

## Technical Assistance Paper

308468

# Providing a Continuum of Services for Inmates with Disabilities in the Custody of the Florida Department of Corrections

### STATEMENT OF PROBLEM

The Individuals with Disabilities Education Act (IDEA) is a federal mandate entitling all persons ages 3 to 21 who have disabilities to be provided access to a free appropriate public education. As this is an entitlement program, everyone who meets the program eligibility criteria must be offered appropriate services. This entitlement extends to eligible inmates with disabilities who are in adult correctional facilities.

The Bureau of Exceptional Education and Student Services has received inquiries from correctional institutions concerning the continuum of services that must be provided under IDEA for inmates with disabilities while they are in the custody and/or under the supervision of the Florida Department of Corrections. This technical assistance paper responds to the questions concerning inmate assignment to exceptional education programs (and delivery of services) raised by administrators, instructors, and monitors of special education programs located in correctional institutions.

### OPERATIONAL DEFINITION OF LEAST RESTRICTIVE ENVIRONMENT

As defined at 34 CFR (Code of Federal Regulations) 300.550;

“Each public agency shall insure:

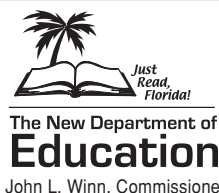
- (1) That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are non-disabled; and
- (2) That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”

The revised 1992 resource manual, *Ensuring the Placement of Handicapped Students in the Least Restrictive Environment: A Resource Manual for Implementation*, developed and distributed by the Florida Department of Education, Bureau of Exceptional Education and Student Services, was written to describe placement options available in Florida’s public schools. The manual specified that systems indicators for the provision of least restrictive environment for an inmate with a disability can be described as follows:

- Alternative placements are available to implement the IEPs of inmates with disabilities;
- Placement options are available to all inmates with disabilities regardless of their disabilities;
- All placements provide the opportunity for meaningful interaction with nondisabled inmates to the extent appropriate;

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BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

- The placements of inmates may change throughout their school life based on their needs;
- Placement decisions are based on the individual inmate's IEP;
- All inmates experience success in their learning environments.

As defined in federal regulations, 34 CFR 300.551, "Each public agency shall insure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services." The continuum must: (1) Include the alternative placements listed in the definition of special education under Reg. 300.17 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement."

The placement for each individual is to be reviewed at least annually and is based on his or her individual educational plan (IEP). In selecting the least restrictive environment for each individual, consideration must be given to any potential effect on the individual or on the quality of services which he or she needs.

### **Definitions of Placements**

As described in the *Federal Annual Data Report*, placements in public schools include:

**Regular Class:** Includes students with disabilities who receive special education and related services for **less than 21 percent** of the school day.

This may include inmates with disabilities placed in (1) a regular class with special education/related services provided within a regular class, (2) a regular class with instruction in the regular class and with special education/related services provided outside the regular class, or (3) regular class with special education services provided in a resource room.

**Resource Room:** Includes students with disabilities who receive special education and related services for **60 percent or less** of the school day and **equal to more than 21 percent** of the school day.

This may include inmates with disabilities placed in (1) resource rooms with special education/related services provided within the resource room, or (2) resource rooms with part-time instruction in the regular class.

**Separate Class:** Includes students with disabilities who receive special education and related services for **more than 60 percent** of the school day.

This may include inmates placed in (1) a self-contained special class with part-time instruction in a regular class, or (2) self-contained special class on a school campus.

### **IDENTIFYING THE APPROPRIATE PLACEMENT**

Placement must be based upon the individual educational plan (IEP) developed for an inmate. As described within 34 CFR 300.346, the IEP must include:

- (1) A statement of the (inmate's) present levels of educational performance;
- (2) A statement of annual goals, including short-term instructional objectives;
- (3) A statement of the specific special education and related services to be provided to the (inmate) and the extent that the (inmate) will be able to participate in regular educational programs;
- (4) The projected dates for initiation of services and the anticipated duration of the services;

- (5) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved; and
- (6) **Transition Services.** The IEP for each (inmate), beginning no later than age 16 (and at a younger age, if determined appropriate), must include a statement of the needed transition services as defined in 34 CFR 300.18, including if appropriate, a statement of each public agency's and each participating agency's responsibilities or linkages, or both, before the (inmate) leaves the school setting.

Placement procedures, as identified within State Board of Education Rules 6A-6.0331 and 6A-6.03311, FAC, must be followed for all exceptional students. The IEP is used as the basis for determining where appropriate services can be provided. During the IEP meeting, evaluation data, including summative descriptions of the inmate's present levels of performance, are written into the IEP. Levels of performance that the IEP committee feels the student can reasonably achieve within the instructional year are to be written into the IEP as annual goals. The IEP should also contain the short-term objectives that the student should reasonably achieve in reaching the annual goals as well as the evaluation criteria, procedure, and schedule for determining performance and achievement.

The IEP serves as a summary of the special education and related services to be provided; although not required, specification of the special programs for which the inmate is eligible should be indicated. The services to be provided may include instruction related to education, vocational, personal/social skills, skills related to using community/family resources, and transition-related goals. A description of the special services and/or adaptations needed by the inmate, including counseling, course or test modifications, or adaptations needed in the institutional or community setting must be specified. Examples of related services needs that should be specified on the IEP (if applicable) include (but are not limited to): use of an interpreter, transportation, use of a note taker, diagnostic and evaluation services, job placement assistance, orientation and mobility training, services of braillists, typists, and readers for the blind, and certain materials and equipment.

As specified within Rule 6A-6.03028(2), FAC, to address transition services adequately, the IEP must include a statement of the needed transition services, including the following areas: instruction, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation. If the IEP team determines that transition services are not needed in one or more of the areas, a statement to that effect and the rationale for the decision shall be written into the IEP.

Once written, the IEP describes the education services the inmate will receive. Based upon the needs identified within the IEP, the IEP committee determines the placement (or the amount of time that the inmate will receive special education services) and the service delivery models through which the inmate will receive these services. The service delivery models through which most inmates could probably receive appropriate services are Correction's Consultation Model (CCM), separate class (or self-contained classroom), and resource room. These are defined and described later in this paper.

Placements, or determinations of educational class assignment, are made as a function of an inmate's needs at the time the IEP is developed. Programs available within the institutional setting are to be designed with sufficient flexibility to create the best match for the time, place and circumstance of an individual inmate. As specified in the U.S. Office of Special Education Program publication: *Standards and Guidelines for Compliance with Federal Requirements for the Education of the Handicapped* (1986), "Educational assignment is never to be made based upon the category of handicapping condition, configuration of the service delivery system, availability of educational or related services, availability of space, curriculum content, or methods of curriculum delivery."

Factors to be considered in making such a decision include these:

- Do the annual goals and short-term instructional objectives appropriately address the inmate's academic, social, emotional, physical, and career needs?
- What supplementary aids and support services are necessary in order for the inmate to be placed in the regular class?

- Will the inmate satisfactorily achieve the goals and objectives on the IEP if educated in the regular class with the support of the supplementary aids and services?
- What negative effect, if any, will the inmate's presence have on the regular classroom?
- Are the inmate's needs for interaction with nondisabled peers appropriately addressed?
- Does the inmate have opportunities to participate in nonacademic and extracurricular activities?
- Will the inmate's IEP goals and objectives be satisfactorily achieved in a regular class placement (receives special education services less than 21 percent of school day) with or without modifications? (If **yes**, the inmate's placement has been determined.)
- Will the inmate's IEP goals and objectives be satisfactorily achieved in a resource room placement (receives special education services between 21 and 60 percent of school day) with or without modifications? (If **yes**, the inmate's placement has been determined.)
- Will the inmate's IEP goals and objectives be satisfactorily achieved in a special class room placement (receives special education services more than 60 percent of school day) with or without modifications? (If **yes**, the inmate's placement has been determined.)

Placement must be reviewed at least annually through the review of the IEP. A change in placement is any movement along the continuum, (e.g., **from** less than 21 percent of the day **to** more than 21 percent of the day, but less than 60 percent of the school day).

## **PLACEMENTS APPLICABLE TO CORRECTIONAL INSTITUTION SETTINGS**

### **Correction's Consultation Model (CCM)**

Certain programs operated by the Correctional Education School Authority (CESA) incorporate basic principles of Cooperative Consultation under the title Correction's Consultation Model (CCM) in providing educational services to inmates with disabilities in the regular classroom/institutional setting. Defined by the Florida Task Force (1984-86), "Cooperative Consultation is an interactive process which enables people with diverse expertise to generate effective strategies to meet the needs of exceptional students in regular and exceptional education classes" (adapted from Idol, L., Paolucci-Whitcomb, P., & Nevin, A. (1986). *Collaborative Consultation* (p. 1). Rockville, MD: Aspen Publishers, Inc.). The CCM uses the wrap-around concept of providing services to the inmate at the various sites where he or she regularly receives educational services, e.g., on-the-job training sites, regular classroom, or "pull-out" instructional settings. The operational basis for CCM is collaboration between the special education teacher and the regular education teacher (or vocational education teacher or on-the-job training instructor). The special education teacher provides support and applications of professional expertise to assist the regular education teacher in making modifications to his or her regular program in order to allow inmates with disabilities to function in his or her specified instructional environment.

As instructional staff strive to meet the special needs of inmates with disabilities for whom use of the CCM has been identified as the most appropriate (and least restrictive) method of delivery of services, sufficient support must be provided to the teacher who delivers instruction to the inmate. Specifically, there must be a "systematic, formal approach of providing supplementary consultation to staff" (*Supplementary Consultation in the Basic Education or Vocational Education Classroom*. Technical Assistance Paper May, 1988. Division of Public Schools, Bureau of Education for Exceptional Students.)

Collaborative partnerships between the exceptional education teachers and those directly involved in on-site instruction of the inmate can provide the link to more successful integration of the planning of instructional activities for the student and in targeting inmate outcomes rather than individual learning activities.

Services provided by the exceptional education teacher, to others who provide direct instruction to inmates, may include:

- expertise in academic content areas;
- expertise in methodology and instructional approaches to alleviate or minimize the disabling condition(s);
- expertise in planning appropriate alternative ways of teaching lessons or materials to plan for generalization of learning—the transfer of learned skills from one setting or context to another setting automatically (Anderson-Inman, L., Walker, H., & Purcell, J. Promoting the Transfer of Skills Across Handicapped Students in the Mainstream). In W.L. Heward, T.E. Heron, D.S. Hill, & J. Trapporster (Eds.) *Focus on Behavior Analysis in Education*. Columbus, OH: Charles E. Merrill. 1984.

Inmates who receive educational services in the institutional setting through use of the CCM will still require assistance from the teacher, aide, or others to respond successfully to the demands of this setting. The instructor must analyze the demands made on the inmates in the institutional setting as well as planning for the inmate's long-range transition needs outside the institution. Some questions that may be asked include the following:

- What are the academic expectations of inmates in such settings?
- What reading level is required for the inmate to perform specific tasks in each setting?
- What types of assignments are given?
- In what manner are tests administered? Written exams? Oral reports?

An example of appropriate use of the CCM would be a situation in which the content teacher or vocational teacher at the secondary level feels ill-equipped to address the special needs of an inmate with a disability. Many content teachers have never been taught how to adapt their instructional techniques to students with special needs. Even when informed of an inmate's specific disability or special need, teachers may not know how to adapt their teaching style so that material is more easily learned. Exceptional student education teachers are trained to deliver services in a variety of specialized ways, including individualization of services. Through appropriate use of Correction's Consultation Model, the exceptional student education teacher assists the regular content teacher in planning to meet the special needs of an inmate.

Potential inmates for whom use of the CCM would be appropriate include those (1) whose identified disability is not so severe as to prevent their functioning, with some assistance, in a regular classroom, and (2) whose academic, behavioral, and personal/social skills are judged by the IEP committee to be at a level that would allow them to make adequate progress in the regular institutional setting with systematic, planned, cooperative consultation between the regular instructor and the exceptional education teacher on ways to adapt the instruction to the inmate's special needs.

One example of the inmate who requires fewer services than 21 percent of the school day in exceptional education would be as follows:

- the inmate has been identified as having a disability and has been determined eligible for an exceptional student education program;
- the inmate (e.g.) may have a visual memory problem and can read instructions, but can't remember them long enough to complete an assigned task;
- the inmate can function in the institution's vocational training program with nondisabled peers if he or she is given extra time to re-read the directions, or allowed to participate in cooperative learning situations where a peer may read the directions to the student one step at a time, so that he or she can follow the directions sequentially.

Appropriate delivery sites for the CCM would be the regular institutional instructional settings. It is important to note, however, that the model requires much more than a series of “progress checks” between the exceptional education teacher and the regular institutional setting teacher. Under the CCM, the collaborating teachers are to actively identify effective strategies, modifications, or other interventions to accelerate inmate success in assigned academic or vocational courses. The effectiveness of interventions should be monitored closely by both teachers who should make changes as needed to help the inmate master or transfer (generalize) skills.

Training needs of staff who are using Correction’s Consultation Model may include the following:

- an overview of the most common disabling conditions and their implications for inmate learning;
- instruction in modifications, strategies, and interventions that can be used to help inmates with special needs function in the regular classroom;
- the development of awareness that all staff involved with an individual inmate need to work cooperatively to provide an integrated learning environment for that inmate.

Resource needs for inmates with disabilities may include large-print books/manuals, peer note takers, braillists, typists and readers for the blind, interpreters, recorders, videos, or other assistive devices.

### **Resource Room**

The resource room may be defined, as a service delivery model, by its relationship to the regular classroom and to itinerant instruction. The regular classroom, by definition and practical implementation, is intended to serve the largest majority of the population in a given educational setting.

Itinerant instruction is similar to the concept of a resource room except that it is the teacher who visits regular classrooms on an as-needed basis. In this delivery system, services are provided when a specialist in teaching inmates with disabilities travels from school to school (or institution to institution when such facilities are located near to one another) to provide part-time individual instruction to inmates and consultant services to regular classroom teachers who have inmates with disabilities in their classrooms.

A resource room may be defined as an adjunct to the regular classroom, which is used for supplementary special education. Inmates for whom the resource room is an appropriate delivery system are enrolled in a regular classroom and obtain most of their instruction there; they go to the resource teacher for specialized instruction and to use special/supplementary aids and/or materials based on their individual needs.

The resource room can be used for inmates who require a special program but whose needs are not so great as to demand placement in a full-time special class. Teachers in resource rooms serve as a resource to both inmates and teachers. Materials available within the resource room may be checked out for use (by inmates **and** teachers) in the regular classroom. Strategies implemented by the inmate, demonstrated within the resource room, may be generalized to the regular classroom through consultation between the resource room teacher and the regular classroom teacher.

As stated within the federal definition, a resource room placement is the designation for programs for inmates who require special education and related services for **more than 21 percent** of the school day, **but less than 60 percent** of the school day.

Services of the resource room are aimed at helping inmates participate in the regular classroom as much as possible. They are designed to meet specific prescriptive individual needs of inmates. Therefore, they should offer a variety of teaching methods to accommodate a variety of inmate learning styles. Suggested strategies for use in a resource room include the following:

- management on a contingency basis which emphasizes positive reinforcement, individual contracting/performance contracts, and the use of “timeout” methods;

- structuring the classroom into sections or learning centers used to help maximize learning and control behavior. These centers may be organized by subject matter (reading, math, etc.), learning style (auditory materials, written materials, etc.), a combination of these, or other logical divisions of academic presentation;
- support and coordination with the instructional program in the inmate's regular class (to support the inmate's participation in the regular class as much as possible);
- designing a success-oriented environment by (1) identifying specific, measurable, attainable tasks; (2) providing immediate verbal approval/praise; (3) using tangible and predictable rewards with the goal of eventual self-motivation and self-direction.

Specific forms of assistance include providing worksheets and checklists that inmates can use to organize information, teaching notebook organization techniques and note-taking skills, using directed reading and developmental writing approaches, and teaching outlining skills for written assignments. For inmates participating in instruction at the secondary level, the resource room teacher needs to stress skills such as note-taking, planning, organizing, using reference materials, outlining, and test-taking.

Additional compensatory strategies could employ different means of acquiring course content. For example, if an inmate is an auditory learner as opposed to a visual learner, it may be beneficial to have a peer read assigned curriculum materials to the inmate. In this instance, listening would be an alternative approach to reading to acquire textbook content. If the reading were taped, the inmate could review the content as often as he or she wanted.

The resource room usually offers inmates greater opportunities for the transfer and generalization of skills than they can get in a self-contained classroom. This skill acquisition helps the inmate make a smooth transition from self-contained classrooms/programs to regular classrooms.

Inmates who can benefit most from a resource room are those who will be able to spend much of their time in the regular classroom. A resource room program is designed or established to provide special education services to inmates who need assistance to make progress in the regular classroom. Such inmates have been identified by the IEP/staffing committee as needing special education, but in the form of supplemental assistance on a part-time or itinerant basis only, with the aim of helping them make adequate progress in the regular classroom. Assignment to a resource room should be done on the basis of individual needs.

Inservice training for teachers in resource rooms should include the following:

- technical information regarding handicapping conditions and content-specific areas;
- training regarding modifications in teaching-learning styles: how to present assigned curricular content; how to assess student acquisition of assigned content; what types of assignments should be made; materials that can be used in a variety of ways; different ways of documenting lesson completion;
- training in effective collaboration between the resource room teacher and teachers working with inmates in the regular classroom and self-contained classroom for inmates with disabilities.

Materials used in the resource room should reflect the needs of the inmates in regard to their overall program. They should be varied enough to help the resource room teacher meet the individual educational needs of inmates as well as support the curriculum and lesson plans of the regular classroom. Before the resource room can be structured, the resource room teacher will need to analyze the regular teacher's expectations of the inmate, the training programs available for teachers and others providing instruction to inmates at their institution, inmate learning styles, and the teacher's presentation methods. The curricular and supplemental services to be provided are important components of the Correction's Consultation Model. Also to be considered in the construction of a resource room are the number of inmates to be served, the allocation of time for each inmate, the grouping of inmates, and scheduling.

### **Special Class/Self-Contained Classroom**

According to the federal definition, the designation of placement in a self-contained classroom/special class is appropriate for an inmate who requires special education and related services for **more than 60 percent** of the school day. The concern here is with those inmates who are assigned totally to the self-contained classroom. The self-contained classroom is one in which a special education teacher delivers all academic instruction.

Use of a self-contained classroom is primarily intended for inmates who have demonstrated that they cannot make adequate progress in the regular classroom, even when provided with supplementary assistance such as the services offered through consultation or a resource room. Inmates served in the self-contained classroom model will require a great deal of structure in their academic environment and much individual assistance before being phased back into the resource room or a regular classroom. There are some inmates whose needs for structure, individual assistance in academic assignments, and affective education are so great that the self-contained classroom is the least-restrictive environment.

A self-contained classroom offers the following benefits:

- (1) a reduced staff-student ratio for increased personalized instruction with individualized content;
- (2) all instruction by the same teacher, allowing teacher and inmate to establish a more consistent set of expectations;
- (3) as much structure as is needed in instruction and activities;
- (4) flexibility of scheduling, including length of school day, which can be adjusted to inmate tolerance level. The scheduling flexibility permits a continual concentrated effort by the teacher and other instructional staff assigned to help the inmate adjust his inappropriate behavior in a shorter period of time than might be possible in another setting.

The focus of the self-contained classroom, however, should be on facilitating the inmate's transition back into a less restrictive environment—a resource room or a regular classroom.

Teachers who instruct inmates in self-contained classrooms need special skills. Training programs for these teachers should equip them to design programs for and teach individuals with cognitive, conceptual, self-help, motoric, and/or social skill deficits. The teachers should learn the theories and techniques of precision teaching, behavior management, and human development. They need specialized training in diagnosing these deficits, and skills in prescribing and managing programs for these inmates.

Resource needs for self-contained classrooms include all materials required to address the goals and objectives stated in the IEPs of inmates assigned to the program. Such needs typically include each of the areas of academic education as well as vocational, personal/social, community/family, and transition-related skills.

## **INSTITUTIONAL FACTORS AFFECTING DELIVERY OF EDUCATIONAL SERVICES**

### **Definition of Terms**

Administrative procedures addressing institutional factors that may have an impact on the delivery of services for inmates with disabilities, as defined within Chapter 33-3, Florida Administrative Code (FAC), Operation of Institutions, include the following:

A **special management inmate**, for the purposes of Rule 33-3.0084, FAC, means “any inmate who has demonstrated behavior that could place himself, other inmates, or staff in a situation where grievous harm may be inflicted, or who has become an extreme security risk.”



**Administrative confinement** as defined within Rule 33-3.0081, FAC, Operation of Institutions, is the “removal of an inmate from the general inmate population” for one or more of the following reasons:

1. Disciplinary charges or criminal charges are pending against the inmate and the presence of the inmate in the general population would present a clear danger to the inmate, other inmates, or to the security or order of the institution;
2. For protective management purposes, the inmate is placed in administrative confinement pending review of disciplinary or criminal charges;
3. Inmate’s presence in general population would interfere with an investigation;
4. Inmate is removed for medical reasons;
5. Inmate is awaiting classification;
6. When the facts clearly indicate that the inmate must be removed from the general inmate population for the safety of any inmate or group of inmates or for the security of the institution.

Administrative confinement, as specified in Rule 33-3.008(2), FAC, “is **not** disciplinary in nature and inmates in administrative confinement are not being punished.” Generally, “the treatment of inmates in administrative confinement shall be as near to that of the general population as assignment to administrative confinement and the administrative confinement housing area will permit.”

**Protective management** describes situations in which an inmate is placed in administrative confinement by the senior correctional officer when the inmate presents a written statement alleging that he fears for his safety in the open population and that he feels there is no other reasonable alternative open to him.

Protective management is not disciplinary in nature; inmates in protective management are not being punished and are not in confinement. The treatment of inmates in protective management shall be as near that of the general population as the individual inmate’s safety and security concerns permit.

**Close management** is long-term, single-cell confinement of an inmate apart from the general population, used when the inmate, through his own behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of other inmates or disturbing the security, order, or operation of the institution.

There are two levels of close management:

- Close Management I, involving those inmates who have demonstrated nonreceptiveness to the correctional process in an open population by such characteristics as recent demonstrations of violence, a continuing pattern of serious disciplinary behavior, involvement in acts that seriously interfere with staff effort, involvement with acts that caused extreme risk, injury or death to others;
- Close Management II, an intermediate step between the open population and Close Management I, for inmates who have demonstrated some positive adjustment after having been assigned to Close Management I.

### **Programmatic Implications of Administrative Procedures**

The use of administrative procedures to address unique factors within correctional institutions creates alternative service delivery options for meeting the educational needs of inmates with disabilities.

While in **administrative confinement**, inmates may receive services through such activities as correspondence or counseling interviews, and generally, “the treatment of inmates in administrative confinement shall be as near to that of the general population as assignment to administrative confinement and the administrative confinement housing area will permit” (Rule 33-3.0081(2), FAC).

The treatment of inmates in **protective management** shall be as near that of the general population as the individual inmate's safety and security concerns permit. Rule 33-3.0082(6)(c), FAC, specifies: "Program participation may include academic education, vocational training, correspondence course or self directed study activities...or letter writing. Inmates in protective management shall have the same opportunities for correspondence and authorized self-improvement correspondence courses that are available to the general inmate population."

Inmates in **close management I** may not participate in any program that removes them from their housing area while inmates in **close management II** may be removed from their housing area in organized groups for program participation. Services that may be provided include correspondence, self-directed study activities, opportunities to visit the library/ check out books, and use of paper and writing utensils. Use of an individual tutor may be considered.

Inmates in **disciplinary confinement** may be served in a common area to permit verbal communication and/or allow unobstructed observation, and shall be allowed routine correspondence privileges (unless inmate conduct and behavior become unmanageable). Also, as specified in Rule 33-3.0084(1)(m), FAC, inmates in disciplinary confinement may be removed to attend individual or group counseling sessions or interviews when approved by the facility Superintendent or his designated representative. Again, use of a tutor may be considered on an individual basis.

Any inmate assigned to administrative confinement for thirty days (Rule 33-3.0084(2)(b), FAC), or to close management for more than thirty days (Rule 33-3.0093(5)(c), FAC), is to be "given a psychological assessment by the professional staff to determine his mental condition. The assessment shall include a personal interview." In either instance, if the review results in a decision that continued confinement is needed, and "that confinement extends beyond 90 days, a new psychological assessment shall be accomplished each 90 day period."

In instances in which the review of records for an inmate indicates that there is a history of, or it is suspected that the inmate has a history of, behaviors which could result in either administrative confinement, protective management, close management, or disciplinary confinement, the IEP team should consider preplanned contingencies for the provision of services. If administrative procedures result in the confinement of an inmate for more than 10 days, the IEP team must review the IEP and, if necessary, revise the IEP to specify services to be provided and the delivery method for such services.

## QUESTIONS AND ANSWERS

Information relevant to this technical assistance paper has been excerpted from the *Question and Answer Paper: The Provision of Education Services to Florida's Handicapped Inmate Population Under the Age of 22*, previously distributed in February, 1993. The questions below have been reorganized and renumbered. The original responses provided for the questions listed below have been reviewed and have, in some instances, been slightly revised.

### 1. What if an inmate requires close management? How is the student served?

If the inmate has a disability, the IEP team will make the determination of what services are needed, and how those services will be provided. Examples of options in providing services could include correspondence, self-directed study activities, and use of paper and writing utensils.

### 2. Can an inmate be assigned to a work camp? How can services be scheduled for an inmate with a disability so that the facility can still meet its outside needs?

Yes. Inmates may be assigned to work camps, but not at the exclusion of educational programming. Options could include flexible scheduling to meet institutional needs around the inmate's scheduled educational program participation.

**3. What do you do when you've gone through the process, i.e., identified educationally appropriate programming for an inmate, enrolled him or her in programs, and then the inmate is pulled out of class for another assignment?**

The services are to follow the inmate. The inmate may not be assigned to an activity which prevents him or her from receiving services to which he or she is entitled.

**4. When we address the educational needs of inmates with disabilities who have been assigned to confinement, how do we determine whether or to what extent the disability impacted the behavior?**

If the inmate's anticipated assignment to confinement does not exceed ten (10) days, this would be comparable to an out-of-school suspension of the same duration. For durations of less than ten days, this determination is not required. If the duration is expected to exceed ten days, the determination of whether the behavior was affected by a disability should be made at an IEP review/development meeting, at which all staff directly involved with the inmate on a daily basis could discuss the inmate's behavior across all settings and situations and examine the inmate's behavior in relation to his disability. The determination of whether the behavior was caused by the disabling condition, however, should not prevent the facility from accomplishing facility needs and educational functions.

**5. How may services be provided for inmates placed in Disciplinary Confinement?**

Although there are no current State Board of Education rules which address the use of disciplinary confinement, rules regarding the operation of other agencies that address administrative or disciplinary confinements include the following:

Rule 33-3.0081, FAC; Administrative Confinement

Rule 33-3.0082, FAC; Protective Management

Rule 33-3.0083, FAC; Close Management

Rule 33-3.0084, FAC; Disciplinary Confinement

Services that could be provided to meet the inmate's educational needs while he or she is assigned to disciplinary confinement could include counseling, behavior management, or alternate presentation of materials.

**6. As inmates with disabilities are being scheduled into jobs on a half-time basis, what other job opportunities can be counted besides "house man?"**

It is anticipated that each facility will have some job functions which are unique to its specific setting or training function. With the priority being that the training should as closely as possible resemble the opportunities available within the individual inmate's home community, each facility should take full advantage of its resources in planning for inmate programming.

**7. Is it permissible to consolidate the IEP with a plan developed under another program?**

Yes. In instances where an inmate with a disability must have both an IEP and, for example, a Needs Assessment (as required for the transition of inmates back into their home community by the Department of Corrections), it would be possible to develop a single, consolidated document provided that (1) it contains all of the information required in an IEP, and (2) all of the necessary parties participate in its development.