



Program Statement

OPI: FPI
NUMBER: 5350.28
DATE: 12/1/2003
SUBJECT: Literacy Program (GED
Standard)

1. PURPOSE AND SCOPE

\$544.70 Purpose and Scope.

Except as provided for in \$544.71, an inmate confined in a federal institution who does not have a verified General Educational Development (GED) credential or high school diploma is required to attend an adult literacy program for a minimum of 240 instructional hours or until a GED is achieved, whichever occurs first.

The purpose of this Program Statement, and the accompanying rules in 28 CFR 544.70 - 544.75, is to describe to education staff and inmates how the Bureau operates its literacy program.

In this Program Statement, when we say "we," "us" or "our," we mean the Bureau. When we say "you" or "your," we mean education staff.

The literacy program is designed to help inmates develop foundational knowledge and skill in reading, math, and written expression, and to prepare inmates to get a General Educational Development (GED) credential. A high school diploma is the basic academic requirement for most entry-level jobs. People who function below this level often find it very difficult to get a job and carry out daily activities.

The completion of the literacy program is often only the first step towards adequate preparation for successful post-release reintegration into society. Additional educational programs such

[Bracketed Bold] - Rules

Regular Type - Implementing Information

as advanced occupational training or college are increasingly needed in today's technical world. Our literacy standard reflects those in communities where we will release Federal inmates.

Through our literacy program, we help inmates develop the skills needed to compete for available jobs and cope with post-release community, family, and other responsibilities.

This Literacy Program Statement requires inmates who do not have a GED credential or a high school diploma to complete one period (240 instructional hours) of literacy program participation during their confinement.

This Program Statement also applies to:

- non-English speaking inmates without a verified high school diploma or equivalent.
- state and District of Columbia (DC) prisoners in Bureau correctional facilities.

In Section 8 of this Program Statement and 28 CFR § 544.71 we describe certain types of **inmates who are not required to participate** in the literacy program.

Inmates must participate in the literacy program for one mandatory period of at least 240 instructional hours, or until they achieve a GED credential or high school diploma, whichever comes first. Currently, statutory treatment provisions are included in the Youth Corrections Act (repealed October 12, 1984, for conduct occurring after that date) and the Narcotics Addict Rehabilitation Act (repealed November 1, 1987). Education programs fall within these treatment provisions. Therefore, inmates sentenced under these two acts cannot opt out of the literacy program after 240 instructional hours.

Ordinarily, inmates begin their literacy program within 120 days after arriving at an institution, following a schedule we describe in Section 7: Literacy Class Schedules, of this PS. However, inmates who are within five years of their projected release dates, with the exception of parole violators, should be given priority for enrollment into the literacy program if a wait list exists.

2. **SUMMARY OF CHANGES.** This revision rewrites our implementing text in Plain Language, to comply with the President's Executive Memorandum on Plain Language. It also clarifies:

- a. the literacy program participation requirement for Mariel Cuban detainees and state and DC prisoners;
- b. the literacy provision of the Violent Crime Control and Law Enforcement Act (VCCLEA) and the Prison Litigation Reform Act (PLRA) for deportable aliens;
- c. the appropriate SENTRY Education Information (EDI) GED Need and Progress Assignments for inmates;
- d. the pay grade level for "grandfathered" inmates;
- e. the situations when inmates are exempt from the literacy participation and pay promotion requirements, both temporarily and permanently;
- f. the SENTRY data entry requirements for medical centers; and
- g. the literacy program monitoring reports.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

- a. Inmates who need and want a GED credential may participate in the literacy program.
- b. Inmates who meet certain criteria must participate in the literacy program for a specified duration.
- c. Staff will maintain progress records on inmate participation in the SENTRY-based electronic education file.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 5350.25 Literacy Program (GED Standard) (11/3/97)

b. Directives Referenced

PS 5100.07	Security Designation and Custody Classification Manual (9/3/99)
PS 5111.03	Maribel Cuban Detainees (10/25/99)
PS 5215.05	Youth Corrections Act (YCA) Inmates and Programs (3/17/99)
PS 5251.05	Work and Performance Pay, Inmate (12/31/98)
PS 5270.07	Inmate Discipline and Special Housing Units (12/29/87)
PS 5290.14	Admission and Orientation Program (4/3/03)
PS 5300.21	Education, Training and Leisure-Time Program Standards (2/18/02)
PS 5310.15	Minimum Standards for Administration, Interpretation, and Use of Education Tests (9/4/96)
PS 5322.11	Classification and Program Review of Inmates (3/11/99)
PS 5380.07	Financial Responsibility Program, Inmate (1/3/00)
PS 5580.06	Personal Property, Inmate (7/19/99)
PS 7331.04	Pretrial Inmates (1/31/03)
PS 8000.01	UNICOR Corporate Policy and Procedures (5/13/81)
PS 8120.02	Work Programs for Inmates - FPI (7/15/99)
TRM5301.02	SENTRY Education Technical Reference Manual (9/17/99)

c. Rules cited in this Program Statement are contained in 28 CFR 544.70-75.

d. Master Agreement

5. STANDARDS REFERENCED

- a. American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4277, 4-4278, 4-4429, 4-4464, 4-4465, 4-4466, 4-4467, 4-4469, 4-4470, 4-4471, 4-4472, 4-4473, 4-4474, 4-4475, 4-4476, 4-4477, 4-4478, 4-4479, and 4-4480
- b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-4B-02-1, 3-ALDF-5B-01, 3-ALDF-5B-02, and 3-ALDF-5B-03

6. PROGRAM COORDINATION

§544.73 Program participation.

a. The Warden or designee shall assign to an education staff member the responsibility to coordinate the institution's literacy program. Initially, staff shall meet with the inmate for the purpose of enrolling the inmate in the literacy program. Subsequently, staff shall formally interview each inmate involved in the literacy program when necessary for the purpose of determining a progress assignment. Staff shall place documentation of these interviews in the inmate's education file.

Note: §544.73 paragraph b contains the rules language for the satisfactory progress provision of the VCCLEA and the PLRA. See Section 17 for rules language and implementing texts.

Although the Warden or designee assigns an education staff member the responsibility to coordinate the institution literacy program, the Supervisor of Education (SOE) has overall responsibility for the program.

§544.73 Program participation.

(c) At the end of 240 instructional hours, excluding sick time, furloughs, or other absences from scheduled classes, the unit team during scheduled program review sessions shall meet with the inmate to encourage continued participation in the literacy program until the inmate earns a GED credential or high school diploma. At these meetings, the inmate may elect not to continue in the literacy program, and no disciplinary action will be taken. The inmate may not discontinue this program when participation is mandated by statute.

Education staff designated by the SOE must review an inmate's progress every time the inmate completes 240 instructional hours in the literacy program. Any time the inmate is absent from class does not count toward the 240 instructional hours.

The education staff member must record the 240 instructional hour review by making an UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW entry in SENTRY (use "240 hours" in the "type of review" field for the first 240 instructional hours in the current enrollment and "other" for any subsequent reviews).

Instructional hours accrued from previous enrollment in other Bureau facilities (including Bureau managed and privately managed) can be credited toward the required 240 instructional hours if the interruption in enrollment is due to reasons beyond the inmate's control (e.g., transfer between federal correctional facilities, appearance in court, etc.).

(1) **Testing Out.** An inmate may test out of the literacy program before completing 240 instructional hours if the classroom teacher, in his/her discretion, refers an inmate for an official GED test.

(2) **Program Withdrawal.** Ordinarily, an inmate may request to opt out of the literacy program after 240 instructional hours only during their scheduled team meetings. On these circumstances, and prior to approving a withdrawal, an education staff member must be contacted to ensure mandatory education requirements have been met.

However, inmates may also submit an Inmate Request to Staff (copout) to the SOE to request withdrawal from the literacy program after obtaining approval and signature from their respective unit managers and case managers.

If an inmate does not earn a GED credential within 240 instructional hours, the literacy coordinator should strongly encourage the inmate to continue in the literacy program.

(3) **Transfers.** An inmate who transfers to another institution before completing the mandatory 240-hour period must complete the remaining balance of time at the new institution. Time spent in transfer status or preparing for transfer does not count toward the mandatory 240-hour period.

Staff at the sending institution must record test scores, class attendance time, and other relevant education information in the Education Data System (EDS).

(4) **Data.** Education representatives should provide the unit team with the following information about an inmate's participation in the literacy program:

- the targeted time frame for the inmate to complete the program and
- an assessment of the inmate's performance since the inmate's last program review.

The SOE ensures the unit team routinely uses the INMATE EDUCATION DATA TRANSCRIPT SENTRY transaction to retrieve and print all relevant education information. Such education information may include transcript, periodic reviews, and initial interview forms. Where applicable, test scores and exemptions may also be provided to the unit team.

7. LITERACY CLASS SCHEDULES. Literacy classes, to include special learning needs (SLN) classes, should be scheduled Monday through Friday. Each literacy class session should meet a minimum of one and one half hours per day. This means that inmates should be in school for at least one and one half hours each day.

Their time in school can be divided among different learning activities such as 45 minutes in math and 45 minutes in reading. They do not have to be in the same class or same learning activity for the entire 90 minutes.

If for reasons related to an excessive wait list (particularly for inmates with less than three years left to serve), a Warden wishes to establish one-hour classes, the Regional Director's concurrence is required before 60-minute classes can be implemented.

When requesting concurrence, institutions should submit a proposed plan of action which outlines:

- the justification for 60-minute classes and
- the procedures for the return to a minimum of 90-minute classes.

The plan of action should be developed in conjunction with the Regional Education Administrator (REA). Institutions should keep a copy of the Regional Director's written concurrence on file.

As soon as the unique conditions justifying one-hour classes no longer exist, one-hour classes are expected to be eliminated. The REAs will be responsible for monitoring the status of each institution offering one-hour classes and ensuring appropriate implementation of the plan of action.

When possible, literacy programs should be operated during daytime hours. However, you may schedule evening literacy classes if the Warden determines that evening classes are:

- needed to reduce the waiting list or
- used to expand program offering options.

8. EXEMPTIONS TO LITERACY PROGRAM PARTICIPATION

§544.71 Exemptions to Required Literacy Program Participation.

a. The following inmates are not required to attend the literacy program:

(1) Pretrial inmates;

(2) Inmates committed for purpose of study and observation under the provisions of 18 U.S.C. 4205(c), 4241(d), or, effective November 1, 1987, 18 U.S.C. 3552(b);

(3) Sentenced deportable aliens;

(4) Inmates determined by staff to be temporarily unable to participate in the literacy program due to special circumstances beyond their control (e.g., due to a medical condition, transfer on writ, on a waiting list for initial placement). Such inmates, however, shall be required to participate when the special circumstances are no longer applicable.

b. Inmates who have been determined (on the basis of formal diagnostic assessment) to have a documented emotional, mental, or physical individual impediment to learning shall not be required to complete the literacy program beyond those achievement levels indicated as realistic by the formal diagnostic assessment.

c. Staff shall document in the inmate's education file the specific reasons for not requiring the inmate to participate in, or to complete, the literacy program.

9. **DIRECT POLICY EXEMPTIONS.** The exceptions (contained in Section 8 above) in § 544.71(a)(1), for pretrial inmates, (2) for inmates committed for study & observation, and (3) sentenced deportable aliens are "*direct policy exemptions.*"

- a. What kinds of literacy courses may a pretrial inmate participate in?

Although a pretrial inmate does not have to participate in the literacy program, he/she *may* participate in

- correspondence and self-study literacy courses;
- institution educational programs such as the literacy program, adult continuing education, and self improvement courses, when consistent with institution security and good order; or
- other education services provided by contract personnel or community volunteers, as institutional staff arranges them.

- b. What SENTRY information do I need to provide for the pretrial and the study and observation exemptions?

For both the pretrial inmates and the study & observation inmates, you **may** change the default GED UNK or another GED Needs Assignment to GED HAS if you have documentation verifying that the inmate graduated from high school or completed the GED program.

You **will not**:

- change these inmates' default SENTRY Education Information (EDI) GED Needs Assignment of GED UNKNOWN status (GED UNK) to any other EDI GED Needs Assignment, regardless of whether or not they participate in a literacy program.

Occasionally, pretrial and study and observation inmates may come to your institution with an existing EDI GED Needs Assignments. Do not change any existing GED Needs Assignments while inmates are still in the pretrial and/or study and observation status.

- assign an EDI GED Progress Assignment for these inmates when/if they enroll in a literacy program. These inmates will not need a Progress Assignment, regardless of whether or not they participate in a literacy program.
- complete a JUSTIFICATION OF EXEMPTION form for these direct policy exemptions.

c. Who is a sentenced deportable alien?

An inmate is a sentenced deportable alien, and does not need to participate in the literacy program, if he/she is:

- assigned a Public Safety Factor 'H' status of "Alien" (see the Security Designation and Custody Classification Manual) or
- under a final Bureau of Immigration and Customs Enforcement (BICE) (formerly the Immigration and Naturalization Service (INS)) order of deportation, exclusion, or removal. You must confirm that the inmate is assigned with a Case Management Activity (CMA) assignment of "IHP CMP WD", "IHP CMPWDE", or "IHP CMPWDI".

d. How does the sentenced deportable alien exemption affect the good conduct time of these inmates?

Although sentenced deportable aliens are exempt from attending the literacy program for the mandated 240 instructional hours, they are still subject to the satisfactory progress literacy provision of the VCCLEA or the PLRA.

To vest their earned Good Conduct Time (GCT) or be eligible for the maximum amount of GCT, deportable aliens without a verified high school diploma or a GED who are sentenced under the VCCLEA or the PLRA must meet the satisfactory progress provision of these two acts specified in Section 17 of this PS.

e. What SENTRY information do I need to provide for the sentenced deportable alien exemption?

You need to provide the following SENTRY information for the sentenced deportable alien exemption:

All sentenced deportable aliens (except Mariel Cuban detainees, described in question 9.h.) are exempt from the literacy program participation requirement and must have an EDI GED Needs Assignment of GED XN with an entry made on the JUSTIFICATION OF EXEMPTION form.

You will not need a signature for this type of direct policy exemption. However, these inmates are still subject to the satisfactory progress requirement of the VCCLEA/PLRA (see question 9.d.).

- f. How often and by what method do I need to review the exemption status of sentenced deportable aliens?

You should review the exemption status of deportable aliens every six months by running a SENTRY-based roster with PUB and CMA in the display column field. The Literacy Coordinator documents this review by submitting a memorandum with the SENTRY printout attached to the SOE twice a year.

The SOE will keep the memorandum and the SENTRY printout for three years.

- g. What is the literacy requirement for those inmates who complete the institution hearing program and have been determined that they will not be deported (CMA EQ IHP CMP ND)?

Some previously exempted inmates (EDI GED XN) who have completed their deportation hearing and have been determined to be non deportable (CMA EQ IHP CMP ND) will be required to attend the literacy program for a minimum of 240 instructional hours.

Education staff should interview these inmates and inform them of the literacy participation program requirement.

Education staff should also change their EDI GED XN assignments to EDI GED EN with an entry made on the UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form.

- h. What special information do I need to know about sentenced Mariel Cubans and Mariel Cuban detainees?

Sentenced Mariel Cubans, who do not have a verified high school diploma or a GED and currently are serving their sentences, do not need to participate in the literacy program. However, they are **not** exempt from the pay exemption requirement.

Sentenced Mariel Cubans serving their sentences will have an Admission Release Status (ARS) Assignment of A-DES and CMA of Mariel.

Once Mariel Cubans finish their sentence and remain in the Bureau's custody, they become Mariel Cuban **detainees**.

Mariel Cuban detainees will have an ARS Assignment of A-INS and a CMA of Mariel. When they become detainees, they will no longer be exempt from the literacy participation requirement.

Those Mariel Cuban detainees without a verified high school diploma or a GED **must participate** in the literacy program for a minimum of 240 instructional hours and they must also meet the pay promotion requirement for work assignment above the minimum pay grade.

This is to comply with the Program Statement on Mariel Cuban Detainees and to help prepare Mariel Cuban detainees to re-enter the community.

- i. May inmates under an exemption still choose to participate in the literacy program?

Yes. Inmates who fall under the pretrial, study and observation, or deportable alien exemptions may still choose to participate in the literacy program, even though they are not *required* to participate.

- j. For employment purposes, how should I treat inmates exempted from participating in the literacy program?

If an inmate falls under the pretrial, study and observation, or deportable alien exemptions, you should not:

- promote them above the fourth grade of compensation,
- promote them above the lowest trust fund position, or
- place them in a non-graded piece rate UNICOR work assignment,

unless they have a high school diploma or a GED credential.

10. **TEMPORARY EXEMPTIONS.** This is another category of inmates who can be exempt from the literacy program. This type of exemption is only temporary.

You need to enroll the inmates with this type of exemption in a literacy program when the special circumstance is no longer applicable.

§544.71 Exceptions to required literacy program participation.

(a) The following inmates are not required to attend the literacy program:

(4) Inmates determined by staff to be temporarily unable to participate in the literacy program due to special circumstances beyond their control (e.g., due to a medical condition, transfer on writ, on a waiting list for initial placement). Such inmates, however, shall be required to participate when the special circumstances are no longer applicable.

- a. What SENTRY information do I need to provide for the "temporarily unable" exemption defined in §544.71 (a) (4)?

These inmates should have an EDI GED Needs Assignment of GED TN and a JUSTIFICATION OF EXEMPTION form in the SENTRY-based electronic education file.

However, their existing GED Needs Assignment should not be changed to GED TN if the only reason for the "temporary unable" is because they are on a GED waiting list.

A JUSTIFICATION OF EXEMPTION form is not required for inmates on waiting lists.

For inmates who are temporarily unable to participate because	The following approval and SENTRY reporting procedures will apply:
the inmate has a health/medical reason for not participating temporarily,	<ul style="list-style-type: none">■ Health/medical service staff will send documentation of the health/medical condition to the Supervisor of Education (SOE). The documentation should clearly indicate the reason and the duration of the temporary exemption.■ The SOE will review the documentation. If the document justifies the exemption, he/she will make an entry on the JUSTIFICATION OF EXEMPTION form in SENTRY. This form should have "other" in the "reason for exempt" field, the initials of the SOE in the "recommended by" field, and "A" in the "approved/disapproved" field. A hard copy of the signed form along with documentation from health/medical services should be kept on file for three years. See Section 19 for special SENTRY data reporting requirements for inmates who are transferred to medical centers for medical, surgical or mental health treatment.■ Change existing EDI GED Needs Assignment of GED EN to an EDI GED TN. However, the existing GED Progress Assignment remains the same.
the inmate is on writ,	<ul style="list-style-type: none">■ Existing EDI GED Needs and Progress Assignments remain because education staff will not be able to change the EDI assignments in SENTRY once inmates leave the institution on writ status.■ JUSTIFICATION OF EXEMPTION form is not required.

<p>the inmate is on a GED waiting list</p> <p>EDI GED TN assignments should not be given to inmates on GED waiting lists.</p>	<p>If the inmate has an EDI Needs Assignment of GED DN, GED EN, or GED UNK:</p> <ul style="list-style-type: none"> ■ Change the EDI GED DN or GED UNK to GED EN without changing the existing Progress Assignment. ■ The existing EDI GED EN Needs and Progress Assignments remain. ■ A JUSTIFICATION OF EXEMPTION form is not required. <p>If the inmate has an EDI Needs Assignment of GED XN:</p> <ul style="list-style-type: none"> ■ The existing EDI GED XN Needs and Progress Assignments remain. ■ Generate an UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form to document the inmate's GED waiting list status. ■ A JUSTIFICATION OF EXEMPTION form is still required to document "class" exemption. An additional exemption should not be entered to document waiting list status. <p>If the inmate has an EDI Needs Assignment of GED EP, XP or ZP:</p> <ul style="list-style-type: none"> ■ The existing EDI GED Needs and Progress Assignments remain. ■ Generate an UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form to document the inmate's GED waiting list status. ■ A JUSTIFICATION OF EXEMPTION form is required to document "pay." An additional exemption should not be entered to document class waiting list status.
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11. PAY EXEMPTIONS FOR INMATES WHO NEED EXTENDED TIME IN LITERACY PROGRAM

- a. If an inmate needs more time in the literacy program than the average inmate, may the Warden exempt that inmate from the literacy requirements for work promotion?

Yes. The Warden may grant a pay promotion exemption if an inmate is in the literacy program but needs more time to complete the program than the average inmate. The intent of

this exemption is to encourage the inmate to stay in school and continue to make a strong effort. The Warden must not delegate this authority below the SOE level.

The SOE should recommend this exemption for an inmate who completes 480 hours of participation in the literacy program **unless** the inmate has a GED Progress Assignment of UNSAT, or the literacy teacher determines that the inmate is not making an acceptable level of effort.

If that is the case, literacy teacher should enter "EFFORT-LOW" in the open remark field of the UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form with his/her initials.

Education staff will document a work promotion exemption using the JUSTIFICATION OF EXEMPTION form and the Warden is the approval authority for this exemption. The Warden should not delegate this authority below the SOE level.

- b. If the Warden exempts an inmate from the literacy program requirements for work promotion because he or she needs extended time in a literacy program, how should I document that in SENTRY?

If the Warden exempts an inmate from the literacy program requirements for work promotion, you should document that in SENTRY by giving the inmate an EDI GED Needs Assignment of GED EP.

We will refer to an inmate under this exemption as an "EP inmate."

Deportable aliens, who meet the criteria specified in question 11a, and receive approval for the EP exemption, should be given an EDI GED EP Needs Assignment.

- c. How often should education staff review the status of an EP inmate?

Education staff should review the status of an EP inmate every 240 hours. Education staff should document the review on the UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form. The review should determine if the inmate's progress and effort show that he/she still warrants the exemption.

EP inmates will lose their EP exemption if they withdraw from the GED program, receive a GED UNSAT Progress Assignment, or an "EFFORT-LOW" entry on the UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form.

- d. How many hours and days per week do EP inmates have to stay in school to maintain the EP status?

EP inmates must remain in school (not in an independent study course) for a minimum of six hours a week.

12. **PAY AND PARTICIPATION EXEMPTIONS FOR INMATES INCAPABLE OF COMPLETING THE GED PROGRAM**

§544.71 Exceptions to required literacy program participation.

(b) Inmates who have been determined (on the basis of formal diagnostic assessment) to have a documented emotional, mental, or physical individual impediment to learning shall not be required to complete the literacy program beyond those achievement levels indicated as realistic by the formal diagnostic assessment.

- a. If an inmate has a learning or medical condition that prevents him/her from benefitting further from the literacy program, may the Warden exempt that inmate?

The Warden may exempt an inmate from the literacy program requirements for work assignment appointment and promotion in one of the following situations:

- When a special learning needs teacher, using both informal and formal diagnostic assessment tools confirms that further literacy class instruction will no longer benefit the inmate.

The Warden will only grant this exemption in special cases, after education staff thoroughly determine that the inmate cannot further benefit from any aspect of the literacy program.

or

- When a qualified medical or psychology staff member, together with the SOE, confirms that an inmate has an extremely serious and irreversible medical or psychological condition that, even when treated, prevents the inmate from benefitting from the literacy program.

While these inmates will be medically unassigned in most cases, this exemption would allow them to earn above base pay if a work assignment, such as a sheltered workshop, is available.

- b. What documentation is required for inmates with special learning or medical needs who no longer benefit from being in the literacy program?

Only consider a permanent exemption from the literacy program when you can reliably determine that the inmate has reached his/her learning potential.

For inmates with special learning needs who no longer benefit from the literacy program, the following documentation is required to justify this type of exemption:

- (1) Formal documentation will reflect that the inmate has stopped making progress in all major academic areas. This will require valid pre- and post-test achievement test scores that indicate a lack of academic gain in any major academic area (reading, math, and written language).
- (2) Documentation will also indicate that the inmate has maintained a positive attitude in class and demonstrated a concerted effort to participate and complete assignments.

This should be documented in the UPDATE REVIEW/WITHDRAWAL INTERVIEW form in SENTRY to reflect an ongoing account of the inmate's overall performance throughout his enrollment, not just the inmate's attitude at a single point in time.

- (3) Documentation will also indicate that the student had been in school for a minimum of 480 hours.

On rare occasions an inmate may be so debilitated that participation in school is permanently curtailed. If adequate medical documentation exists, the minimum time requirement of 480 hours is waived. However, most medical conditions (e.g., blindness, schizophrenia) do not warrant this type of exemption, because accommodations can be given or the inmate can be treated with medication.

Only when the inmate's health has permanently affected his/her ability to attend and participate in school, or when the medical condition permanently prevents learning (even with accommodations), should staff consider waiving the minimum time requirements.

- c. If the Warden exempts an inmate because a learning or medical condition prevents the inmate from benefitting from the literacy program, how should I document that in SENTRY?

If the Warden exempts an inmate because a learning or medical condition prevents the inmate from benefitting further from the literacy program, you should document that in SENTRY by giving that inmate an EDI GED Needs Assignment of GED ZP.

The Warden is the approval authority for the ZP exemption. The Warden will not delegate this authority below the Associate Warden level. To monitor the approval status of ZP exemptions, you must enter "A" in the "approved/disapproved" field after the Warden signs the JUSTIFICATION OF EXEMPTION form.

The signed copy of the exemption should be kept on file.

- d. Do I need to periodically review the status of inmates who are exempt from program participation and pay promotion based on special learning/health/medical needs?

No. You do not need to periodically review the status of inmates who are exempt from participation and pay promotion requirements based on special learning, medical or health needs (the GED ZP exemption status in SENTRY).

However, you must review the EDI GED Needs and Progress Assignments of all newly admitted or transferred inmates as part of the education procedures for the Admission and Orientation program. At this time, you should review the GED ZP exemption status.

- e. Is age ever a reason to exempt an inmate from participating in the literacy program?

Ordinarily, age is not a factor for exempting inmates from participating in the literacy program, **unless** health service department staff give written documentation that an inmate's age and related health conditions prevent him/her from being able to make academic progress in the literacy program.

This inmate should be treated like other inmates with health/medical-based exemptions.

13. **DOCUMENTATION FOR EXEMPTIONS FROM LITERACY PROGRAM**

§544.71 Exceptions to required literacy program participation.

(c) Staff shall document in the inmate's education file the specific reasons for not requiring the inmate to participate in, or to complete, the literacy program.

What must I document in the inmate's SENTRY-based electronic education file when an inmate is exempt from the literacy program?

In the inmate's SENTRY-based electronic education file, you must:

- document the specific reasons for allowing class exemptions. (Remember: You do not need JUSTIFICATION OF EXEMPTION forms for inmates with the pretrial exceptions [§544.71(a)(1)] or study and observation exceptions [§544.71(a)(2)].).
- generate a JUSTIFICATION OF EXEMPTION form for sentenced deportable aliens. However, this does not require a signature for a deportable alien exemption.

14. INCENTIVES

§544.72 Incentives.

The Warden shall establish a system of incentives to encourage an inmate to obtain a GED credential.

With the Warden's approval and in accordance with the Program Statement on Inmate Work and Performance Pay, each SOE must establish a system of appropriate awards (e.g., small cash awards, consumables, paper certificates, etc.) to recognize inmates for making satisfactory progress and completing the literacy program.

These awards should recognize achievement at various levels in the program. For example, recognitions would be appropriate when an inmate achieves a basic literacy level (equivalent to 8th grade) and also when he/she achieves a secondary education credential.

The literacy incentive award program should be explained to the inmates during the Admission and Orientation (A&O) presentation, included in the Education Handbook, and posted in the education and unit bulletin boards.

15. HIGH SCHOOL DIPLOMA OR EQUIVALENCY VERIFICATION. An inmate's high school diploma or a GED credential is verified when:

- The SOE receives documentation directly from the appropriate school or agency.
- Government personnel officially verify the high school diploma or a GED credential in the pre-sentence investigation report (PSI). You should only accept a PSI as verification when the writer clearly indicates that educational records were verified.
- A valid postsecondary credential, (e.g., associate of arts degree, baccalaureate degree, masters degree, or higher) is an acceptable form of verification for a high school diploma or a GED credential.

An English translation of the official high school diploma sent directly from a secondary or postsecondary education school/agency from a foreign country to the SOE may be used, upon verification, to document a high school credential.

When there is no adequate information to verify an inmate's high school diploma or GED credential, the inmate must try to get verification information.

To do this, an inmate may complete a Request for Education Records form (BP-S812.053) and give it to the SOE, who will forward it to the appropriate school or agency. An inmate may request the form from an education staff member.

Except those inmates exempt under Section 8 of this PS (and 28 CFR 544.71), an inmate who cannot get information to verify high school completion must participate in the literacy program. Inmates have 60 days from their arrival at the institution to provide documentation of a high school diploma or GED credential.

When an inmate's high school diploma or GED is verified, you should document this verification by using the SENTRY UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form. Enter "Literacy" and "Initial" in the "Program" and the "Type of Review" fields, respectively, for all new arrivals at the institution with an ARS assignment of A-DES.

You should give the source of the data verifying the high school diploma (or GED credential) and other pertinent information in the "remarks" field of this form.

You will also need to enter an UPDATE REVIEW/WITHDRAWAL INTERVIEW form for the Mariel Cuban detainees who will have an ARS assignment of A-INS and a CMA assignment of Mariel.

Ordinarily, you should enter the appropriate EDI GED Needs Assignment and the UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form in SENTRY within 60 days of each inmate's arrival at the current institution. You will not need to verify the GED status, change EDI GED Needs Assignment or generate a UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form for pretrial and study and observation inmates.

You will not need to generate another UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form for an inmate transferred from another Bureau facility if the existing form clearly indicates that the inmate has a high school diploma or its equivalent.

16. WORK ASSIGNMENT LIMITATIONS

§544.74 Work Assignment Limitations.

These limitations on work assignment appointment and promotion apply to all inmates, including those exempted from required participation in the literacy program by §544.71.

a. Appointment

(1) An inmate who does not meet the literacy requirement may be assigned to a grade 4 position contingent upon the inmate's continued enrollment in the literacy program.

(2) An inmate ordinarily must show prior attainment of a GED credential or high school diploma in order to be considered for a commissary work assignment above minimum pay level, an institution work assignment above grade 4 compensation, or an industrial work assignment above grade four or in a non-graded incentive pay position.

(3) If labor force needs require, an inmate who does not meet the literacy requirement may be assigned to an industrial non-graded incentive pay position if the inmate is simultaneously enrolled in a literacy or related program. Withdrawal from the literacy program shall result in termination of the assignment. Local Federal Prison Industries (FPI) management may elect to retain the reassigned inmate in an hourly rated grade 4 position.

b. Promotion. An inmate ordinarily must show prior attainment of a GED credential or high school diploma to be promoted above the minimum pay level or grade in a commissary work assignment, an institutional work assignment, or an industrial work assignment. An inmate already in an assignment above the minimum pay grade who had met prior literacy requirements when approved for promotion is eligible for further promotion under the prior standard. Such inmate, however, must meet the current standard if, due to demotion based upon a poor performance appraisal, he or she needs to reapply for a promotion.

c. Exceptions. The Warden may, for good cause, exempt inmates on a case-by-case basis, from the literacy requirements for work assignment appointment and promotion. Staff shall document such exemption in the inmate's education file and central file.

§544.71 refers to Section 8 of this Program Statement.

- d. If an inmate doesn't meet the literacy requirements, how does it impact his/her work assignment?

<u>You must not appoint or promote that inmate to positions above:</u>	<u>In:</u>
grade 4	an institution work assignment.
grade 4	a UNICOR pay position.
the lowest graded trust fund position	a trust fund position.

You should only consider an inmate for a non-graded piece-rate position if he/she has a GED credential or high school diploma.

- e. If an inmate without a high school diploma already has a work assignment above the minimum pay grade, can I promote that inmate?

If an inmate without a high school diploma or GED credential already has a work assignment above the minimum pay grade, **and** he/she met earlier literacy requirements when he/she was approved for promotion, you may further promote that inmate under the earlier standard.

We refer to such inmates as "grandfather clause" inmates, because we will not apply the current literacy requirements to them. Instead, we will allow them to hold work assignments they received while following an earlier requirement.

"Grandfather clause" inmates include those who have been continuously employed in grades 3, 2, or 1 in covered positions since May 1982. Although they have not attended Adult Basic Education or met the Bureau's literacy standard, they will not have to participate in the literacy program.

Such inmates, however, lose their grandfather clause exemption status if they are demoted based upon a poor work performance appraisal or misconduct.

They will also lose their grandfather clause exemption status if, after release, they violate their parole, fail community corrections centers (CCCs), commonly known as half-way houses, or they are recommitted to the Bureau's custody under a new sentence.

- f. How should I document a "grandfather clause" inmate in SENTRY?

You should document a "grandfather clause" inmate in SENTRY by giving him/her an EDI GED Needs Assignment of GED XP.

You should generate a JUSTIFICATION OF EXEMPTION form for an inmate who has both pay restriction and class exemptions in SENTRY (enter "pay restr" in the "exempted from" field and "also exempted from class in the "remarks" field, respectively); you will not need two forms.

- g. Must a "grandfather clause" inmate participate in the literacy program to maintain his/her work assignment?

A "grandfather clause" inmate, however, does not need to participate in the literacy program to continue his/her employment in pay grades 3, 2, 1, or non-grade piece-rate assignments in the institution and UNICOR assignments.

There are no pay restrictions for these "grandfather clause" inmates.

Previously, GED XP inmates exempted under the "grandfather clause" could only be eligible up to pay grade 2 work assignments. With the issuance of this PS, all GED XP inmates are **eligible** for pay grade 1 positions. As well, some grandfather clause inmates were given an EDI GED ZP assignment in the past.

These inmates' EDI GED ZP assignments will be changed to EDI GED XP assignments, and they will continue to be eligible for pay grade 1 work assignments.

This pay grade 1 eligibility for GED XP assignment is administrative and procedural in nature. Therefore, GED XP inmates may not ask for retroactive pay.

- h. Who must review an inmate's "grandfather clause" status, and how often?

The SOE must review the exemption status of those "grandfather clause" inmates who are recently transferred from another facility within 30 days upon their arrival at the new institution as part of the education A&O procedures.

The SOE (or staff assigned by the SOE) will document this review using the UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form and the JUSTIFICATION OF EXEMPTION form in SENTRY.

The SOE must review the exemption status of those "grandfather clause" inmates who are already at the institution on an annual basis. A memorandum with the SENTRY printout can be used to document such review.

The SOE should keep the memorandum and the SENTRY printout for three years. To do this, the SOE should review the inmate's:

- disciplinary records,
- work assignment history,
- ARS, EDI, EDC, and testing history to ensure such exemption is properly granted.

- i. Can an institution give an inmate a pay exemption because of labor force needs?

Yes. However, this labor force need exemption is limited to UNICOR non-grade incentive pay (piece rate) positions and must be approved by the Warden on a case-by-case basis.

Inmates with this type of exemption must be enrolled in the literacy program.

- j. How should I document labor force need exemptions in SENTRY?

If severe workforce shortages create a need to employ inmates in literacy programs, these inmates may be assigned to UNICOR non-graded incentive pay (piece-rate) positions. These inmates must be concurrently enrolled in a literacy program. For these inmates, you should:

- generate a JUSTIFICATION OF EXEMPTION form in SENTRY and print a hard copy of it after receiving the exemption request from the UNICOR staff who recommends the pay exemption;
- get the Warden's approval -- The Warden is the approval authority, and must not delegate this authority below the Associate Warden level.
- enter an "A" in the form's approved/disapproved field after the Warden approves and signs it and keep a signed copy of it on file;
- document in SENTRY that the inmate has a labor force need exemption by giving UNICOR non-graded incentive pay (piece-rate) inmates an EDI GED Needs Assignment of GED EP.

- k. If an inmate, who does not have a high school diploma and has a labor force need exemption of EP, is assigned to an industrial non-graded incentive pay position in UNICOR, what special procedures are there?

The Warden must evaluate each UNICOR "labor force need" request on an individual inmate basis before approving an EP exemption.

- l. Must an inmate participate in the literacy program to keep the non-graded incentive pay position?

Yes. An inmate may keep the non-graded incentive pay position only if he/she maintains adequate performance in a literacy program. The inmate will lose the non-graded incentive pay position if he/she:

- withdraws from the literacy program,
- receives an EDI GED UNSAT Progress Assignment, or
- is placed in a graded work assignment.

- m. What are the literacy and pay restriction requirements for inmates who return to an institution for certain reasons?

They must meet the current policy standard outlined in this section to be eligible for placement in work assignment above pay grade 4 or non-graded piece rate. Whether they are required to attend the literacy program depends on the specific reason for their return and if they had attended the literacy program previously (see table below).

Any inmate who attained his/her high school diploma or GED prior to returning to Bureau custody, does not need to attend the GED program to be eligible for above pay grade 4 work assignments.

For those inmates returning who do not have a verified high school diploma or GED certificate (read down each column):

Return Condition	Half-way House Failure		Parole Violator		Escapee		Returned Under a New Sentence	
	Yes	No	Yes	No	Yes	No	Yes	No
Completed the mandatory attendance period previously								
Required to attend the GED program	No	Yes ¹	Yes ²	Yes ²	Yes ²	Yes ²	Yes ²	Yes ²
Eligible for above pay grade 4 assignment	No	No	No	No	No	No	No	No

- ¹ Need to complete the remaining instructional hours as required by the current policy; prior hours will be credited.
- ² Need to attend another 240 instructional hours; prior hours will not be credited.
17. **VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994 (VCCLEA) AND THE PRISON LITIGATION REFORM ACT OF 1995 (PLRA)**

§544.73 Program Participation.

(b) (1) For the purposes of 18 U.S.C. 3624, an inmate subject to the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) or the Prison Litigation Reform Act of 1995 (PLRA) shall be deemed to be making satisfactory progress toward earning a GED credential or high school diploma unless and until the inmate receives a progress assignment confirming that:

- (i) The inmate refuses to enroll in the literacy program;
- (ii) The inmate has been found to have committed a prohibited act that occurred in a literacy program during the last 240 instructional hours of the inmate's most recent enrollment in the literacy program; or
- (iii) The inmate has withdrawn from the literacy program.

(2) When an inmate subject to VCCLEA or PLRA receives a progress assignment indicating that the inmate is not making satisfactory progress, the assignment shall be changed to indicate satisfactory progress only after the inmate is currently and continuously enrolled in a literacy program for a minimum of 240 instructional hours. Any further withdrawal or finding that the inmate has committed a prohibited act in a literacy program during the last 240 instructional hours of the inmate's most recent enrollment in the literacy program shall result in a progress assignment indicating that the inmate is again not making satisfactory progress (see paragraphs (b) (1) (ii) and (iii) of this section).

a. **Requirements.** VCCLEA is the 1994 Violent Crime Control and Law Enforcement Act (P.L. 103-322). VCCLEA requires inmates to participate and make satisfactory progress in the literacy program to vest earned Good Conduct Time (GCT) if they:

- committed their offenses on or after September 13, 1994, but before April 26, 1996 and
- do not have a GED or high school credential.

PLRA is the 1995 Prison Litigation Reform Act (P.L. 104-134; April 26, 1996). PLRA requires the Bureau to consider whether inmates earned, or are making satisfactory progress towards earning, a GED credential before awarding GCT.

b. **Deportable Aliens Sentenced Under VCCLEA/PLRA.** As stated in question 9.d., to vest their earned GCT or be eligible for the maximum amount of GCT, deportable aliens who do not have a verified high school diploma or a GED and are sentenced under the VCCLEA/PLRA must follow the satisfactory progress provision of these laws.

c. **Notifying Inmates.** To inform inmates of VCCLEA and PLRA literacy requirements you must include these requirements in the Education Admission and Orientation (A&O) lecture and the Education Handbook.

d. **Circumstances Under Which Inmates May Be Placed in the English-as a-Second Language (ESL) Program Before the Literacy Program.** For instructional/programming/administrative reasons, you may need to enroll non English speaking inmates in an ESL program first instead of the GED program.

You need to make an entry in the UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form to document that the ESL program assignment is an extension of the GED program.

You should give these ESL inmates a GED SAT Progress Assignment when they satisfy the GED SAT Progress Assignment requirements (see Section 17.e., Entering Progress Assignment in SENTRY.)

If an inmate withdraws from the ESL program or is found guilty of a Prohibited Act that occurs in the ESL program, you should give him/her a GED UNSAT Progress Assignment. However, you should not give a GED UNSAT Progress Assignment to a GED HAS inmate who is enrolled in the ESL program (regardless of his/her mandatory ESL status) and is found guilty of a Prohibited Act that occurs in the ESL program.

When these inmates complete the ESL program, they must enroll in a GED program to maintain their GED SAT Progress Assignment and to satisfactorily complete the mandatory 240 instructional

hours requirement, when applicable. Their hours from the ESL program are counted toward the 240 instructional hours required for the GED SAT Progress Assignment.

e. **Entering Progress Assignment in SENTRY.** You should use the UPDATE INMATE ASSIGNMENT SENTRY transaction to enter EDI GED Needs and Progress Assignments for all inmates.

Use one of two literacy program EDI Progress Assignments to record GED progress:

- GED SAT for satisfactory progress and
- GED UNSAT for unsatisfactory progress.

(1) Give an EDI GED Progress Assignment of GED SAT to an inmate when he/she completes the first 240 instructional hours in the literacy program if he/she

- continues to remain in the program and
- does not have an incident report showing that he/she was found guilty of an earlier violation in a literacy program. If found guilty, he/she will be given a GED UNSAT Progress Assignment and he/she will have to complete **another 240** instructional hours before he/she can receive a GED SAT Progress Assignment. The instructional hours prior to the incident report will not be counted toward the 240 instructional hours for the GED SAT Progress Assignment.

If an inmate withdraws voluntarily (regardless of the deportation status) from the GED program, he/she will need to complete another 240 instructional hours before he/she can receive a GED SAT Progress Assignment.

The instructional hours from his/her previous enrollment will not be counted toward the 240 instructional hours needed for the GED SAT Progress Assignment.

- If the inmate attains his/her GED credential during the initial 240 hours, do not assign him/her a progress assignment. If an inmate attains his/her GED credential after the initial 240 hours, his/her current progress assignment should be removed.

<i>Input</i>	<i>together with</i>	<i>but NOT with</i>
GED SAT ⁺ Progress Assignment	<ul style="list-style-type: none"> • GED EN (Enrolled or on wait list) • GED TN (Temporarily exempt-non-promotable) • GED XN (Exempt-non-promotable) • GED XP (Exempt-promotable) • GED EP (Enroll GED, promote with cause) 	<ul style="list-style-type: none"> • GED DN (Dropped-non-promotable) • GED HAS (Completed GED or HS diploma) • GED UNK (GED status unknown) • GED ZP (Exempt-promotable)

(2) Give an EDI GED UNSAT Progress Assignment to any inmate who

- refuses to enroll in the literacy program;
- is found guilty of a violation in a literacy program. The effective date of the EDI GED UNSAT Progress Assignment is the date when the Unit Discipline Committee (UDC) or Discipline Hearing Officer (DHO) finds the inmate guilty.

Once found guilty of a Prohibited Act that occurs in the literacy program, he/she will have to complete another 240 instructional hours before he/she can have a GED SAT Progress Assignment; or

- drops out of the literacy program after 240 instructional hours. The inmate may not be deemed to be making satisfactory progress with respect to the VCCLEA and the PLRA.

However, he/she will be deemed to meet the mandatory literacy attendance (240 instructional hours) requirement.

<i>You can input</i>	<i>together with</i>	<i>but NOT with</i>
GED UNSAT* Progress Assignment	<ul style="list-style-type: none"> GED EN (Enrolled or on waiting list) GED TN (Temporarily Exempt-non-promotable) GED XN (Exempt-non-promotable) GED XP (Exempt-promotable) GED DN (Dropped-non-Promotable) 	<ul style="list-style-type: none"> GED HAS (Completed GED or HS diploma) GED UNK (GED status unknown) GED ZP (Exempt GED promotable) GED EP (Enroll GED promote with cause)

* Inmates with EDI assignments of GED HAS, GED ZP, and GED UNK will not have active progress assignments.

f. **Notifying Inmate Systems Management (ISM) Staff.** To notify ISM staff of inmates' satisfactory progress status, we developed a SPECIALIZED DAILY LOG SENTRY transaction to print out Transaction Verification forms automatically for all SENTRY transactions involving GED UNSAT Progress Assignments which may impact inmates' GCT.

This is the process through which Education staff notify ISM staff of inmates' literacy program status:

- (1) Use the DAILY LOG DISPLAY to monitor and make sure to send Transaction Verification forms to ISM staff.
- (2) Complete two SPECIALIZED DAILY LOG SENTRY transactions on each business day:
 - The first SPECIALIZED DAILY LOG SENTRY transaction is to generate Transaction Verification forms to notify ISM staff of Progress Assignment changes related to GED UNSAT assignments (for example, from GED UNSAT to GED SAT, no GED Progress Assignment to GED UNSAT, GED SAT to GED UNSAT, etc.). In SENTRY, enter
 - Display (DIS) in the Function Field,
 - EDI in the Selection Category, the actual work day as the Log Start Date,
 - "A" in the ACT/FUT/HIS Field, and

- "V" in the Format Field.
 - Replace "DIS" with "PRT" in the FUNCTION field in the DAILY LOG transaction and press "ENTER" to generate the AUTHORIZATION FORM(S).
- The second SPECIALIZED DAILY LOG SENTRY transaction is to notify ISM staff of inmate EDI history changes.
- In SENTRY, enter the same information as described above, except enter an "H" in the ACT/FUT/HIS Field instead of an "A".
 - Replace "DIS" with "PRT" in the FUNCTION field in the DAILY LOG transaction and hit "ENTER" to generate the AUTHORIZATION FORM(S).
- (3) The SOE, or Acting SOE, must sign and date the AUTHORIZATION FORM(S). For forms describing EDI history changes to correct errors, the SOE or Acting SOE should note the error reason on the Transaction Verification forms.
- (4) Forward signed copies of all of these AUTHORIZATION FORM(S) to ISM staff **within five working days** after you complete a GED Progress Assignment transaction.
- (5) ISM staff will file the forms in the inmates' J&C file and post GCT as appropriate.
- (6) The SOE must keep a file of the two DAILY LOGS (not the AUTHORIZATION FORMS) for three years.

g. **Correcting Historical EDI Data.** If you find an error in an inmate's EDI history, perform an UPDATE INMATE HISTORY SENTRY transaction with the correct date and assignment. Backdate the effective date to reflect the date when the EDI GED Needs Assignment or Progress Assignment was originally entered into SENTRY and note the error reason on the EDI history and forward a copy to the ISM.

h. **Change in Sentence Status.** ISM staff will send a memorandum to education staff when an inmate, currently serving a non-VCCLEA/non-PLRA sentence, receives a VCCLEA/PLRA sentence.

When you get the memorandum from ISM notifying you that an inmate currently serving a non-VCCLEA/PLRA/non-PLRA receives a new VCCLEA/PLRA sentence (or another type of sentence), you must:

- meet formally with the inmate;
- explain that he/she will not be expected to complete another 240 instructional hours when he/she begins his/her new sentence since he/she never leaves the Bureau's custody;
- however, you should explain the impact of the VCCLEA/PLRA satisfactory progress on his/her good conduct time if the new sentence is either a VCCLEA or PLRA sentence; sentenced deportable aliens are not exempt from the satisfactory progress provision of the VCCLEA/PLRA;
- generate an UPDATE PERIODIC REVIEW/WITHDRAWAL INTERVIEW form to document that you counseled and informed the inmate concerning the literacy participation and VCCLEA/PLRA requirements and whether the inmate elects to re-enroll or stay in the GED program;
- delete the inmate's current (not historical) UNSAT Progress Assignment using UPDATE INMATE ASSIGNMENT transaction and assign an proper EDI GED Needs Assignment if the inmate is currently enrolled or agrees to enroll in school.

The effective date for deleting the GED UNSAT Progress Assignment is the date when the inmate begins his/her new sentence; if the inmate refuses to re-enroll in the GED program, the GED Progress Assignment remains;

- complete and print an Inmate EDI History SENTRY transaction;
- note on the Inmate EDI History printout that you have counseled the inmate on the VCCLEA/PLRA satisfactory assignment requirement and its impact of on his/her good conduct time and whether the inmate elects to re-enroll or stay in the GED program; and
- forward the original form of the EDI history to the ISM staff and keep a copy for three years.

18. DISCIPLINARY ACTION

§544.75 Disciplinary Action.

As with other mandatory programs, such as work assignments, staff may take disciplinary action against an inmate lacking a GED credential or high school diploma if that inmate refuses to enroll in, and to complete, the mandatory 240 instructional hours of the literacy program.

Except for those exempted in Section 8, you may take the following disciplinary action against an inmate who refuses to enroll in, and to complete, the mandatory 240 instructional hours of the literacy program:

- Charge the inmate with Prohibited Act 306 (Refusing to work or to accept a program assignment) or any other appropriate prohibited act under the Program Statement on Inmate Discipline and Special Housing Units.
- The inmate is expected to enroll and complete the mandatory 240 instructional hours after serving the disciplinary sanction. Pretrial, study and observation, and deportable alien inmates exempted under Section 8 may elect to opt out of a literacy program any time without resulting the type of incident report described in this section.

Removal from a literacy program may be imposed as a disciplinary sanction by the DHO or UDC for a specified period of time, following an appropriate finding of misconduct consistent with the Program Statement on Inmate Discipline and Special Housing Units.

The SOE must monitor these inmates and place them back in school (or on the wait list if no space is currently available) at the end of the removal period.

19. SENTRY EDUCATION DATA REPORTING REQUIREMENTS FOR MEDICAL CENTERS. We have established the following procedures to implement the VCCLEA/PLRA literacy satisfactory progress requirements for inmates assigned to medical centers for medical or mental health reasons:

a. At the **sending institution**:

- Education staff will remove inmates, transferred for medical or mental health treatment, from the literacy program **without changing** the EDI GED Need and Progress Assignments.

b. At the **receiving medical facility**:

- Staff will replace the existing EDI GED Needs Assignment with the GED TN Needs Assignment for inmates assigned to medical centers for medical or mental health reasons. Existing EDI Progress Assignment remains.
- Staff will create a JUSTIFICATION OF EXEMPTION form to document the exemption; the SOE initial the JUSTIFICATION OF EXEMPTION form in SENTRY.

20. **SPECIAL LEARNING NEEDS STAFFING REQUIREMENTS.** Except for those exempted facilities (see below), every literacy program must include a qualified special education instructor who meets the U.S. Office of Personnel Management GS-1710 Education and Vocational Training Series Qualifications for a special education teaching position. He or she:

- is a full-time or a part-time civil service or a contract employee, depending on institution resources and needs. We encourage institutions to have a full-time or part-time civil service employee;
- knows how to administer formal and informal tests such as the Woodcock Johnson-Psycho-educational Battery of Tests; and
- helps other education staff meet the educational needs of low functioning inmates.

Any institution without a civil service or contract special education teacher must fill a current or future academic vacancy with a special education teacher.

Also, we encourage but do not require the following institutions to employ a special education teacher:

- United States Penitentiary Administrative Maximum Florence,
- Metropolitan Correctional Centers,
- Federal/Metropolitan Detention Centers, and
- Federal Transfer Centers.

21. **PROGRAM MONITORING REQUIREMENTS.** To monitor the literacy program, every month the literacy coordinator must prepare two reports, the **Needs List Report** and the **Do-Not-Promote Report**. The SOE must keep these reports for three years.

a. **Needs List Report.** Every Needs List Report must contain these three lists:

- (1) **GED Unknown List**, which is a list of inmates whose GED status is unknown. You can get this list from the EDS in SENTRY.
- (2) **Waiting List**, which is a list of inmates who are waiting to enroll in the GED program. This list must at least include these inmates' arrival and projected release dates. You can get this list using SENTRY or other local data tracking methods (e.g. manual GED waiting list).
- (3) The **Projected Release Date List**, which is a list of the EDI GED Need status of inmates within 23 to 24 months of their projected release dates. You can get this list from the SENTRY-based EDS (the dates for the condition column will always be the first day of the month regardless of when you actually run the list).

You should interview and counsel inmates with a GED need at least once (more if resources permit) about re-enrollment. Document all re-enrollment interviews and counseling sessions using the UPDATE REVIEW/WITHDRAWAL INTERVIEW form.

- (4) **Non-Promotable List.** Every month, the SOE must give appropriate department heads, detail supervisors, and payroll coordinators a list of inmates who are restricted to pay grade 4, including EDI GED Needs Assignments of DN, EN, UNK, TN, and XN. Inmates who are not on this list may be promoted up to pay grade 1, depending on their particular job assignment.

The SOE must make sure that all pay exemptions are granted appropriately and he/she must closely monitor these exemptions. At department head meetings, the SOE must emphasize that it is important to follow the pay promotion restrictions. REAs will also monitor pay exemptions during staff assist visits, and program reviewers will monitor them during program reviews to ensure policy compliance.

22. SENTRY EDUCATION INFORMATION (EDI) ASSIGNMENTS, USES, AND APPROVAL AUTHORITY

EDI FUNCTIONS	EP	EN	UNK	DN	XN	XP	TN	ZP	HAS
USES - Enrolled for 480 hrs. - GED SAT - High effort -Concurrent GED enrollment ----- - UNICOR work need, GED enrolled	- Enrolled for 480 hrs. - GED SAT - High effort -Concurrent GED enrollment ----- - UNICOR work need, GED enrolled	-Currently enrolled - On GED wait list - Mariel Cuban detainees who complete their sentence and do not have GED.	- New admissions - Study and observation cases - Pretrial inmates	- Dropped from the GED program	- Deportable aliens Note: Deportable aliens remain "XN" when enrolled or dropped from program	- Grandfather clauses Note: XP assignment remains unchanged regardless of their GED enrollment status.	- Waiting for glasses - Medical transfers/ Mental Health - Temporary medical or surgical conditions	- Special learning/ health needs (see Section 12)	- Verified high school diploma/ GED (Citizens and deportable aliens)
APPROVAL AUTHORITY Good Effort: Warden. Can be delegated to Supervisor of Education ----- UNICOR Work Force Need: Warden, Can be delegated to Associate Warden	Good Effort: Warden. Can be delegated to Supervisor of Education ----- UNICOR Work Force Need: Warden, Can be delegated to Associate Warden	N/A	N/A	N/A	Direct Policy Exemption	Past Policy Exemption	Supervisor of Education with documents from health/ medical staff	Warden. Can be delegated to Associate Warden	N/A
JUSTIFICATION OF EXEMPTION FORM	Required	Not Required	Not Required	Not Required	Required	Required. If applicable, use one JUSTIFICATION OF EXEMPTION FORM to document both class and pay exemptions.	Required	Required	Not Required
SIGNATURE	Required	N/A	N/A	N/A	Not Required	Not Required	Required. Exception: inmates transferred to medical centers for treatment, signature is not required. SOE Initials on the JUSTIFICATION OF EXEMPTION form in SENTRY only.	Required. If applicable, use one JUSTIFICATION OF EXEMPTION FORM to document both class and pay exemptions.	N/A

23. HIGHEST PERMISSIBLE PAY GRADES, BASED ON EDI ASSIGNMENTS

EDI Work Assignment	UNK, XN, TN	EN	DN	EP* Good Effort	EP* UNICOR Work Need	XP (All Grandfather Clauses)	ZP	HAS
Institution	4**	4	4	1	N/A	1	1	1
UNICOR Other than Piece Rate	4	4	4	1	4	1	1	1
UNICOR Piece Rate-Graded	4	4	4	1	4	1	1	1
UNICOR Piece Rate: Non- Graded	No	No	No	Yes	Yes	Yes	Yes	Yes
Commissary	Lowest	Lowest	Lowest	1	N/A	1	1	1

* Concurrent GED enrollment is required.

** Numbers reflect highest grade permissible based on EDI status.

24. FAMILY LITERACY ACTIVITIES. If possible, a variety of family literacy activities may be included in the literacy program to encourage positive interaction between inmates and their children and to promote reading.

/s/
Harley G. Lappin
Director

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