes and develops a written plan of services that is reviewed annually.
 - iii) Parents and/or Legal Guardians are invited to participate in Section 504 planning meetings and decision making.
 - iv) Parents and/or Legal Guardians may be represented by legal counsel.

C. The Education Program assists residents in participating in, receiving credit for and completing credentialing programs within the requirements established by state and federal law and regulation.

- 1. Teachers identify residents, based on education history, academic ability, behavior and performance, placing them according to their educational needs and eligibility.
- 2. Residents access certificates through an array of programs that may include, but are not limited to:
 - a. Middle/Secondary Education
 - b. General Education Development
 - c. Community College of Rhode Island
 - d. Drivers Education
 - e. Computer Technology
 - f. Carpentry
 - g. Culinary Arts
 - h. Creative Arts
- 3. Residents remaining at the RITS to the completion of the course of study may receive a:
 - a. Certificate of completion in career/co-curricular courses
 - b. High School Diploma (awarded by the resident's identified community LEA)
 - c. General Education Diploma
 - d. College course credits (awarded by the college or university)
- 4. Transition Plans address the strategies for assisting residents leaving the RITS before the completion of the course of study to achieve a certificate, Diploma, GED or college credit.

D. The Education Program utilizes Title I funding to provide direct and indirect support services to all residents to:

- 1. Improve academic performance.
- 2. Provide transition planning.
- 3. Provide residents returning to the community with support to ensure continued educational success.

E. In compliance with RIGL 42-72-6-2, the Education Program, with full and reasonable staff and community participation, prepares a detailed comprehensive educational plan which includes, but is not limited to:

- 1. Assessment and Education Planning:
 - a. Assessing residents' strengths and weaknesses through the use of a variety of screening techniques and instruments;

are sufficient in light of reading levels, interests and primary languages of residents.

2. The school principal identifies any required additions and or updates and brings this information to the attention of the Superintendent or designee.
 3. The Superintendent assists in procuring necessary resources by authorizing acquisition or by requesting funds through the Department budgetary process.
- K. Administrative staff conduct daily operations and management in conformance with RIGL 16-2-9.1 that describes ethical professional principles in school management.
- L. Education staff comply with Department and RITS attendance and lateness policies and contact the designated staff on the morning of an absence no later than 6:30 AM.
- M. The communication structure supports programming and operations.
1. Mandatory staff meetings, facilitated by the Principal or his/her designee, occur at a minimum of one hour per month.
 2. Teachers attend without additional compensation in accordance with the contractual agreement.
 3. Unless modified by the Principal or designee, the monthly meeting is scheduled on a rotating basis, for a different day of the week each month to accommodate teacher schedules.
 4. In addition, all teachers participate in collaborative meetings as scheduled to discuss the teaching/learning process.
 5. With the exception of the Superintendent, only school administrators and staff and/or faculty attend staff and/or faculty meetings. Third party attendance and/or presentations at staff and/or faculty meetings only occur with prior approval of the Principal.

III. Educational Services for Residents

- A. Residents receive orientation sessions throughout various stages of confinement. Orientation introduces residents to the staff, services, procedures and processes related to education at the RITS.
1. Upon intake all residents receive an orientation regarding the services and programs available, which includes an overview of the education program.
 2. An appropriate teacher is assigned to engage the newly detained resident in a discussion of opportunities and expectations for participation in the program. The teacher also addresses any concerns and/or questions that the resident may have regarding his/her educational program.
 3. Educational staff conducts orientation before the start of the school year and throughout the year. Staff provides residents with information that includes, but is not limited to, standards and criteria for behavior, procedures for being excused from the classroom, educational program options, transition, DCYF Policy 1200.1302, Incentive System - Points and Levels and testing and report cards.
- B. The Education Program provides educational services for all residents. Residents receive educational screening, assessment and evaluation that assist educators in planning educational services to promote, assist and improve residents' learning; inform programs for teaching and learning; and provide data that can be communicated to a range of people about the progress and achievements of individual residents or groups of residents.
1. The initial intake process begins immediately after detainment and includes:

- a. Review of pertinent intake information and an interview with the resident.
 - b. Assessment of resident ability to speak and comprehend English if it appears that they are having difficulty with language communications.
 - c. Completion of standardized reading and mathematics screening tests.
 - d. Information developed is utilized for evaluation and educational planning for non-adjudicated residents.
2. Upon adjudication, residents complete reading and mathematics diagnostic inventories to measure:
 - a. General intellectual ability, specific cognitive abilities, oral language and academic achievement, as appropriate.
 - b. Understanding and application of important concepts and skills in mathematics and reading.
 3. The Educational Program utilizes the latest version of nationally recognized measures to identify residents who are eligible for Special Education Services, to develop an Individualized Educational Plan for eligible residents and to provide appropriate services for residents.
- C. The Education Program provides educational services for all residents through assigned learning groups. During the entire length of the resident's stay at the RITS, regardless of his/her adjudication status, Education Program staff encourage parent or legal guardian participation. Non-adjudicated residents are provided instruction as follows:
1. Each resident is evaluated in conformance with Section III, Paragraph B, above. Information gathered is utilized to assign him/her to appropriate learning group.
 2. Residents participate in academic and co-curricular subjects.
 3. A certified Special Education Teacher provides support in conformance with Section II, Paragraph B 4.
 4. On the fifth day of detention, the Education Administration initiates procedures to obtain the resident's record from the school system where the resident last attended.
 5. Each resident's educational placement and/or services are adjusted, if necessary, based on the needs identified in the records forwarded by the home school/ district.
 6. On the 21st day and thereafter, detained residents receive educational credit for work which is transferred to the local school/district.
- D. The Education Program ensures that adjudicated residents receive comprehensive education planning and instruction. The Individual Treatment Plan (ITP) incorporates educational goals and objectives, including services required by the Individual Education Plan (IEP) or Section 504 of the Rehabilitation Act. During subsequent Bi-Monthly Reviews, the goals and objectives are updated to reflect each resident's progress. Transition interventions promote successful re-integration of residents into the community.
1. The Clinical Director or designee convenes a multi-disciplinary team in conformance with DCYF Policy 700.0075: Comprehensive Assessment and Service Planning.
 - a. The team engages in a systematic process of decision making that coordinates residents' educational, clinical and transitional needs.
 - b. Education staff completes the Education/Vocational History Form (SMO7BF77), which captures important information for the planning process.
 - c. The planning includes education program and/or subject assignment based on the results of the resident's assessment, screening and evaluation.
 - d. During the ITP meeting, a designated representative from the Education Program completes the Educational and Vocational Training Goals and Objectives form.

2. The process of reporting a resident's progress includes but is not limited to the following:
 - a. Regularly scheduled conferences with parents and/or legal guardians;
 - b. Written reports issued to parents and/or legal guardians delineating the resident's achievement;
 - c. The results of standardized academic achievement tests with appropriate explanation to allow the parents and/or legal guardians to interpret the results; and
 - d. A portfolio containing records of the resident's participation in the program.

F. The Principal is responsible for the collection and maintenance of student records. The Director of Special Education is responsible for collection and maintenance of Special Education records. The federal Family Educational Rights and Privacy Act of 1974 and Rhode Island General Law Title 16 establish guidelines for access to and disclosure of educational records. The Education Program complies with federal and state law relating to access and disclosure of these records. Refer also to DCYF Policy 100.0000, Confidentiality.

1. Parents, guardians and eligible residents have the following rights:
 - a. The right to personally inspect and review records in existence at the time of the request.
 - i) The request will be made to the Principal or designee.
 - ii) The records must be made available within ten (10) days.
 - b. The right to a reasonable explanation and interpretation of the records.
 - c. The right to copies of the records. The cost per copied page of written records will not exceed a reasonable amount determined by the Department per page for records copied on common business or legal size paper. No fee will be assessed to search for or to retrieve the records.
 - d. The right to have the records preserved as long as a request to inspect is outstanding.
 - e. The right to request an amendment and/or record expunging if the parent or eligible resident believes that the information contained in these records is inaccurate, misleading or in violation of the resident's right to privacy. This request is made in writing to the designated records keeper.
 - f. The right to place a statement in the record commenting on contested information.
 - g. Any person aggrieved has the right to appeal according to the provisions of RIGL, Chapter 39 of Title 16.
2. The record is the means by which multiple providers communicate a chronology of educational services. Therefore, staff document records clearly, accurately and effectively throughout the duration of the resident's stay at the RITS.
3. Confidentiality
 - a. When working with a record, employees take precautions to protect resident confidentiality.
 - b. Records are secured in closed drawers or briefcases where they are not exposed to plain view.
 - c. Paperwork that is not filed is secured until it is submitted for filing.
4. Employees ensure that required information (including signatures and dates) is completed on all documents before submission.