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Department of Justice  
Federal Bureau of Prisons

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Federal Bureau of Prisons  
Education Program Assessment

Final Report

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## Introduction

On July 16, 2015, President Obama became the first sitting President in U.S. history to visit a federal prison. Addressing the NAACP just two days earlier, he drew a direct correlation between adult education and recidivism, “Our prisons should be a place where we can train people for skills that can help them find a job, not train them to become more hardened criminals.” Inspired by the President’s commitment to creating a more equitable criminal justice system, the Department of Justice and its Federal Bureau of Prisons are poised to embrace a bold new vision. That vision places a higher priority on education and job training than at any time in its past. With greatly improved education and job training, formerly incarcerated individuals will be better positioned to reenter society with dignity, to provide for themselves and their families, with the capabilities needed to play a contributory role in their communities, and to remain in them.

This report aims to support the Bureau of Prisons (“BOP”) as it seeks to operationalize its expanded mission. It includes many recommendations and observations, but there is a reoccurring theme that runs throughout each of the five sections that comprise this document: Placing a higher priority on education and job training programming will only yield robust results if BOP’s Education Program is reorganized into a significantly more centralized, more professional, and more accountable enterprise. This report will also demonstrate that it is possible to reorganize without increasing the existing financial resources of the BOP.

While central office reorganization is paramount, reorganization in isolation of additional programmatic measures would be the equivalent of merely rearranging the deck furniture on a certain ill-fated ocean liner. In the context of the overall population, analysis and on-site observation indicate relatively low inmate participation rates in educational programs tied to specific work-ready skills needed to acquire gainful employment at a living wage. Thus, BOP must significantly improve the quality, delivery and scope of its educational programming, if meaningful and measurable return on investment in its new priorities is to be realized. It would not be impracticable for BOP to aim for a two-fold increase in inmate “enrollment.” This phase of the work will come at an increased cost, but that cost can be managed within the existing BOP budget by reprioritizing resources, and by phasing the improved educational programming in over the next five years. Because BOP allocates such a small portion of its budget to its Education Program, if it were able to reprioritize just two percent of its overall budget into the EP, it could double spending on vastly improved curriculum and instructional materials and modernized, secure delivery systems to dramatically increase its “student body.”

Because the BOP must make several important changes to the status quo in five key areas, this report is organized by those topics:

1. Organization, Administration, and Staffing
2. Curriculum and Instruction
3. Technology Infrastructure
4. Budget and Resource Management
5. External Partnerships

As a threshold issue, BOP must give its newly prioritized education and job training responsibilities greater visibility and prominence, if it is to initiate a meaningful cultural shift within the agency. An important first step will be designating its educational enterprises as a direct report to the Assistant Director for the Reentry Services

Division of the BOP. The chain of command should be clear, centralized and integrated from Headquarters to each of the 122 institutions. Additionally, BOP should likewise centralize, integrate and standardize education program components including budget, human capital, curriculum and instruction and technology. With regard to standardization, however, this report recognizes that a more centralized organization must still retain enough flexibility to accommodate variations that exist amongst the institutions with regard to security levels, geography, physical space, accessibility and other differentiators.

Hard on the heels of its evolved organizational structure, BOP must significantly improve and expand the quality and quantity of its education curriculum and instruction offerings in both its academic and job training programs. Critical to achieving this will be providing BOP's administrators, teachers, and trainers with the necessary training and supports.

It is most important to emphasize that credible research indicates that in, isolation, the GED credential, which is currently a top BOP priority, while helpful, is not enormously useful. This perhaps can be attributed to studies that conclude that GED attainment alone does not significantly increase wage-earning potential of the GED holder much above the earning potential a high school dropout will realize. Thus, GED attainment must be connected to occupational training, if the educational advancement of inmates is to achieve meaningful impact on the success of BOP's new vision for itself – that vision being understood as BOP playing a contributory role in the drive to reduce the country's prison population.

Further, it is inarguable that the GED credential is much less desired – by employers, by institutions of higher education, by students and by society as a whole than a bona fide high school diploma. Consequently, BOP is advised to, over time, emphasize the pursuit of the high school diploma and to expand high school diploma opportunities. However, to the extent that focus on the GED is maintained, it bears restating that the GED must be coupled with occupational training. In any case, offering another high school option will assist in reducing the large waiting list for high school completion.

BOP's third major change should be a comprehensive revamp of its educational delivery technology system(s). In the context of dramatically increasing inmate participation, and the realization of a corresponding increase in the number of reentry candidates exiting with marketable job skills, a modernized technology system is a sensible work-around to BOP's very real limitations of inadequate physical space, its security restrictions, inmate mobility, availability of highly qualified instructors and other factors. The availability of today's secure and reliable technology will serve BOP well as a low-cost (over time) solution for widely disseminating best practices educational content. BOP should: (1) adopt a one-on-one technology platform; and (2) should take greater advantage of online course availability in order to more successfully deliver a more superior curriculum and instruction model.

Additionally, BOP must begin to use its budgetary authority as a vehicle to drive instructional policies throughout the entire BOP. Greater efficiencies in staffing and programs can be achieved, as well as improved human outcomes, if the budget is used as a tool to drive educational priorities.

Finally, there is a tremendous opportunity for BOP to begin to strategize the pursuit and maintenance of external partnerships. Many state corrections departments systematically maintain partnerships with community colleges and universities to expand educational opportunities for inmates and even for staff. BOP is well positioned to explore and adopt models for strategic partnerships within its specific legal parameters, which may reduce recidivism beyond the boundaries of what is presently understood to work.

## Executive Summary

### Background

Education programs in correctional facilities are supported for the purpose of breaking the so-called cycle of “catch and release,” yet the existing data supports calls for reform. With 2.2 million adults imprisoned (2013), the United States has the largest prison population in the world – both in total quantity and per capita.<sup>1</sup> In its 2013 study, the Rand Corporation calls the numbers “staggering.” The US has five percent of the world’s population, yet it accounts for 25 percent of the world’s prisoners.<sup>2</sup> According to The Hamilton Project, a part of the Brookings Institute, the current cost of incarceration to taxpayers is \$80 billion, an increase from \$17 billion twenty years earlier.<sup>3</sup> This does not include the less obvious but far greater costs to the economy in lost productivity and the cost to governments at all levels in lost revenues – not to mention social pains associated with fractured families and the suffering of crime victims.

Just as the numbers of those in custody are “staggering,” so, too, are the numbers of the formerly incarcerated. Every year, more than 700,000 inmates are released from incarceration nationwide.<sup>4</sup> It is well known that most face significant challenges to successful re-entry into society. According to the Manpower Demonstration Research Corporation (“MDRC”), as many as 60 percent of formerly incarcerated individuals a majority between the ages of 18-39 – in the prime of their working life – are unemployed.<sup>5</sup> The aforementioned report by the Rand Corporation concluded that 65 percent of all ex-offenders will again be arrested within three years, and half of them will return to prison during the same period.<sup>6</sup> The rate of recidivism, however, is reduced when inmates have participated in prison education programs.<sup>7</sup> Inmates that participate in academic and occupational training programs are 43 percent less likely to return to prison.<sup>8</sup> Employment after release is 13 percent higher among prisoners who participated in either academic or vocational programs and 28 percent higher for those who participated in vocational programs alone.<sup>9</sup> The study estimates that for every dollar spent on education, \$4-5 are saved.<sup>10</sup>

The data from the Federal Prison System presents a slightly different picture. Serving only 195,000 of the 2.2 million inmates incarcerated in American correctional institutions, the system’s inmate population, on average, tends to be older and better educated.<sup>11</sup> A recent study by the United States Sentencing Commission of 25,000 former federal offenders determined that 25 percent were re-incarcerated over an eight year period following release.<sup>12</sup> While the Commission data points to offender age and the nature of the earlier offense being critical factors, education remains a major factor in recidivism and is “the one factor within the complete control of the

<sup>1</sup> “BBC NEWS | In Depth.” BBC News. BBC, 20 June 2005. Web. 07 Apr. 2016.

<sup>2</sup> “BBC NEWS | In Depth.” BBC News. BBC, 20 June 2005. Web. 07 Apr. 2016.

<sup>3</sup> Kearney, M., Harris, B., Jácome, E., & Parker, L. (2014, May). *Ten Economic Facts about Crime and Incarceration in the United States*. Retrieved from: [http://www.brookings.edu/~media/research/files/papers/2014/05/01-crime-facts/v8\\_thp\\_10crimefacts.pdf](http://www.brookings.edu/~media/research/files/papers/2014/05/01-crime-facts/v8_thp_10crimefacts.pdf)

<sup>4</sup> United States Department of Justice. *Prisoners and Prisoner Re-entry*. Retrieved from: [https://www.justice.gov/archive/fbci/progmnu\\_reentry.html](https://www.justice.gov/archive/fbci/progmnu_reentry.html)

<sup>5</sup> MDRC. (2006). *The Power of Work: The Center for Employment Opportunities Comprehensive Prisoner Reentry Program*. Retrieved from MDRC: [http://www.mdrc.org/sites/default/files/full\\_572.pdf](http://www.mdrc.org/sites/default/files/full_572.pdf).

<sup>6</sup> Davis, L., Bozick, R., Steele, J., Saunders, J., & Miles, J. (2013). *Evaluating the Effectiveness of Correctional Education*. Retrieved from: [http://www.rand.org/pubs/research\\_reports/RR266.html](http://www.rand.org/pubs/research_reports/RR266.html)

<sup>7</sup> RAND Corporation. (2013, August 22). *Education and Vocational Training in Prisons Reduces Recidivism, Improves Job Outlook*. Retrieved from: <http://www.rand.org/news/press/2013/08/22.html>

<sup>8</sup> RAND Corporation. (2013, August 22). *Education and Vocational Training in Prisons Reduces Recidivism, Improves Job Outlook*. Retrieved from: <http://www.rand.org/news/press/2013/08/22.html>

<sup>9</sup> Correctional Education Association Massachusetts. *Evaluating the Effectiveness*. Retrieved from: <http://www.ceamass.org/Userfiles/Docs/Evaluating-the-Effectiveness.pdf>

<sup>10</sup> Davis, L., Bozick, R., Steele, J., Saunders, J., & Miles, J. (2013). *Evaluating the Effectiveness of Correctional Education*. Retrieved from: [http://www.rand.org/pubs/research\\_reports/RR266.html](http://www.rand.org/pubs/research_reports/RR266.html)

<sup>11</sup> “BBC NEWS | In Depth.” BBC News. BBC, 20 June 2005. Web. 07 Apr. 2016.

<sup>12</sup> “U.S. Sentencing Commission Issues Comprehensive Report on Recidivism Among Federal Offenders.” The United States Sentencing Commission, March 9, 2016. Web. <http://www.ussc.gov/news/press-releases-and-news-advisories/march-9-2016>.

Federal Bureau of Prisons” (“BOP”).<sup>13</sup> Offenders without a high school diploma have the highest recidivism rates (60 percent), followed by those with some college (50 percent), and those who are college graduates (20 percent).<sup>14</sup>

Presumably in light of these facts and research above, the BOP has adopted a well-conceived and well-constructed set of Mission, Vision, and Core Ideologies. As it relates to education and occupational training, the **Mission** states that BOP “*provides work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.*” Its **Vision** provides in pertinent part: “*Through the provision of...educational, vocational and work programs, inmates are well-prepared for a productive and crime-free return to society.*” Its **Core Ideologies** include providing “*skills building programs we can afford, to offer inmates the opportunity to live crime-free lives.*” However, as is pointed out below, the current organization, budget, climate, and culture are not systemically structured to genuinely meet the BOP Mission, its Vision, or its Core Ideologies. We outline herein and detail in the full report a plan that would transform the BOP to become more fully committed to meaningful educational and occupational attainment as a core mission deliverable. In short, BOP must commit to a new Educational and Job Training Priority.

There are significant savings to be secured from expanded education programs that emphasize mastery of basic skills, high school education, postsecondary education, and occupational training and work readiness programs. In order to achieve these benefits, the quality of the credentials must be upgraded to those that are recognized as being first-tier, such as high school diplomas rather than GED certificates, transferrable postsecondary academic credits and degrees, and nationally recognized industry-standard vocational certificates rather than local ad hoc certifications. In order to meet its mission, vision, and core ideologies, the BOP must fully commit to meaningful educational attainment as a core mission deliverable.

The BOP currently spends about “20 percent as much on inmate education as the nearest sized state prison systems and experiences a proportionally low return.”<sup>15</sup> Raising the levels of quality and participation in its programs will take substantial initial investment in staff at all levels, in technology infrastructure, and in educational programming costs. However, unlike the status quo, the BOP’s Education Office (“EO”), which we propose herein, will more than recoup its initial costs through reduced rates of recidivism, shortened sentences for academic achievement and good behavior, and the lower costs of prison operations that are associated with high-quality education programming. Within a few years, the EO will not only be expenditure-neutral relative to the current system but will compound cost savings over time as: (1) the inmate population decreases; (2) rates of recidivism decline; and (3) former inmates become productive members of their communities and contributors to the legitimate economy.

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<sup>13</sup> Cohen, Kenneth P. and Schmitt, Glenn R. “Recidivism among Federal Offenders: A Comprehensive Overview.” The United States Sentencing Commission, March, 2016. Web. [http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism\\_overview.pdf](http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism_overview.pdf).

<sup>14</sup> Cohen, Kenneth P. and Schmitt, Glenn R. “Recidivism among Federal Offenders: A Comprehensive Overview.” The United States Sentencing Commission, March, 2016. Web. [http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism\\_overview.pdf](http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism_overview.pdf).

<sup>15</sup> RAND Corporation. (2013, August 22). *Education and Vocational Training in Prisons Reduces Recidivism, Improves Job Outlook*. Retrieved from: <http://www.rand.org/news/press/2013/08/22.html>

## The Current State

The fundamental limitation in BOP's current education program ("EP") is the organizational, financial, and oversight/accountability structure. Because BOP's EP organizational structure is incoherent, it cannot effectively:

- articulate a clear vision for its EP;
- set EP priorities;
- set EP standards;
- develop a financial plan to support EP reform or expansion;
- articulate EP job descriptions;
- articulate EP hiring criteria;
- enter into long term contracts and strategic partnerships;
- make EP personnel decisions;
- collect and analyze EP data; or *most importantly*,
- exercise financial delivery and performance over the programs.

### Administration/Human Resources

With just thirteen full-time employees, BOP's Education Branch Central Office administering the EP is woefully understaffed. Additionally, there are virtually no Regional Office supports at this time. The EP has just a single Regional Education Administrator ("REA") in each of its six regions. The responsibilities assigned are so numerous as to be incapable of accomplishment, much less being accomplished well. The REA's have no support staff and do not directly report to BOP education leadership.

Individual prisons are funded by an "equity formula" which dictates that education positions are allocated on the basis of inmate population, rather than participation in the EP. However, preliminary findings indicate that education positions and personnel are regularly reallocated at will to other functions or tasks by local prison administrations. In the competition for local institution priorities and resources, and without clear incentives otherwise, education and training programs always lose.

Job descriptions do not align for specialized teachers (e.g., Special Needs Learning ("SLN")). BOP's EP lacks well-defined employment qualifications and rarely, if ever, requires continuing education or professional development. Thus, the human resource needs of the specific programs and the larger needs of the inmate population are frequently unmet due to the low skill level of staff.

### Programmatic Strategy and Alignment

Many BOP programs seem to be in search of a strategy rather than part of one. They are not integrated into components of a comprehensive plan designed to achieve clear and defensible education goals. For example:

- there is no "basic skills program" to speak of;
- there is no high quality secondary school diploma program; rather, BOP's inferior and under-capacity GED program consumes the primary focus of time and resources;
- there are essentially no Special Learning programs;
- ESL programs are limited and serve only 1.5 percent of the population, despite the growing population of Spanish-speaking inmates;
- occupational training options vary by institution, are often unaccredited, and rarely lead to meaningful certifications; and,
- Adult Continuing Education programs are extremely limited system-wide, and vary by institution in both number and quality.

## Budget

Funding and programming decisions are locally driven and thus highly variable. There is no process or authority for the Central Office to propose a budget, nor to assess and monitor fund expenditure and program management. Additionally, the current condition that has BOP designating just two percent of its annual appropriation to EP further confirms the EP is a low priority.

## Assessment

BOP EP lacks processes and mechanisms for evaluating programs for:

- quality and effectiveness;
- effectiveness at meeting inmate needs; or,
- meeting BOP education goals, such as they currently may exist.

Although there exists a BOP “Program Review Division,” it serves the entire BOP. Its emphasis is on regulation and policy compliance, rather than quality or return on investment. The division rarely reviews program effectiveness, instructor competence, or alignment with community standards. Thus, BOP’s education executives are forced to operate in an information vacuum, and are unable to make informed decisions about the effectiveness or relevance of their programs.

## Educational Supports

BOP’s current EP lacks the mechanism, authority and funding to coordinate prison-based, social-emotional resources such as therapists, psychologists, and healthcare workers. This is a problem of both quantity and quality, as institution-based staff is often deficient in the specific skill sets needed to carry out the services. For example, because there is only one educational psychologist in the entire system, the EP is reliant on therapeutic psychologists who have other primary responsibilities and are not equipped to diagnose inmates for learning disabilities and social/emotional problems.

## Recommendations for an Approach to Bureau of Prisons Education Program

### Creation of the Education Office

This report recommends that BOP bolster the existing Education Branch through the creation of a new office in Reentry Services Division that will essentially operate as a quasi-autonomous “school district.” As such, the Education Office will have the resources necessary to accomplish the following three initiatives:

- 1) Develop a clear vision and a comprehensive strategy to build system-wide capacity.
- 2) Select the appropriate policies, programs and, delivery strategies for improving the quality of education and job training programs to reduce recidivism.
- 3) Implement an effective organizational and accountability structure that will ensure that the EO budget and human resource supports are aligned with the implementation of the EO’s strategy and programs.

Our proposed strategy is designed to guide BOP in creating a coherent, effective educational system through policy and procedural changes that the Department of Justice has the authority to impose. These reforms would be primarily supported through three funding streams:

- 1) budget reprioritization;
- 2) new efficiencies brought about by: (a) building a more cost efficient and effective organization; and, (b) dramatically more efficient use of technology; and

- 3) savings from reduced operating costs resulting from a recidivism-driven decline in inmate population over the long-term.

The plan's recommendations comprise five components:

- 1) creating an effective organizational and administrative structure;
- 2) building the right curriculum and instructional framework to support widely accessible blended and online learning programs;
- 3) constructing an advanced, secure technology-supported instructional management system;
- 4) creating an education budget and management system that transforms the budget into an education and job training improvement vehicle; and
- 5) securing resources and supports through strategic external partnerships, consistent with the agency's legal authorities.

### 1) Creating the Organization

Command and control of the newly prioritized education and job training mission must be centralized in the EO central office, helmed by a Chief Education Administrator ("CEA"), and delivered through the Regional Education Administrators and Local Education Administrators ("LEAs"). The LEAs replace, (even if in title only and not the individual) the current Supervisors of Education ("SOEs") positions. Policy and organizational changes will provide that programmatic design, budget, resource allocation, human capital, and program and financial accountability are the responsibility of the EO Central Office. Although the LEAs will be responsible for managing the programs, accountability will remain with the Warden, who enforces the Central Office policies. The revamped BOP Education and Occupational Training System structure will:

- Empower the CEA and Central Office to more effectively set education policy, recommend budget priorities, establish hiring practices, approve personnel decisions, and ensure accountability.
- Build the CEA's capacity, both centrally and through the REAs, to monitor and support local education programs and to assure effective implementation of EO programs.
- Provide educational content that results in nationally and industry accepted, transferrable credits, degrees, and certificates while transferring programs including for Wellness, Parenting, and recreational ACE out of the EO purview and into Recreation.
- Establish a Consortium on Corrections Education ("CCE"). This will be a group of researchers and experts from state and national organizations and relevant Federal agencies like Education and Labor, who can advise BOP administrators, help to evaluate programs, and serve as a source of R&D. The CCE will be supported through external grant funding.
- Foster partnerships with expanded Local Trade Councils to ensure that every institution partners with at least one to advise the Wardens and the LEAs and to encourage expansion of accredited certificated education and job training and re-entry job placement opportunities.

The prospective EO organizational structure is detailed on the following page.

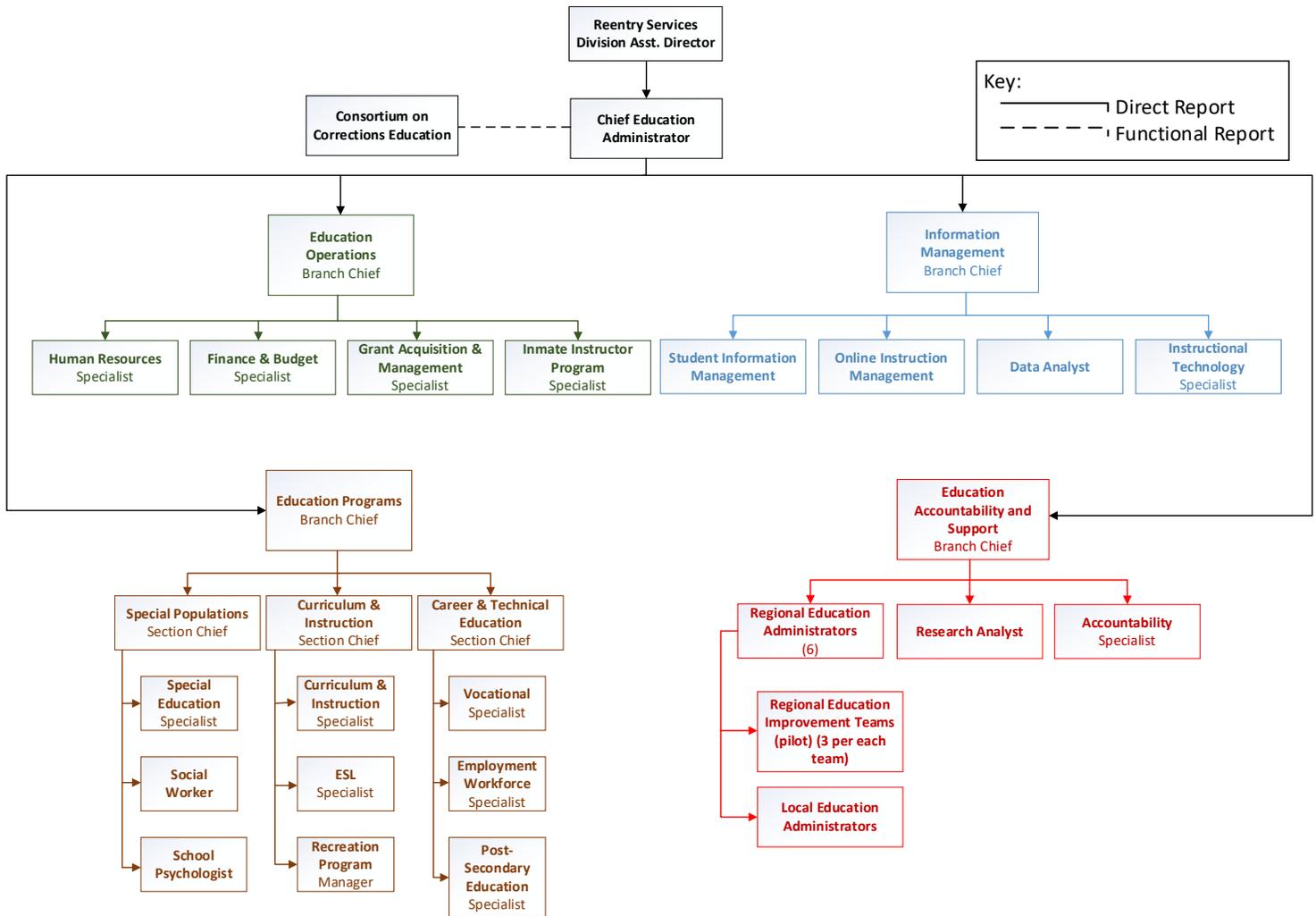


Figure 1. Proposed EO Organization

## 2) Building a Strong, Effective Curriculum and Instructional Framework

The hallmark of 21st century curriculum and instructional frameworks is personalization, i.e. possessing the ability to meet each student “where he is” and take him as far as he can go at his own pace. The important milestones are outcome and competency-based and are focused on the proficiencies that the student can demonstrate, rather than on inputs such as “seat time.” These frameworks are made possible by the intelligent use of formative data, personalized instruction platforms, and blended learning models that allow much more efficient use of instructor time. This approach works along the entire range of competencies, from basic literacy to advanced academic and vocational content.

Tasks associated with building this framework include:

- Designating education services across BOP into three well-defined levels: Adult Literacy, Secondary Education, and Post-Secondary Education. This will allow for standardization, prioritization and accountability.
- Creating an “education ladder” that will use data and individualized learning strategies to advance student academic and job readiness skills. The strategy will require diagnostic tools, interventions and supports, as well as progress monitoring capabilities.

- Establishing a robust Basic Education Program (Adult Literacy) that will ensure that students are high school ready and SLN and English as ESL needs are addressed.
- Placing more emphasis on high school diploma attainment and much less emphasis on GED attainment, as the high school diploma is the more valuable credential. To the extent that investment in the GED continues, it must always be coupled with vocational training.
- Expanding and standardizing accredited, certificated community college, university and occupational training program opportunities and facilitate student continuation and completion during re-entry.

### **3) Building a Comprehensive Instructional Management System**

To effectively and cost-effectively deliver a consistent range of high quality academic and vocational programming, the BOP education system will use online and blended learning whenever possible.

Characteristics of the system include the following:

- A state of the art instructional platform that provides the resources needed to support the education and job training program. This includes course content; diagnostic, formative and summative assessments; student data, credential and transcript management; and teacher training and coaching.
- The ability to competently interoperate with state, district, and education provider student information, and other data systems operated by states, districts, providers, and other federal agencies.
- The flexibility to evolve over time. As such, the system will be modular so as to allow individual component upgrades. It will be interoperable so that data can be exchanged, added, and it will be agnostic as to the content delivered.
- Real-time information dashboards for teachers and administrators.
- Sufficient quantities of devices and adequate bandwidth to each device to support inmate personalized learning on the Education Ladder.
- A technical and instructional support and accountability framework that enables students to access the best possible instruction, enables staff to access effective and readily available support, and that generates actionable data that can improve outcomes and ensure accountability on an ongoing basis.

### **4) Budget and Long Term Financial Plan as an Education Improvement Vehicle**

Providing high quality education and job training services is dependent on strategic investment. This necessitates that budgets serve as vehicles for financing and sustaining the long-term high quality education and job-training plan. BOP budget education reforms should contemplate the following:

- A discrete and comprehensive BOP education budget that is aligned to the needs and priorities of the agency's overarching vision. This would include budget-related organizational and human resource
- A financial management system in the EO Central Office, which would include financial reporting, position control, procurement oversight, program auditing, and financial accountability capabilities over the regional offices, and local institutions. This system would not duplicate or circumvent the existing BOP budgeting procedures, but to rather give the EO greater autonomy to manage their financial resources and ensure accountability of effective expenditure of funds (similar to major agencies in large public entities).
- Standardization and strategic sourcing to expand purchasing power, use of hardware "subscriptions" to rapidly and affordably expand technology assets and to access the newest technology on a continual basis, and the embrace of software-as-a-service to reduce maintenance costs and to efficiently add and drop services as needed.

- Creation of a robust Inmate Instructor Program (“IIP”)<sup>16</sup> program to recruit and train potential inmate teachers, teaching coaches and assistants to significantly expand the human resources needed to support the Blended Learning/Individualized Learning Plan model.
- Alignment of programs and initiatives to take full advantage of federal and state programs while adopting a policy of pursuing all available, eligible resources to which BOP has legal access.

### 5) Securing Resources and Supports through Strategic Partnerships

One of the key drivers of productivity in 21<sup>st</sup> century enterprises is openness to non-traditional partnerships made possible by the creation of consortiums, the dramatic expansion of foundations, and the simpler technologies of data exchange and collaboration between organizations. As the BOP EO comes to increasingly operate in the ecosystem of open standards for both data and educational attainment, opportunities for collaborations will become easier to create and more powerful. However, the BOP must operate within the applicable standards of appropriation, contracting, and ethics authorities. Suggested initiatives include the following:

- Adopting policies and developing strategies for seeking and securing strategic partnerships with appropriate educational institutions and programs, and other federal and state agencies to secure additional resources to expand inmate access to high-quality education, job training, and employment programs both during incarceration and through the reentry phase.
- Building capacity of Local Trade Councils to serve as vehicles for local institutions to enter into partnerships that expand student inmate access to certificated education and job training programs and re-entry employment opportunities. This further supports the organization and function of the EO.
- Creating a Consortium on Corrections Education consistent with the Federal Advisory Committee Act consisting of representatives from the U.S. Department of Justice and U.S. Department of Education, universities and other research institutions to serve as a center for prison education R&D and to assess and evaluate existing progress while seeking best practices. It will serve as a "National Think Tank" for prison education and training improvement inmate reentry employment nationwide.
- Creating a foundation or seeking foundations to partner with the "Inmates Trust Fund." This can serve as a vehicle for accessing funds through other foundations, philanthropists, and other sources, including former prisoners who have successfully rehabilitated, in order to secure funding for inmate and re-entry education opportunities and employment support services.

### Conclusion

The building of the organizational and administrative infrastructure including the staffing models does not necessarily require an investment of new dollars. With skillful implementation, BOP’s Education branch can be reorganized into a significantly more centralized, more professional, and more accountable enterprise, the Education Office. This can be accomplished by principle-driven organizational and administrative changes. This would include reprioritizing funding from a small number of existing vacant (budgeted) positions, and other modest budget adjustments. However, the implementation of programs across the BOP would require some reprioritization of the BOP budget over time, as the programs are "slowly phased in" over a period of five years. This would ultimately increase EO’s share of the share of BOP’s budget from approximately two percent to approximately four percent, which should be achievable. The proposed increase is also highly reasonable, as it would be offset many times over by the substantial long-term savings that will be directly attributable to reduced recidivism.

<sup>16</sup> See Appendix 3.

In summation, this plan better equips BOP to fulfill its primary mission, vision and core ideologies, which is centered on implementing policies and programs that will facilitate the successful re-entry of inmates to society. This will be accomplished while respecting BOP's and, equally importantly, individual local wardens' responsibility to keep the public, the prisons, and prison employees safe, while competently stewarding public funds.

## Organization, Administration, and Staffing

In order to expand and improve education and occupational training opportunities, BOP should have the capacity to develop strategy, determine policy, and select programs while maintaining clear lines of authority and responsibility to ensure that education human and financial resources are effectively utilized to implement said strategy and policies. The current organizational structure, even with the very sound decision to move responsibilities for education programs to the Reentry Services Division (RSD), is still essentially a status quo organizational structure. It lacks both the capacity and the authority to substantively expand and improve programs. We are suggesting a "revised path" going forward, reflecting the most recent BOP changes (essentially, the movement of Education to RSD). This path forward would involve the creation of an Education Office within RSD that would function much like a semiautonomous "school district" to pursue the expansion and improvement of education and occupational training services.

BRONNER is cognizant of limitations on your ability to do things (e.g. historical decisions, elimination of positions in the Regional offices, and changing "policies" which require buy-in and lots of time). With that consideration, the proposed plan still equips BOP to fulfill its primary mission, vision and core ideologies, which is centered on implementing policies and programs that will facilitate the successful reentry of inmates to society. This will be accomplished while respecting BOP's and, equally importantly, individual local Wardens' responsibility to keep the public, the prisons, and prison employees safe while competently stewarding public funds.

### ***Changing the Administrative and Organizational Structure.***

The administrative and organizational recommendations outlined here should be BOP's first order of business. Indeed, it is necessary to meeting the BOP Mission, as it is essential to assuring the following conditions:

- the right programming is introduced, continually evaluated, and maintained effectively; and
- the right administration and management is consistently applied to each institution while addressing the different inmate populations' needs.

These conditions can be achieved relatively quickly and will immediately begin to positively impact the Education and Occupational Training Priority, improve the culture and climate of BOP education programming and workforce, and advance the programmatic effectiveness and efficiency – particularly, the education and occupational training community – in a way that aims to support the BOP as it seeks to fulfill its Mission. Furthermore, it is executable within the existing BOP budget and human resource management authority.

## The Current Conditions: Status Quo

The obstacle currently exists in the BOP education strategy is that the existing Education Branch does not have the expertise, authority, nor responsibility to develop, articulate, and implement a common agency-wide vision, and to develop effective strategies and policies for achieving that vision. Moreover, the Education Branch does not have a sufficient organizational capacity, adequate budget resources, nor an adequate system of program management and accountability to implement it. As a result, education and occupational training today in the federal prison system is simply not able to have as much an impact on reducing recidivism as it otherwise could.

Delivering quality education programs today requires coordination and communication with more than five BOP headquarters divisions, six regional offices, and 122 institutions. Each of the 122 institutions is largely handling education programming in their own way and to their own standard, hiring their own educators, utilizing an ad hoc budgetary commitment, and operating without a common vision, common policies, and common fidelity of implementation. This more decentralized approach makes it very difficult, if not impossible, for the Education Branch Central Office in Washington, D.C. (Central Office) to determine whether these institutions make education a priority as it has no authority or policy to require them to do so and no capacity to assess it. This is an organizational and accountability issue first and foremost.

While the BOP has a Mission, Vision, and Core Ideologies and Values emphasizing the importance of the Education and Occupational Priority, it does not have a clear, unequivocal, and consistent priority toward education and occupational training. It is reflected in its current organization structure, which does not have the capacity, in many cases, to do the following:

- 1) articulate an educational vision;
- 2) establish related priorities;
- 3) set research based standards;
- 4) develop education budget and long-term financial plans;
- 5) set job descriptions;
- 6) set hiring criteria;
- 7) approve education personnel decisions;
- 8) collect and analyze data;
- 9) assemble its own education technology platform;
- 10) exercise financial and programmatic accountability;
- 11) authority over education procurement; or,
- 12) enter into strategic partnerships.

The existing BOP education strategy lacks the structure, personnel, and authority to effectively manage — let alone improve — educational services and adapt those services to existing needs.

### ***Administration and organization***

With a staff of only thirteen, BOP has insufficient Central Office resources. There is very limited Regional Office support, as the Education Branch has just a single Regional Education Administrator (REA) in each of its six regions and a staggering scope of responsibilities. The REAs have no support staff and they do not report directly to the existing BOP Education Office. This is a major constraint when one considers that the Education Program is expected to serve 122 institutions housing over 160,000 inmates (federal inmates in BOP custody) relying on 1,294 instructional and 865 recreational staff. Each institution has a local education leader and recreational leader, but they currently report to the local Warden.

***Programmatic strategy and alignment***

There are many education and other related programs that seem to be in search of a strategy and not part of a comprehensive plan to achieve clear and laudable education goals. The major examples include:

- There exists no basic education skills program system-wide to build the capacity of inmates who are able to take the GED and/or get a high school diploma. Without coupling skills training to the GED and/or high school diploma, the credential is shown by research to be far less valuable to achieving the Education and Occupational Training Priority.
- Access to occupational programs is inexplicably conditioned on inmates earning a GED/high school diploma. While this is desirable, there are occupational training programs that should be accessible to the non-GED/high school diploma candidate. Likewise, there are sound strategies granting access to occupational programs that can have the effect of stimulating participation in GED preparation.
- Furthermore, there is no high school diploma program. Rather, the less valuable GED program consumes the primary focus in time, incentives, and resources. As we point out in the Section on Curriculum and Instruction in the Education Program Assessment Report, more emphasis must be placed on building a high school diploma program.
- There are not enough Special Learning Needs teachers and predictably no system-wide approach to educating inmates with very low achievement and/or disabilities. English as a Second Language (ESL) and English Language Learners (ELL) programs are limited.
- Adult Continuing Education (ACE) programs are limited and often not certificated. Occupational programs are limited and vary by institution in number and quality. They are often limited by staff, space, funding and policy constraints. Also, the occupational programs are not necessarily aligned to jobs and the job markets where the released inmates will return.

***Budget***

Education and occupational training is not a priority from the standpoint of finances. According to the Deloitte Current State Assessment report, only 2% of the BOP budget is dedicated to education and financial planning, and oversight is extremely limited. Education and occupational training, funding, and programming decisions are made at the prison level, often based on local institutional needs and capacity (i.e. instructor types). They are not driven by inmate needs or national job market realities. As a result, individual institutions vary in their ability to meet inmates' basic learning and re-entry needs.

The existing Education Office neither knows the education budget nor proposes one. While the education leadership may propose individual funding for specific proposals, such as Advanced Occupational Education (AOE), they seemingly have no control over the G1 budget and little input in setting budget priorities or monitoring education expenditures. Education budgets come from the institutions and are passed on by the REAs. With the exception of the limited AOE program, the Central Office administration has little review or approval authority nor any capacity to monitor program expenditures and assess effectiveness.

***Assessment and Review***

There is no systematic process or mechanism for evaluating programs for quality, effectiveness, and the ability to meet inmates' needs and the BOP education goals. Although there is a Program Review Division, this division serves the entire BOP and focuses on compliance with regulations and policy rather than program performance. As such, program effectiveness, educator instructor quality, and alignment with common education standards is largely ignored.

Without the proper review mechanism in place, BOP education leaders lack the information to make informed decisions about the effectiveness or even the relevance of the programs. The lack of the authority and capacity

to assess and hold accountable is matched and further affected by its lack of usable data. As a result, with the exception of GED programming, there is an absence of standardization of the types and quality of programs varies across institutions.

### ***Staffing***

While institutions are funded by an "equity formula," with the number of education positions determined by inmate population – not participation – education positions and personnel can be absorbed and controlled in ways that detract from the education services, by the local prison administrations without justification. In addition, teachers may be assigned to non-education tasks. Thus, the local education budgets are in fact discretionary spending budgets for prison Wardens. In the competition for local institution priorities and resources, the education and training programs are not priorities and often lose.

### ***Human capital***

The job qualifications managed under the U.S. Office of Personnel Management (OPM) are not sufficiently aligned with job descriptions to meet the Mission, Vision and Core Ideologies and Values of BOP. The BOP education leadership has not established well-defined job qualifications, and often does not require continuing education and training. Thus, the human resource needs of the specific programs and the skill level of staff does not always meet the larger needs of the inmate population. A glaring example of this is special education and behavioral support services; the OPM Special Learning Needs teacher is not required to have certification or experience with teaching adults or high school students with low achievement and/or disabilities. Further, there are few special education teachers at the institutional level, and there is only a single School Psychologist to assess inmates' special needs.

### ***Supports***

There is no real mechanism or authority for coordinating prison-based social-emotional resources with education program personnel. This includes therapists, psychologists, and health care workers. While they are in short supply, their staff is also often deficient in the skillsets needed to carry out the services. For example, there is only one educational psychologist in the entire system. This leaves the education program reliant on therapeutic psychologists, who have other primary tasks and are not equipped to diagnose inmates for learning disabilities and social emotional problems. BOP is currently pursuing a Special Learning Needs pilot to assist with the development of procedures to address these deficiencies.

## Recommendations: Path Forward

### ***Creating an Effective Organizational and Administrative Structure***

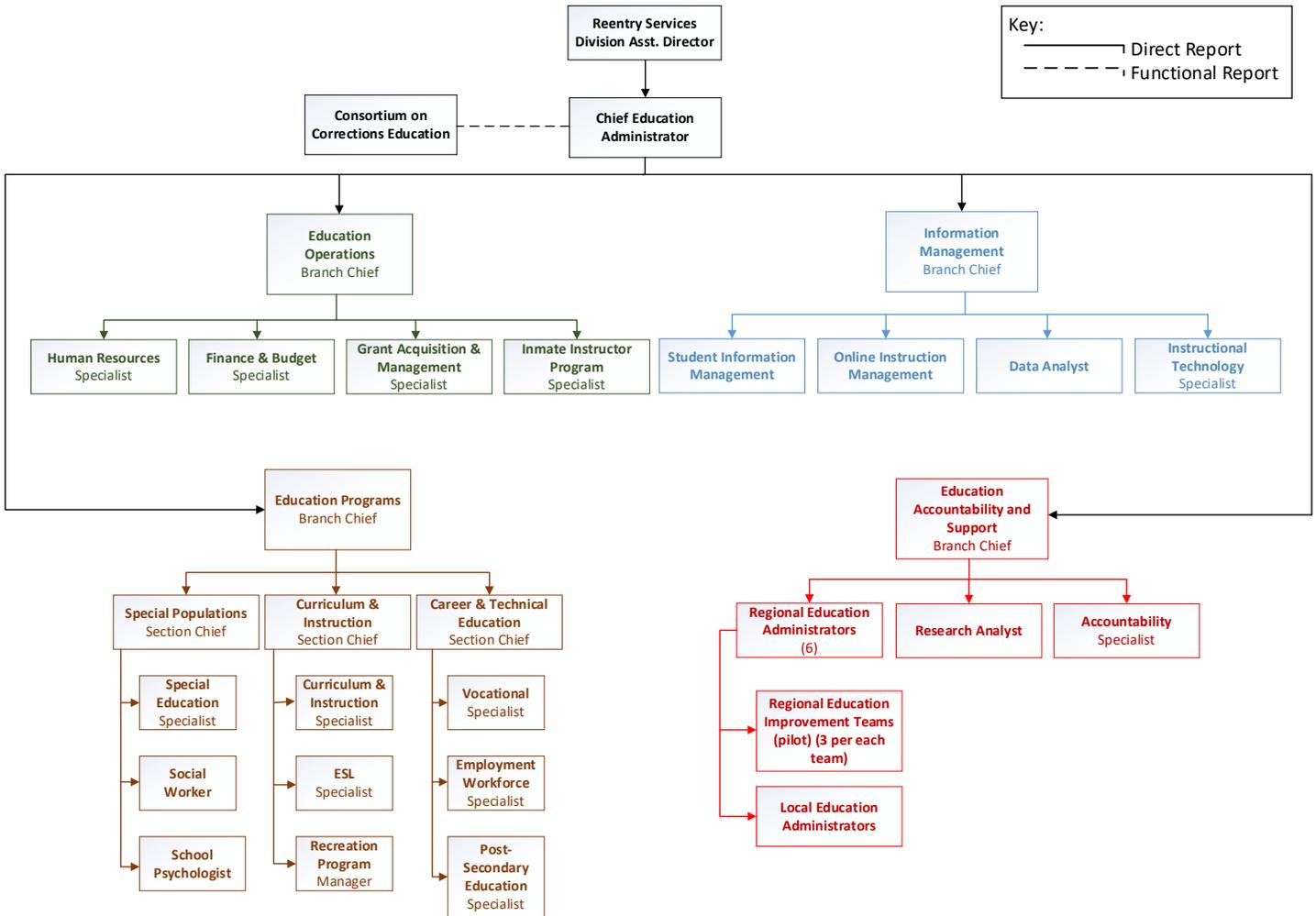
Improving educational outcomes requires differentiation, prioritization, and optimization. Resource allocation, organizational structure, and hiring practices across programs should support those priorities. The Education Office (EO) should have experts in curriculum and instruction, instructional technology, and assessment and evaluation that must play central roles in designing (not simply administering) the programs implemented in the institutions. The role of EO staff would not be advisory because the Regional offices and institutions do not possess (and do not need to possess) the capacity to execute program design functions or to themselves create the consistency and standardization that is required for meaningful outcomes. Properly designed, these EO positions should be highly competitive with the potential to attract highly talented individuals in the field.

If BOP is to accomplish systemic reforms, the Regional offices and institutions must also have the structure, support, authority, and incentives to get there. The chart on the following page shows the new organization structure in detail. Note that the hard lines show “direct” reporting relationships. “Direct” reporting signifies that the subordinate is hired, fired, and evaluated by the superior.

In the proposed organizational model, we essentially recommend that the EO will be overseen by a new leader with different qualifications (see Appendix 6); namely, the Chief Education Administrator, who would lead the EO organization and be a direct report to the RSD Director.

Regional Education Administrators, based out of and reporting to the BOP Central Office, but assigned to the six regional offices, would directly report to the Chief Education Administrator (CEA) and would be responsible for enforcing Quality Assurance (QA) standards and providing support at the institutions. Given that the decision has been made to allow the regions and institutions almost complete autonomy from the BOP Central Office, the REA must function instead as an enterprising resource manager to help the institutions to achieve the goals mandated by policy coming from the new EO. This requires a somewhat different personality and skillset, as well as incentives for the Regional Directors to let the REAs be independently great at their jobs.

Prioritization and differentiation are even more important at the institution level. The domains that currently fall under a Supervisor of Education (SOE) are so varied that such a supervisor must either be exceptionally competent across areas with a well-qualified support staff or otherwise risk mediocre outcomes. At the institution level, the SOE title could be changed to Local Education Administrator (LEA) to better reflect the position’s responsibilities and functional and direct reporting structures. The LEAs would be a “direct” report “relationship to the appropriate REA. Further, our approach would allow LEA’s to focus on high-impact outcomes. Some education programs that do not carry high-value credentials – for example, wellness and parenting, should be transferred to the Supervisor of Recreation. To underscore this, the average institution offers forty-four “Health and Wellness Programs.” For Occupational Training — a supposedly strategic priority — the average number of offerings is much smaller.



These recommendations require an appropriate accountability framework to be designed by the Chief Education Administrator’s staff (particularly the Deputy Chief Education Administrator for Accountability) that provides policy directives and accountability measures which further the new Education and Occupational Training Priority for everyone in the institutions – from instructors, their support staff, supervisors, and Warden. The LEAs will directly report to the REAs on all education and occupational training at the institution. Every level needs to be accountable for the outcomes that reflect central policy goals, and along with that accountability must come any required supports — both policy or resource-based — from the levels above them. The current Professional Work Plan used for the REAs and the LEAs at all levels should include comprehensive plans for delivering educational services, which would include measurable educational outcomes, for example, the number of program completions or reentry job placements.

**The Reentry Services Division Education Office**

Command and control of the functional effectiveness of the Education and Occupational Training Priority must be centralized at the new EO effectuated through the Regional Educational Administrators. Policies, program designs, budget and resource allocation, human capital, and accountability for the Education and Occupational Training Priority will be set and managed by the EO. Executing the Education and Occupational Training Priority based on new EO policy will remain the responsibility of the warden at the prison site. The Warden will assume

authority over the day-to-day education or job training activities in the event of an emergency or an unexpected event which threatens the safety or wellbeing of the BOP employees, contractors, or inmates.

### ***Organizational Structure and Objectives:***

#### **Command and Control**

The EO will have:

- Ability to set budget priorities and approve programs for the new Education and Occupational Training Priority.
- Ability to set, with approval of BOP Executive Staff, BOP standards and policy on matters pertaining to the new Education and Occupational Training Priority.
- Final authority over the selection, termination, and evaluation of education personnel.
- Ability to secure quantitative and qualitative data from all BOP institutions and ensure transparency.
- Ability to create the template for the new Professional Work Plans (PWP) to be used throughout the BOP for the new Education and Occupational Training Priority.
  - CEA establishes the PWP for the warden.
  - Deputy Chief Education Administrator for Accountability establishes the PWPs for the REAs.
  - REAs establish the PWP's for the LEA's.
- Ability to direct quality review onsite assessments by the relevant REA at a given institution to determine the effectiveness of the strengthened and expanded PWPs, as well as compliance with the Education Office policies and to develop Corrective Action Plans (CAP) to ensure compliance and improve effectiveness.
- Authority to hold accountable for the Educational and Occupational Training Priority compliance and effectiveness:
  - the REA (by the Deputy CEA of Accountability);
  - the Warden (by the CEA); and
  - the LEA (by the REA).

#### **Regional Offices**

The EO will have six Regional Education Administrators who will serve as an extension of EO. Each will provide support and oversight to each Regional Director and the institutions within the given region, and will carry out the following functions:

- enforce policies and standards for the new Education and Occupational Training Priority and ensure accountability in the BOP;
- regularly evaluate data and policy compliance and engage the institutions in making them more effective in achieving the new Education and Occupational Training Priority;
- evaluate LEAs and provide guidance and support;
- periodically (once every two years) conduct on-site prison QRs and develop CAPs;
- provide technical support to successfully implement programs;
- serve as regional resource and support centers to coordinate and assure quality of the recruitment and training of educational personnel; and,
- assist in the establishment of strategic partnerships with universities, industries, and other units of government.

#### **Local institutions**

Local institution education programs are standardized, but tailored to the local inmate population, and will include the following features:

- LEA and support staff (teacher coaches and instructional leaders) will provide the direct education

services to the institutions.

- IT Support team unit existing in the Office of the Chief Information Officer will support the EO to maintain the instructional management platform.
- Education Services Areas will include Comprehensive Academic and Social/Emotional Support (CASES, defined below); High School Support, and Advanced Adult Education.
- Each service area will have a standardized approach developed by the EO and implemented throughout the BOP.
- Standardization of teacher qualifications, evaluation, accountability, and incentives throughout the system developed by the EO Deputy CEA for Human Resources
- Contract instructors and education and training programs.
- Inmate Instructor Program (IIP), an initiative to expand the teaching workforce by training capable and willing inmates to provide support to certified teachers in meeting the new Education and Occupational Training Priority.
- “Extension” education and job training services with area colleges, private training programs, unions, and employers (where feasible).
- Educational resources and library services.

## Staffing the Organizational Structure

### **A) Education Office**

The CEA would oversee four Branch Chiefs and related and support staff, each with specific areas of responsibilities:

#### **1) Branch Chief– Education Programs**

Responsible for education and occupational training programs. The programs would be divided into three Education Service Groups: Comprehensive Academic and Social/Emotional Support (CASES) Unit, High School Support Unit, and Advanced Adult Education Unit. Duties include:

- selecting curriculum and instructional models and online courses and materials;
- identifying and selecting the appropriate accredited and certificated programs (community colleges, universities and private occupational training programs); and
- selecting and establishing appropriate training programs for teachers and support staff.

#### **2) Branch Chief– Information Management**

Responsible for development and maintenance of the EO data management system designed to provide education staff with the student inmate information and the instructional resource support needed deliver effective education services. Also responsible for input in developing the technology system within BOP's technology infrastructure that can support a Blended Learning instructional environment and offer more online courses and training. Duties include:

- data management, including the management of the Student Information System; and
- the analysis and dissemination of data.

#### **3) Branch Chief – Accountability and Support**

Responsible for monitoring, assessment, evaluation, and enforcement of educational programs and initiatives at the local institution level through the six REA's each supported by School Support Team. Exercises direct control over the REAs in performing these functions.

#### **4) Branch Chief – Education Operations**

Oversees human resources and budget and operation management. Responsible for educational staff

recruitment, retention, promotion and professional development of teachers, administrators and educational support personnel. Develops the position qualifications, job descriptions, and professional growth and development programs. Manages the Inmate Instructor Program (IIP) and Education Internship Programs.

Responsible for preparing and managing the BOB education budget to ensure that the budget as prioritized and implemented is aligned with the strategic education plan and supports its programs. Financial management includes financial reporting, position control, education related procurement, program monitoring and financial accountability. Would also include responsibility for facilitating the establishment of "Strategic Partnerships" within BOP's specific legal authorities, to optimize education, job training reentry employment opportunities and supports.

### **B) Regional Offices**

The Regional offices will be characterized by the following components:

- Each BOP Region will have an assigned REA, itinerant to the field and reporting to BOP Central Office Education Office.
- The REAs will directly report to the Deputy Administrator for the Accountability Unit who will collaborate with the Regional Director.
- A Quality Review Team will support each REA with their responsibilities for monitoring and supporting correction facility education programs.
- The Regional Offices will now essentially become an extension of the EO, with responsibility for connecting all institutions around the new Education and Occupational Training Priority in a constructive and supportive way to provide not only technical support but to ensure compliance with the RSD-EO education policy and standards and financial mandates.

### **C) Local Institutions**

Education organization at the institution level will be characterized by the following:

- Each prison will have a Local Education Administrator (LEA).
- The local Supervisor of Recreation will continue to report to the LEA
- Each LEA will have three direct report leaders, who will both teach and lead an education service category. The categories are CASES Unit, High School Support Unit, and Advanced Adult Education Support Unit.
- Teaching and instructional support staff ratios to individual institution prison population will be 1:10.

### **Local Education and Training Staffing Models**

Institutions in the will be staffed according to the models guided by the EO and described below

- Certified Teachers
  - Job descriptions will be rewritten (by the EO) to require that full time teachers be certified. These job descriptions will apply to new hires but not retroactively to existing employees.
  - Teachers will report to the LEAs and will be teachers first (primary responsibility) and Correctional Officers second (secondary responsibility).
- Contract instruction
  - Accredited programs selected by the EO that offer recognized certifications will be exempt from the teacher qualification requirements.
  - Contract and retired teachers will be hired to fill critical need areas in accordance with EO guidelines.
- Inmate Instructor Program (IIP)
  - A comprehensive IIP will be established to provide supplemental instructors and teaching

- coaches.
- IIP candidates will participate in assistant teacher training program to secure a BOP "provisional" teacher certification.
- IIP teachers will receive time off for their sentence.
- IIP teacher positions will be classified as a "work assignment" above a Grade-4 compensation and be eligible for additional compensation tied to years in service.

Positions for which Deputy Administrator, Office of Human Resources would establish the job qualifications and job descriptions and seek approval from BOP Human Resources.

- Chief Education Officer.
- Senior Administrators.
- Regional Education Administrator.
- Local Education Administrator.
- Teacher- Academic.
- Teacher- SPED.
- Recreation/ Wellness.
- School Psychologist.
- Administrative Support Specialists.
- Education Technology Network Specialist.
- Contractual teaching positions.

Appendix 1 contains a broad, high-level statement of the qualifications (functional skills, capabilities, experience and competencies) for the key individuals in the following above-listed positions: a) Chief Education Officer, b) Regional Education Administrator, c) Local Education Administrator and d) Teachers.

### **Dividing Education Programs into Three Units,**

Education services throughout BOP would be divided into three units to help promote standardization, focus, and accountability throughout the organization. Combined, they can comprise an "education ladder" that will use data and individualized learning strategies to advance student inmate individual academic and job readiness skills

#### **Comprehensive Academic and Social/Emotional Support (CASES) Unit**

This unit would focus on providing students "Basic Skills" needed to accelerate learning in literacy, reading/language arts, English Language Learning, and social/emotional needs with intensive evidence-based interventions through blended learning. For example, all of these supports may be needed for students in secondary instruction or in job training. Students learning English may need this support for postsecondary education. Students with *very* low achievement (below 5<sup>th</sup> grade) may be supported only through interventions in addition to job training requiring a low-level of skill.

#### **High School Support Unit**

This unit would focus on pathways for students to earn a recognized high school diploma or GED through a blended learning competency-based high school curriculum program. Both would include adult work skills development such as ACT "WorkKeys."

#### **Advanced Adult Education Support Unit**

This unit would focus on supporting inmate continuing education both academic (college and university) and occupational training. This includes access to specific job skills training programs that result in certification from state accredited public or private school or state recognized associations and agencies. It would support access

to adult work skills development, such as certificated financial and technology training programs. Inmates without high school diplomas/ GEDs would have access to certain programs that did not preclude them, and could simultaneously pursue GED while participating in a nationally recognized certificated occupational training programs.

The basic skills (under CASES) and the High School/GED programs, would be rigidly standardized. The areas of post-secondary education, occupational training, and education enhancements would invite the Local Education Administrators, their Wardens, and their Local Trade Councils (LTCs) to select programs and strategies reflecting local capacity, geographic location, and the opportunities for local partnerships. Local institutions would develop specific programs, primarily in the area of occupational training and, perhaps, even re-entry services that would be submitted to the EO for approval and funding through the AOE program.

## Relationship between BOP EO, REAs, LEA's and Wardens

### REA Reporting Relationship with the EO and Regional Director

The REAs have functional reporting to the Regional Director on all matters pertaining to the execution of their work, how that work conforms to the regional requirements of the given region.

The REAs have direct reporting to the Deputy Administrator for Accountability on all matters pertaining to the work they perform in pursuit of the Education and Occupational Training Priority.

The REAs Budget Support Team has functional reporting to the Deputy Administrator of the Office of Resource Management on all matters pertaining to the budgetary programming, fiscal accountability, and conformance to BOP-EO financial policy of the work they perform in pursuit of the Education and Occupational Training Priority.

### REA and LEA Reporting Relationship with the Warden

There should be a command and control structure driven by the EO that extends to the institutional level, i.e. the LEAs. However, the Wardens must execute on the plans and policies directed by the EO in an operational institution-level environment. Wardens must continue to govern, thus effectively managing that environment.

In order to implement and maintain this new relationship:

- The LEAs have functional reporting to REAs on all matters pertaining to the quality of the work and conformance to EO policy of the work they perform in pursuit of the Education and Occupational Training Priority.
- The LEAs would continue to have direct reporting to their respective Wardens on all matters pertaining to the execution of their work and how that work conforms to the local requirements of the given institution.
- The number of personnel, complement of personnel, personnel duties, and general budget for the implementation of the new Education and Occupational Training Priority at each institution would be determined in the first instance by the Warden with the approval of the EO or designee.
- The job duties, the selection of the REA and LEA, their salary and bonus (if applicable), and their evaluation could be initiated either by the Chief Education Administrator or Warden. However, that decision would need final consent from the Assistant Director of RSD.
- There will be at least one annual meeting where the Chief Education Administrator, or their designees, the institution Warden, the Regional Education Administrator and the Local Education Administrator will meet to discuss and evaluate past practices and design and propose new practices and design. A written annual report for each institution will also be required. There will be quarterly meetings between the

Regional Education Administrator and the Warden and, as appropriate, the Local Education Administrator.

### ***The Consortium on Corrections Education***

The EO will need to develop a bureau-wide education strategy, which will then inform what education programming BOP provides, the governance structure to support it, and the budget priorities to finance it. It essentially needs its own Research and Development (R&D) arm to provide input in the development and refinement of policies and procedures and to assess strategies and programs and financial priorities.

The current Education Branch does not have assessment and evaluation capability of its own, and is reliant on the present structure that has the BOP Program Review Division (PRD) providing program assessment and evaluation. The PRD has multiple assessment responsibilities across the BOP and lacks education experience and expertise and the capacity to provide the type of education program analysis that can look beyond compliance into the area of effectiveness and quality.

Creation of a Corrections Education Consortium would give the Education Office the capacity to improve education services by providing it with access to quality research, specific program analysis and access to the "Best Practices." The Consortium would identify what matters most for inmate success and what it takes to achieve it.

The Consortium would be an independent federation of researchers and experts from national organizations and universities, all with an interest in improving correctional education. The BOP EO itself would be represented by its top education and administrative staff who would take a sabbatical from the field to bring their knowledge and experience within the local institutions to the Consortium. The U.S. Department of Education (USDOE) would also be represented and share in the leadership, as the USDOE has had a long-standing interest in prison education reform that has further galvanized during the current administration.

Unlike the PRD, which conducts reviews of all programs across BOP, not exclusively education programs, the Consortium would focus exclusively on prison education and job training programs. Unlike the PRD, the Consortium's research and analysis directly addresses program quality, instructional quality, and alignment with community and industrial standards. The creation of the consortium is intended to give the BOP education leadership access to continual high quality R&D that could guide decision-making.

The Consortium is the critical R&D asset EO needs, to ensure the effectiveness of its strategies and programs. The reconstituted Trade Advisory Commissions (TAC) are the vehicles for entering into strategic partnerships to expand high quality occupational training and re-entry employment opportunities.

In order to establish this consortium, the Federal Advisory Committee Act (FACA) must be followed.<sup>17</sup>

### **Expanding responsibilities and makeup of the local Trade Advisory Councils (TAC)**

Existing TAC should be expanded so that each institution is required to create a TAC. Currently, the TAC is required when an occupational education program is not offered by an outside accredited education institution or not certified/accredited by an outside verifying or accrediting agency.

The current TAC is a group of local industry experts who can advise on local occupational program content, necessary equipment specific programs, and local regulations. The expanded TAC would have broad industry

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<sup>17</sup> See 5 USC §§ 2-14; Title 41 CFR, Parts 101-6 and 102-3.

and training institution (public and private) membership, consistent with BOP's legal requirements. It would focus not only on the quality of the occupational training programs but also in the selection of other relevant training programs and the recruitment of training institution partners. The TAC's would also play a program review role in examining the relevance and quality of local occupational training programs. The mission of the TAC would be as follows:

- Provide the local Warden and Local Educational Administrator with advice on occupational training and post prison employment strategies.
- Help identify and select relevant occupational training programs.
- Perform identification, selection and recruitment of public and private occupational training institutions offering training programs in industries accessible to former inmates.
- Set standards and reviewing programs and instruction to ensure quality.
- Identify and recruit potential employers and working with Reentry Affairs Coordinators, and potentially Probation Officers, to help secure continuing educational and job training opportunities and employment.
  - Seeking out and securing long-term strategic partnerships to enhance education and job training and research-entry employment opportunities.

## Curriculum and Instruction

### Bureau of Prisons Education Office

The proposed Education Office (“EO”), focused on successful re-entry and elaborated below, has been built to create intersecting pathways for students to succeed regardless of where in their educational progress they enter the system; it will meet them where they are and take them as far as they can go. As the U.S. Department of Education has indicated, “correctional education programs are intended to break the cycle of catch-and-release by providing inmates with more opportunities to develop the skills required to succeed in their workplaces and communities.”<sup>18</sup>

#### *Overall Organizational Structure*

Implementing an effective education and occupational training system focused on long-term success for ex-offenders will require a paradigm and cultural shift to align the education system with 21<sup>st</sup> Century teaching and learning and develop an unrelenting focus on outcomes rather than inputs. The outcomes of greatest interest are the ability of inmates to obtain more remunerative work in the legitimate economy than they could prior to incarceration, and to remain unincarcerated. The current BOP program structure is unable to answer this question, let alone to influence it.

The current educational organization may be viewed as a rickety ladder, where the inmate moves irregularly from one rung to another with the top rung occupational training. Each rung is seen as a stand-alone program. This proposed model is not a linear system but one that facilitates participation by inmates in multiple programs at any academic entry level. There is a synergy between improving literacy levels and advancing in an occupation because literacy enhancement could be embedded in occupational training, for example, learning applied math and/or literacy within the context of teaching a job skill. Conversely, the occupational training may be seen as another strategy to encourage progress through academic levels because job training can enable to inmates to further understand the need for literacy and numeracy. The BOP’s ladder approach creates unnecessary barriers for both those who struggle with literacy attainment as well as those who are ready to pursue some of the more difficult, but in demand, job training programs that require more advanced math, science, and writing skills.

The proposed EO assumes that the BOP will meet students where they are academically and devise Personal Learning Plans that are documented and updated throughout their incarceration, following them as they transfer among institutions. The proposed system is designed for adult students where they are expected to be autonomous and self-directed, goal-oriented, relevancy-oriented and practical regarding the choices they make about their education<sup>19</sup>.

The critical link is that job and career paths are articulated so that the student knows exactly what is needed as they walk the education path.

The proposed Education Program Office comprises three divisions:

- High School Options Division
- Post-secondary Education Opportunities Division
- Academic, and Social/Emotional Interventions Division

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<sup>18</sup> U.S. Department of Education. Partnerships Between Community Colleges and Prisons: Providing Workforce Education and Training to Reduce Recidivism. 2009.

<sup>19</sup> Knowles, M.S. The Modern Practice of Adult Education: Pedagogy to Andragogy. New York. The Associated Press. 1970.

Under this proposal, literacy, language, job readiness, counseling, and social and emotional supports are available to inmates regardless of the pursued programming. For example, all students need learning skills, study skills, computer skills and, often, additional courses in math, reading and writing, and other job-related education. It is also assumed that all teachers communicate and collaborate regardless of their division.

The objective within the EO is to move students from wherever they enter the education system as quickly as possible to post-secondary opportunities. There is substantial evidence that the more educational attainment an inmate obtains while incarcerated, the greater the reduction in the risk of recidivism. For example, the Florida Department of Corrections evaluated the effects of grade level attainment on recidivism.<sup>20</sup> They found that an inmate's probability of reoffending drops by 2.9 percent for each higher grade of adult basic education tested. Within three years of release, 46.2 percent of those falling into grades 1-3.9 reoffended compared to 36.2 percent in grades 9-11.9. It should be noted that recidivism falls throughout the grade continuum.

Within occupational programs (Vocational/Tech) those receiving certificates are 14.6 percent less likely to recidivate, and the Bard College Prison Initiative yields recidivism rates of less than 2 percent. Additionally, reduction in recidivism is boosted whenever inmates obtain a General Educational Development (GED) or earn a vocational certificate and their TABE (Test of Adult Basic Education) score reaches a 9<sup>th</sup> grade level or higher. They found that inmates who were at a 9<sup>th</sup> grade level and had earned a GED were 25 percent less likely to recidivate. The result is similar for occupational training where those at the 9<sup>th</sup> grade level or higher were 22 percent less likely to recidivate.<sup>21</sup> In the proposed system, this indicates that any successful program—from basic literacy through 2- and 4-year college degrees—can contribute to reducing recidivism. It also shows that continuous education to raise Adult Basic Learning Examination (“ABLE”)<sup>22</sup> scores is advantageous and that this effort can be embedded in all programs including advanced education.

There are challenges that BOP faces when constructing an education system. For example, 34.3 percent of offenders released in 2005 from BOP correctional institutions had less than a high school education and 36.9 percent were high school graduates<sup>23</sup>. One reason that both state correctional systems and BOP rely heavily on the GED is to move as many as possible within the dropout category to a high school equivalency. At the same time, the U.S. Department of Labor notes “that most of the fastest growing jobs in the country will require workers to have post-secondary educational preparation.”<sup>24</sup> All of this combined, suggests that BOP should consider accelerating some offerings of certified programs and increase job training programs to better meet demand. This will be discussed within each division.

BOP, even with these constraints, has successfully addressed a number of issues in its current educational programs. There is a strong GED program that exceeds its annual completion targets and is introducing more standardization within the program. Steps are now being taken to strengthen the special learning needs program. The partnership program (Advanced Occupational Education) has ushered in new training programs better suited to high demand area job markets.

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<sup>20</sup> “Academic, Vocational, and Substance Abuse Program Impacts,” Florida Department of Corrections, <http://www.dc.state.fl.us/pub/recidivismprog/execsum.html>

<sup>21</sup> Florida Department of Corrections. Academic, Vocational, and Substance Abuse Program Impacts. 2000.

<sup>22</sup> BOP has indicated that they will be changing to the test of adult basic education (TABE) in the near future.

<sup>23</sup> United States Sentencing Commission. Recidivism among Federal Offenders: A Comprehensive Overview. 2016.

<sup>24</sup> Seymour 2009.

### *Overall Education and Occupational Training System Recommendations*

To meet the goal of successful re-entry, the BOP Education Program must be transformed. The following recommendations are those that have a system-wide importance and should be used by each education division as they devise programs.

**1. Focus on Outcomes:** Outcomes are defined as the difference in a target population's performance levels that result from the work conducted for that population. The relationship of outputs to outcomes is a framework logic model that assists in planning, implementing, and evaluating programs.<sup>25</sup> The outcomes that the EO program focuses on are:

- Correctional institution incident reduction;
- Sentence reduction related to educational attainment and good behavior;
- Recidivism reduction; and,
- Post-release employment success as measured by employment status and level of earnings.

**2. Apply Universal Design for Learning (UDL):** UDL is designed to meet the needs of students with a wide range of abilities, learning styles, learning preferences and educational backgrounds, and is inclusive of those with low academic achievement, disabilities, and/or who are English language learners. By applying the principles of UDL, students with varying abilities are able to access education and training. UDL is a scientifically valid framework for guiding educational practice that:

1) Provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and

2) Reduces barriers in instruction, provides appropriate accommodations, supports, and challenges and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

When purchasing future curricular materials and engaging partners for high school options or post-secondary education, the BOP should embed in RFPs or purchasing discussions the need for digital requirements relevant to UDL (e.g., digital text to speech, speech to text, translation from English to Spanish) in requests for proposals.<sup>26</sup>

**3. Enhance and Shorten the Time for Intake Screening:**<sup>27</sup> Creating personalized learning plans for each inmate requires that the BOP expand intake procedures beyond initial psychological screening to assess and determine each inmate's level of educational achievement or needs (e.g., verification of a disability, receipt of special education services, transcripts verifying a high school diploma or an equivalency certificate, high school credits, post-secondary credits, etc.). For inmates without a high school diploma or GED or at least two years of high school credits, the BOP should use screening tools to identify the inmates' current level of educational performance in areas such as reading, math, writing, etc. Also, for inmates who appear to be English language learners, the BOP should use screening tools to identify those requiring more extensive assessment to determine their English language acquisition and educational

<sup>25</sup> University of Wisconsin – Extension, 2010. <http://www.uwex.edu/ces/pdande/evaluation/evallogicmodel.html>.

<sup>26</sup> It is noteworthy that UDL is referenced in the 2016 Every Student Succeeds Act that replaced No Child Left Behind. In addition, UDL is referenced in USED's National Educational 2010 Technology Plan, 2008 High Education Opportunity Act (HEOA), 2006 National Instructional Materials Accessibility Standard (NIMAS). Retrieved at <http://www.udlcenter.org/advocacy/referencestoUDL>.

<sup>27</sup> Currently, the minimum standard for administering the adult basic level examination (ABLE) to inmates is within 90 days of arrival to determine instructional levels for placement in a literacy program. (Policy 5310.15). It is suggested that it would be an advantage to move the schedule to an earlier time, such as pre-sentencing.

needs. BOP is currently pursuing the identification of screening tools through its Special Learning Needs pilot initiative.

To expedite the assessment and screening processes, BOP should conduct these processes on tablets at the time of intake. Information gathered from these processes should be correlated with augmented educational and employment records available through the connected Student Information System that this report establishes in the Technology Section.

- 4. Utilize Personal Learning Plans:** Based on screening results, and as amended by ongoing educational assessments described below, the BOP should direct counselors or teachers to meet with inmates to develop together Personal Learning Plans (“PLPs”) that take into consideration the amount of time each inmate is expected to remain incarcerated. Counselors or teachers should revise the PLPs with the additional information from any diagnostic assessment and/or social/emotional needs to provide for the involvement of the Special Learning Needs (“SLN”) and/or English as a Second Language (“ESL”) instructor and/or psychological personnel. BOP should consider the inclusion of the following components:

- current levels of performance;
- identified academic deficiencies;
- educational programs available to the inmates (i.e. high school options, ESL/ELL support, post-secondary education);
- interventions based on any identified or diagnosed needs;
- six-month targets;
- social/emotional needs that may impact learning; and,
- collaboration that will occur between various correctional institutions’ personnel to provide coordinated support.

Wardens and Regional Education Administrators (REAs) will be held accountable for high rates of PLP completion.

- 5. Standardize Programs Where Possible:** The current GED program standardization is an effective model for a large system like the BOP Education Program to adopt. Most other academic and vocational programs should be standardized across institutions as well. This standardization effort will be facilitated by the shift to online and blended learning models that minimize the impact of limited local instructor availability.
- 6. Create a System of Educational Incentives:** The BOP should consider evaluating various incentive options to encourage inmates to participate in and complete educational and vocational programs: higher work release credits, educational credits upon program completion, compensation for inmates who enroll in programs (with rates increasing as the level of complexity or advancement increases).<sup>28</sup> The BOP may need legislative support for these initiatives, especially those involving credit towards sentence completion. The Arizona Department of Corrections offers a best practice model for this system. The Arizona correctional system developed a series of incentives varying from no cost at all to some cost as part of its Getting Ready program. Inmate forums were used to better understand how inmates perceive incentives and what matters to them the most.<sup>29</sup>

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<sup>28</sup> The Legislative Analyst Office. From Cellblocks to Classrooms: Reforming Inmate Education to Improve Public Safety. State of California. February 2003.

<sup>29</sup> "Getting Ready: How Arizona Has Created a 'Parallel Universe' for Inmates." National Institute of Justice. Web. 07 Apr. 2016. <https://www.ncjrs.gov/pdffiles1/nij/226871.pdf>, page 5.

- 7. Utilize Online and Blended Modes of Instruction:** The BOP should greatly expand the use of online and blended models of instruction to reduce the variability of instructional quality and access and the time, space, and expense limitations of physical classrooms. The provision of a tablet for each inmate who participates in educational and/or vocational programs allows for instruction to take place at any time or at any location.<sup>30</sup> Local instructional staff should serve primarily as tutors, supplementing the online instruction with extra support using a flexible “Genius Bar” model that makes the most efficient use of their time and classroom space while further individualizing the instruction provided to each inmate. This shift will require significant professional development and support for teachers unaccustomed to blended instruction, and some technical training for teachers and inmates in the use of the tablets. The Inmate Instructor Program should provide a substantial part of the technical support as well as some of the academic tutoring. This is discussed further in the Education Technology section.
- 8. Support Competency-based Open-entry/Open-Exit Courses:** Utilizing a competency-based open-entry/open-exit strategy will allow inmates to enroll at any time and complete after evidence of subject matter mastery. This strategy, along with comparable course alignment, will work effectively in an environment where students transfer among correctional centers. This strategy focuses on outcomes rather than outputs and provides an “educational escalator” that meets inmates where they are and takes them as far as they are able to go.
- 9. Require Standing Weekly Meetings for Teachers:** The educational re-entry system will require greater collaboration among teachers. BOP should require that teachers meet a minimum of one hour a week—either in person or virtually— to discuss education progress and to seek assistance from peers locally and at other institutions to help struggling students.
- 10. Allow a Mix of Full-Time, Part-Time, and Individual Contractor Staffing Models:** BOP should adopt flexible staffing models to enable institutions to meet their unique needs, hire highly qualified staff, and make the most of blended-learning affordances. The absence of staffing flexibility resulting from job qualifications and local institution leader discretion has resulted in a shortage of education specialists both at the local institution level and the central administration.
- 11. Provide Professional Development to Instructors:** BOP should provide professional development that is frequent, addresses identified teacher needs, helps teachers to implement standards, curricula, and interventions with fidelity, and helps teachers to use student data to differentiate instruction. Effective professional development should provide long-term support, and incorporate coaching and/or collaborative study to assist teachers in making and sustaining improvements in classroom practices.
- 12. Provide Thorough Evaluations of all Education Programs:**<sup>31</sup> BOP should conduct regular evaluations of each program (both aggregated and at the institution level) to addresses effectiveness, efficiency, and popularity among inmates. Ongoing assessment is necessary to determine the cost of each program, the cost per student, competency growth, rate of completion, enrollment, average daily participation, and so forth. The intent is to assist Central Office and facilities in comparing programs among facilities and to recommend program improvements.

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<sup>30</sup> This assumes a robust program serving 60,000 inmates annually.

<sup>31</sup> The Central Office Program Review Division provides institutional program reviews that are conducted every one to three years depending on previous review ratings (OPI: FPI/EDU, Number G53001.05). The review covers appropriateness of each program’s curricula, random selection and documentation of student progress, and adequate security for testing materials, among other variables. These reviews are guided by policy and correctional institution staff may respond to findings.

As part of this process, BOP should use standardized, reliable, and valid observation and evaluation instruments across all institutions to assess teacher effectiveness, and provide specific training to observers to insure reliability.<sup>32</sup> The instrument(s) should be used for formative and summative purposes and be aligned to competency-based frameworks and practices. Data on teacher effectiveness should be included in program evaluations to determine factors impacting student outcomes.

**13. Develop a Robust Accountability System:** BOP should establish an accountability system that includes entry, process, and outcome data in order to determine which programs are effective for specific inmates. Data should be gathered on inmates' characteristics at time of entry into the program, program characteristics, and measures of progress.<sup>33</sup> Robust data collection and analysis will enable program administrators to develop targeted professional development, share effective programs and strategies, and determine the most cost-effective programs. Since every student and teacher will work through the instructional management system, these data analytics will be available through real-time dashboards. To ensure that BOP can demonstrate progress over time, BOP should establish and monitor key performance indicators.

The EO recognizes that making significant changes to improve teaching and learning requires time, particularly in geographically dispersed populations. At each education division, this report indicates how this plan would develop over a five-year period.

It is important that correctional institution staff understand the plan, timeframe, and the benefits that will accrue each year. It is also essential that the BOP education experts provide support to assist correctional institution staff in successfully implementing changes. The overarching goal is to reduce recidivism by providing meaningful and useful education programs and strong job training.

#### *The Revised EO at a Glance*

The EO organizational structure is intended to support the following purposes:

- To support the development and implementation of programs designed for inmates to obtain a high school diploma, GED, post-secondary education, and/or job training, based on each inmate's individual learning profile, counseling, and informed preferences.
- To provide inmates with access to job training along with post-secondary education regardless of whether the inmate has earned a high school diploma/GED (unless an outside partner requires such credentials).
- To the extent feasible for each of the options above, support inmates of varying academic and language abilities with a technology-based framework of Universal Design for Learning (UDL) that would expand access to printed text through such means as text to speech, English to Spanish aural translation, digital explanation of difficult text, etc.
- As appropriate, for each of the options above, provide supplemental blended learning interventions to accelerate English language learning, basic skills in literacy, math, etc., as well as support for social/emotional issues interfering with learning.

This approach would promote standardization, focus, and accountability through organization. The program components will comprise meaningful educational options that will use data and individualized learning

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<sup>32</sup> For example, see [Standards for ESL/EFL Teachers of Adults](http://www.tesol.org/advance-the-field/standards/standards-for-adult-education/standards-for-esl-efl-teachers-of-adults-percent-282008percent-29) (TESOL) provides standards, performance indicators and performance criteria for each standard. The standards address planning, instructing, assessing, identity and context, language proficiency, learning, content, commitment and professionalism. These can be used as the basis of an evaluation instrument. Retrieved at <http://www.tesol.org/advance-the-field/standards/standards-for-adult-education/standards-for-esl-efl-teachers-of-adults-percent-282008percent-29>.

<sup>33</sup> The data entry procedures will be based on policy decision.

strategies to advance student inmate individualized academic and job readiness skills. Each option will have a re-entry component intended to facilitate the inmates' continuation in education and job training programs until completion and upon release.

### Making Informed Choices

At intake, a trained teacher and each inmate will work together to develop a Personal Learning Plan (PLP). For each inmate who does not have a high school diploma/GED, the counselor will review with the inmate data based on academic screening scores and additional information provided by the inmate. The counselor will discuss with the inmate the amount of time it will most likely take for the inmate to earn a high school diploma or GED and the inmate's sentence to choose the best educational option based on the following choices:

- High school courses leading to a high school diploma.
- GED instruction leading to GED testing and a GED.
- Occupational training and/or education enhancement.
  - This option would be available along with the high school options, GED paths, or paths independent of these.
- Post-secondary education requiring a high school diploma or GED.

Each of these options would be supported, as needed, by supplemental language, academic, or social/emotional interventions.

#### *Educational and Occupational Program Units*

Individuals in the following divisions will work together as an organization to support the above learning options.

- **High School Support Unit.** This division will focus on pathways for students to earn a recognized high school diploma or GED through a blended learning competency-based high school curriculum program.
- **Post-secondary Education Division.** This division will focus on supporting inmates' access to 2-year and 4-year degrees or job skills and training programs that result in certification or accreditation from a U.S. Department of Labor, state or a recognized association or agency. Entry requirements to those programs will be articulated in all agreements. Where practical, the least restrictive requirements will be selected.
- **Academic, Language, and Social/Emotional Interventions Division.** This division will focus on providing students who need accelerated learning in literacy, reading/language arts, English language learning, and social/emotional needs with intensive evidence-based interventions through blended learning.

#### *High School Support Unit*

The goal of the High School Options Division is to develop a comprehensive curriculum and instructional competency education system that culminates, preferentially, in a high school diploma, or where necessary, a high school equivalency, such as the General Educational Development (GED) test. High School Options degrees are not thought of as ends in themselves, but rather, a milestone along the path to further academic and vocational attainment. The High School Options have also been developed to dramatically reduce the waiting list for high school diplomas or equivalents, which currently sits at 15,629 inmates, while 19,725 inmates are enrolled in GED programs.<sup>34</sup>

In looking for a high school model best suited for BOP, certain requirements must be met. The program must be:

- Accredited;

<sup>34</sup> Lydia Wheeler, "Alternative GED program proposed for federal prisons," The Hill, 1/08/15, <http://thehill.com/regulation/228892-alternative-ged-program-proposed-for-federal-prisons>; Caroline Wolf Harlow "Bureau of Justice Statistics Special Report: Education and Correctional Populations," U.S. Department of Justice, 4/15/03, <http://www.bjs.gov/content/pub/pdf/ecp.pdf>.

- Useful to the inmate;
- Supported by universally recognizable credentials that signal a high level of competency;
- Of the highest quality at sustainable cost;
- Allow open entry and open exit;
- Scalable to reduce waiting lists; and,
- Robust enough to provide students the opportunity to excel in areas of interest.

Any viable program must consider the large skill gaps among inmates and must ensure that the mobility of the population does not interfere with obtaining a quality education. Further, the program must remove the variability between among and institutions, thereby making continuous access possible. These requirements lead to a programmatic emphasis on online and blended programs.

The success of the High School Options Division depends not only on the quality of the education program but also upon a strong collaboration with the Academic, Language, and Social/Emotional Interventions Division. Any inmate exiting this program must leave with job readiness skills, literacy improvement, and the motivation to continue a job training program.

Finally, any program selected must provide timely accountability and transparency. The program must be evaluated as to whether graduates of the program have lower rates of recidivism, higher job and wage attainment, and persistence to higher levels of education.

### High School Diploma Option

The high school diploma option offers the chance to earn a nationally-recognized diploma from an accredited school. It is the default option for the minority of inmates who do not already have a diploma or GED. Because the GED is the lower-value credential for all inmates and is attainable by the majority of BOP inmates, it is likely that participation in the GED program will decrease over time. Several state and local correctional systems offer inmates diploma programs (such as California, Georgia, Ohio and South Carolina) and completion of those programs is associated with significantly improved post-release outcomes.<sup>35</sup>

Because inmate transfers occur, it is important to identify a high school option that is standardized and available at each correctional institution. No correctional institution has a large enough population to merit a stand-alone in-person high school. Further, the number of classrooms in many institutions would not be sufficient to add more students pursuing a high school credential. Other considerations include students that would be entering the high school with different levels of prior academic attainment.

### High School Diploma Options: Recommendations

- 1. Establish an Accredited Internet-Based High School.** This should be a competency-based school with students completing courses at their own rate. With the majority of instruction taking place online, the blended-learning model will provide in-person support and tutoring to make the most efficient use of teacher and inmate time. The Instructional Technology section of this report discusses in more detail how blended learning would work in BOP facilities.
- 2. Issue an RFP for Internet-Based High School Programming.** To implement the High School Diploma program, BOP will likely need to issue an RFP. There are a number of high quality internet-based high school programs available and interest in the program will likely be high. These internet-based high schools may

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<sup>35</sup> Brian Brown, "From Cellblocks to Classrooms: Reforming Inmate Education To Improve Public Safety," Legislative Analyst's Office, February 2008, [http://www.lao.ca.gov/2008/crim/inmate\\_education/inmate\\_education\\_021208.aspx](http://www.lao.ca.gov/2008/crim/inmate_education/inmate_education_021208.aspx); Audrey Bazos and Jessica Hausman, "Correctional Education as a Crime Control Program," UCLA School of Public Policy and Social Research, March, 2004, <http://www.cdcr.ca.gov/Reports/docs/External-Reports/Correctional-Education-as-crime-control.pdf>.

offer up to 100 courses, advanced placement courses for college credit, and occupational training courses. There is some baseline information that should be included to assist in selecting a high school diploma program. These items include:

- Accrediting agency
- Requirements for credit transfers
- Accommodations for students with special needs as noted in UDL
- Course catalog and curriculum
- Material/textbooks given the student
- Enrollment in the internet program
- Graduation Rates
- Completion rates
- Curriculum used
- Diploma option/ issuing school
- Requirements regarding state testing
- ACT or SAT scores of program graduates

**3. Implement the High School Diploma on a Pilot-Program Basis.** The High School Diploma option, along with the other content and delivery innovations that are proposed in this report, should be introduced through structured pilots in a small number of institutions selected for warden enthusiasm. This will enable the BOP to surface and remediate implementation issues while building support among early adopters.

#### High School Equivalency Option

The only high school option now used by BOP and most state correctional systems is the General Educational Development (GED) test, a battery of standardized tests used as a qualification for high school equivalency. The advantage of this credential is that it is a minimum requirement for entry into some colleges and helps reduce the stigma of being a high school dropout. In 2014, the GED standardized tests were revised to better align with the new high school common core standards. Along with this, GED testing will be a computer based, rather than a paper and pencil tests. BOP will introduce a GED preparatory computer-based curriculum to students in June 2016. This curriculum will standardize the program among correctional institutions making program continuation easier for inmates transferring to other institutions.

BOP policy states that “...with few exceptions, inmates without a confirmed GED or high school diploma are required to enroll and participate in a Literacy Program for a minimum of 240 instructional hours or until they achieve a GED credential.”<sup>36</sup>

Among correctional systems, BOP is the largest supplier of candidates to sit for the GED test. In FY15, 6,184 BOP inmates were awarded GEDs. BOP currently has about 19,700 enrolled Literacy/GED students but also has a large waiting list of inmates (15,629) that are required to enter the Literacy/GED program.<sup>37</sup> To address the waiting list backlog, BOP could offer the high school diploma alternative and move some on the waiting list to that program. Another strategy could be to increase the passing rate. For example, in 2010, of those who sat for the examination, about 68 percent passed. Some large states (New York, Texas, North Carolina and Florida) had pass rates exceeding 79 percent.<sup>38</sup>

<sup>36</sup> A Directory of Bureau of Prisons’ National Programs. 2015.

<sup>37</sup> Deloitte 2016.

<sup>38</sup> ACE American Council on Education. 2011.

It should be noted that higher pass rates can be due to a number of factors. For example, BOP policy provides the minimum class schedule as Monday-Friday for 1.5 hours per day. Other places, such as Texas' Windham School District require 15 hours per week of instruction, compared to 7.5 hours at BOP institutions. States may also use different TABE or ABLE scores for entry to the GED preparatory program. There may also be variability in pass rates among BOP's 122 institutions based on how the subject is taught or attendance or other factors. Finally, some correctional institution may simply have more inmates entering needing GED services. The latter speaks to the funding formula that is based on inmate population rather than demand. In any case, BOP should evaluate strategies to reduce waiting lists based on their resource requirements. This exercise is important, particularly given the more rigorous 2014 GED examination adjusted to common core standards.

Although attainment of a GED reduces recidivism, it has little effect in raising wages, as GED holders often earn wages very similar to those of high school dropouts.<sup>39</sup> Economists from the University of Chicago found that the GED is of "minimal value" in terms of its effect on labor markets.<sup>40</sup> While there is other research that challenges the perception of the GED as a low-efficacy credential, there is substantial research to indicate that a high school diploma conveys greater value to the credential holder. A 2012 analysis from the U.S. Census found that high school diploma holders earn \$1,600 more per month than GED holders.<sup>41</sup>

The fact that only 31 percent of GED recipients enrolled in a post-secondary institution, and of those that enrolled 77 percent only stayed for one semester suggests that some additional assistance to those inmates may be beneficial. This is why programs bridging preparation to occupational training early on should be considered. This approach embeds training and job information into GED preparatory material.<sup>42</sup>

For these reasons, the goal of EO with regard to high school-level preparation and degree path is to default inmates to the legitimate diploma option, with the GED reserved for those relatively few cases where the diploma option is unworkable.

#### High School Equivalency Option: Recommendations

1. Increase instructional time to accelerate course completion.
2. Open more job training opportunities to GED participants.
3. Use periodic ABLE retesting to see whether GED preparatory work is increasing grade levels.
4. Provide work readiness courses to GED participants as part of the overall program.
5. Expand program evaluation to include an annual review that shows number enrolled at start of the program, the number that choose to exit, percent passing the GED test, average time in preparatory classes before passing the test, TABE score upon completion, and average daily attendance.
6. Provide short duration work readiness courses to wait listed applicants and recommend short duration courses to support improvement in literacy or math.
7. Work with Congress for the authority to adjust good-time incentives so that they are stronger for the diploma program than for the GED.

#### Advanced Adult Education Opportunities

The objective of postsecondary education is to equip inmates with the academic, vocational, and higher-order thinking skills required to obtain employment in a continuously changing labor market. Currently, about 6.1 percent of BOP inmates participate in postsecondary job training primarily provided through in-house programs

<sup>39</sup> J. J. Heckman and Y. Rubinstein. The Importance of Noncognitive Skills: Lessons from the GED Testing Program. *The American Economic Review*, Vol. 91, No.2, Papers and Proceedings of the Hundred and Thirteenth Annual Meeting of the American Economic Association (May 2001), 145-149.

<sup>40</sup> M. Pilon. Is GED Worthless? *The Wall Street Journal*. January 25, 2010.

<sup>41</sup> "GED Recipients Have Lower Earnings, are Less Likely to Enter College," U.S. Census Bureau, February 27, 2012, <http://blogs.census.gov/2012/02/27/ged-recipients-have-lower-earnings-are-less-likely-to-enter-college/>

<sup>42</sup> V. Martin and J. Broadus. Enhancing GED Instruction to Prepare Students for College and Careers. MDRC Policy Brief. May 2013.

and secondarily through partnerships in the competitive Advanced Occupational Education (AOE) grant program.<sup>43</sup> Despite the proven benefits, there are exactly 9,772 BOP inmates in advanced academic programs.<sup>44</sup> The benefits of post-secondary opportunities is that it has a strong effect on the reduction of recidivism:

“Studies also suggest that postsecondary education, as opposed to other types of prison programming, is particularly effective in reducing recidivism. A study of nearly 1,000 former prisoners in Ohio, for instance, compared individuals who completed a college degree while incarcerated to those who completed other types of correctional education programming such as GED preparation courses or non-credit vocational training. This study found that, while earning a GED or completing a vocational program did reduce recidivism, completing an associate’s degree had a particularly significant impact, reducing the likelihood of re-incarceration by 62 percent (Batiuk et al 2005). Post-secondary correctional education programs can, therefore, be seen as a highly useful tool in reducing high rates of recidivism.”<sup>45</sup>

As illustrated in Figure 1 below, a number of education programs reduce recidivism. Specifically, GED programs and adult basic education can reduce recidivism by about 5 percent compared to 12 percent for occupational training.

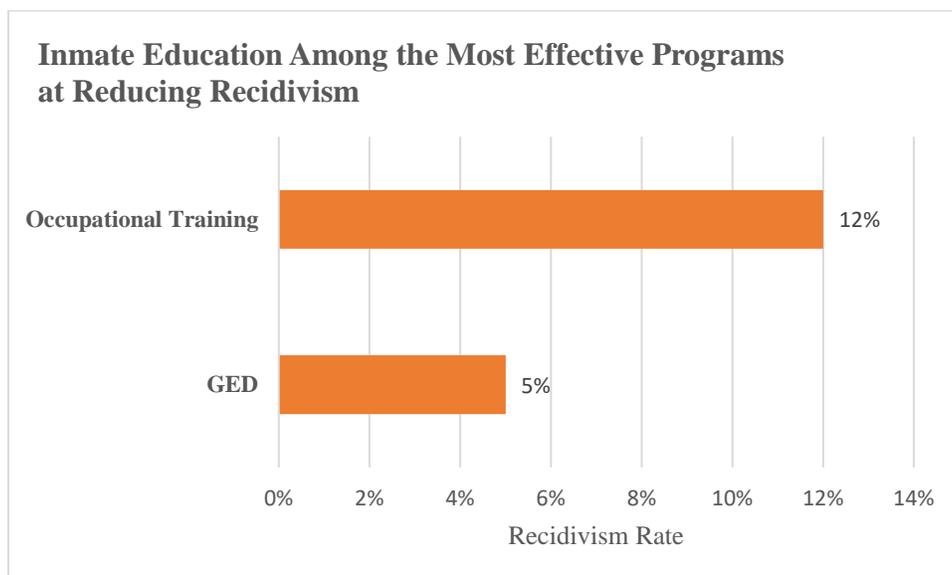


Figure 2. Programs that Effectively Reduce Recidivism.

The trend among state correctional systems has been to partner with other education providers, such as community colleges and online degree programs from various 2–year and 4–year public institutions, to provide these services. In fact, a 2005 study indicated that 68 percent of all post-secondary education services are provided through partnerships.<sup>46</sup> Utilization of outside resources, particularly with community colleges, have some advantages over in-house delivery systems:

<sup>43</sup> Deloitte, Federal Bureau of Prisons Education Support Project. Executive Summary. 2016

<sup>44</sup> Bureau of Prisons

<sup>45</sup> Wendy Erisman and Jeanne Bayer Contardo “Learning to Reduce Recidivism: A 50-state analysis of postsecondary correctional education policy,” The Institute for Higher Education Policy, November 2005, <http://www.ihep.org/sites/default/files/uploads/docs/pubs/learningreducerecidivism.pdf>

<sup>46</sup> U.S. Department of Education, Office of Vocational and Adult Education and Office of Correctional Education. 2009.

- **Curriculum development:** Community colleges have the expertise to develop courses and linkages among courses to create distinct programs. Further, they are adept at assessing job markets for changes in job requirements and adjusting programs quickly.
- **System of credit transfer:** Because these colleges are accredited and recognized, credits earned are easier to transfer to other colleges if an inmate must transfer to another correctional institution. Credit transferability must be a pre-condition of any of our partnerships.
- **Scalability.** If demand for a particular program increases, the community college and online programs has a larger pool of teachers to draw from compared to in-house provision where offerings are sometimes hampered by the type of instructor on-site and/or the availability of specialized faculty. For example, in North Carolina, community colleges provide about 90 percent of inmate education.<sup>47</sup>
- **Varied Course Delivery Methods:** Partnerships can be used to provide distance learning, face-to-face instruction, evening classes, weekend classes and so forth.
- **Cost Effectiveness:** In the 2015-2016 school year, the average annual cost of a public two-year program for in-district students was \$3,347. This cost compares to average annual costs of \$9,139 for a public four-year college program for in-state students, \$22,958 for a public four-year college program for out-of-state students, and \$31,231 for a private four-year college program.<sup>48</sup> This cost comparison represents a very cost-effective delivery model for community college programming.
- **Recognition.** Although quality programs can be delivered in-house, recognition refers to the signal an employer may recognize between an associate's degree/course completion certification from a college compared to in-house certification.
- **Innovation.** A preliminary scan of state correctional systems shows an increasing willingness to try to improve educational programs. For example, New Jersey, North Carolina, and Michigan under a Vera Institute for Justice grant relies upon 17 community colleges to deliver an Associate of Applied Science Degree (North Carolina), course credit transferability among community colleges and ultimate acceptance by universities (New Jersey), and a partnership with Michigan Works and a number of community organizations that provide employment and support services (Michigan).<sup>49</sup>

However, in-house education delivery has its advantages given a confined population. They can, and do, offer apprenticeship programs and on-the-job training. Under a partnership these different strengths can be combined. For example, the partner could deliver the instruction and in-house staff can provide apprenticeships.

The BOP faces some challenges that most state correctional systems do not have. That is, given the geographic spread of inmates, far more partnership agreements may be required to account for regional differences in area job opportunities. To mitigate the difficulty of designing a national program that may not meet regional needs, this report recommends that BOP create these partnerships at the regional or national levels rather than locally.

Various documents provide information on entry requirements for occupational training. The **Directory of Bureau of Prisons' National Program (2015)** specifies that all inmates are eligible to participate, if, in consultation with the Education Department, the inmate's unit team determines if a particular course of study is

<sup>47</sup> "Partnerships Between Community Colleges and Prisons," U.S. Department of Education, March 2009, [https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/prison-cc-partnerships\\_2009.pdf](https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/prison-cc-partnerships_2009.pdf)

<sup>48</sup> "College Costs: FAQs," The College Board, 2016, <https://bigfuture.collegeboard.org/pay-for-college/college-costs/college-costs-faqs>.

<sup>49</sup> "North Carolina to receive \$1 million to expand access to higher education for offenders and reduce recidivism," North Carolina Department of Public Safety, January 20, 2013, <https://www2.ncdps.gov/NewsRelease.cfm?id=1454&pny=2013> ; Matthew Spellberg and Ross Lerner, "NJ should invest in college for prison inmates: Opinion," NJ.com, February 27, 2014, [http://www.nj.com/opinion/index.ssf/2014/02/nj\\_should\\_invest\\_in\\_college\\_for\\_prison\\_inmates\\_opinion.html](http://www.nj.com/opinion/index.ssf/2014/02/nj_should_invest_in_college_for_prison_inmates_opinion.html); "Michigan Prisoner Re-entry Initiative is ready to roll," Michigan Department of Corrections, [http://www.michigan.gov/corrections/0,1607.7-119-1441\\_1476-103248--,00.html](http://www.michigan.gov/corrections/0,1607.7-119-1441_1476-103248--,00.html)

suited to the inmate's needs. The **Occupational Education Program Statement** provides information on exploratory training, marketable training, apprentice training, and Advanced Occupational Education (AOE) with only one program requiring a GED or requiring GED concurrent enrollment. In some ways, the occupational training program appears to be open access. However, in a review of the thousands of programs offered in all institutions, access is highly restricted, with most training restricted to inmates with a GED or high school diploma. As mentioned before, these entry requirements are too restrictive. Further, the restrictiveness works as a disincentive, particularly for those inmates for whom job training could provide an incentive to continually improve math and literacy skills. For some, GED attainment might be possible, serving not as a first credential, but a last credential when combined with an occupational certificate or license.

There are some very promising training programs that could work well in BOP that use least restrictive entry requirements. Among them is the **Integrated Basic Education and Skills Training (I-BEST)**.<sup>50</sup> The state of Washington developed that program, which is intended to quickly teach Adult Basic Education (ABE), English as a Second Language (ESL), and related student literacy, work, and college-readiness skills, so they can move through school and into living wage jobs faster. Under this design, students learn literacy and workplace skills at the same time, and literacy and vocational instructors work together to develop and deliver instruction. Colleges provide higher levels of support and student services to address the needs of non-traditional students. The program uses a team teaching approach: one teacher provides job training and the other teaches basic skills in reading, math or English language. It is also important to note that the classes all contain students ranging from those without a high school diploma through those with some college experience. This program is offered in Washington's 34 community and technical colleges with more than 140 approved programs.

Another example of integrated education and occupational training that has arisen through the Workforce Innovation and Opportunity Act (WIOA) is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with skilled workers.<sup>51</sup>

A final example is the **Shifting Gears**<sup>52</sup> bridge program being implemented in Illinois, Minnesota, and Wisconsin. The programs attend to the educational and skill needs of low-skilled adult learners and integrate basic academic skills with post-secondary, occupational/vocational credit-based learning in key industry sectors. These programs typically involve contextualized curriculum and instruction, career development, and enhanced services and supports. Often they directly connect with additional post-secondary courses as part of a career pathway leading to postsecondary credentials and degrees.

Similar models include the **Accelerating Opportunity**<sup>53</sup> program used in seven states, where 78 colleges offer 151 pathways that integrate adult basic education with career and technical training.

BOP faces a number of constraints in building a strong occupational training program. The first is that federal funds available to states or state correctional systems exclude BOP eligibility. This is discussed in more detail in the financial section of this report. The second disadvantage is in developing partnerships. States can leverage their college and university systems to facilitate coordination between educational systems and correctional systems. For example, because the North Carolina<sup>54</sup> correctional system has strong ties to community colleges and universities, the correctional system was able to utilize one partnership to provide the state correctional

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<sup>50</sup> Tina Bloomer, "Integrated Basic Education and Skills Training (I-BEST)," Washing State Board for Community & Technical Colleges, <http://evergreen.edu/washingtoncenter/docs/ibestfactsheet.pdf>.

<sup>51</sup> "WIOA Overview," United States Department of Labor, <https://www.doleta.gov/WIOA/Overview.cfm>.

<sup>52</sup> Brandon Roberts and Derek Price, "Building Pathways for Adult Learners: An Evaluation of Progress in Illinois, Minnesota, and Wisconsin after Eight Years of Shifting Gears," The Joyce Foundation, September 2015, [http://www.joycefdn.org/assets/1/7/joyceFnd\\_ShiftingGears3.0.pdf](http://www.joycefdn.org/assets/1/7/joyceFnd_ShiftingGears3.0.pdf).

<sup>53</sup> "Making Skills Everyone's Business – A Call to Transform Adult Learning in the United States," U.S. Department of Education, Office of Career, Technical, and Adult Education, retrieved at <http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/making-skills.pdf>.

<sup>54</sup> "Partnerships Between Community Colleges and Prisons," U.S. Department of Education.

system population of 40,000 with 2,800 job certifications, 1,000 diplomas, and 860 college degrees in 2008. Overall, \$11 million was spent on college level courses.

#### Advanced Occupational Programs - Recommendations

- 1. Create Conventional Course Catalogs.** This should be a requirement whether an occupational program is offered through a partnership or provided in-house. The course should contain units or modules where units cover particular job skills needed and each unit includes content, interaction, or assessment required to obtain a certificate, license, college credit, or associates degree. To the greatest extent possible, courses should follow consistent templates and scope—and–sequence so that inmates can continue seamlessly if transferred to another institution.
- 2. Offer Incentives for Occupational Training.** Incentives should reward the effort needed to obtain a certificate or license. In all cases, the incentive should be awarded upon program completion.
- 3. Provide Meaningful Occupational Education.** BOP should ensure that the occupational education that each institution provides is relevant to the market and provides inmates with marketable skills that reflect 21<sup>st</sup> Century job needs and skillsets.
- 4. Centralize Partnerships at the Regional and National Levels.** BOP should base partnership–building capacity where it can serve multiple institutions. While the BOP Region or Central Office should negotiate with large providers, BOP should also provide templates, contracting support, and best practices to local institutions to encourage local and regional partnerships All interactions, whether on the national or local level, will need to be consistent with legal authorities concerning appropriations, contracting, and ethics.
- 5. Standardize Occupational Programs that Meet the Same Industry Standard.** BOP should standardize occupational programs, imposing the same rigor and requirements for participation, advancement, and completion. This would make program evaluation far easier and periodic reviews of the program, materials, and alignment with standards much simpler. This would also be an opportunity to reflect on whether offerings are really occupational training programs.
- 6. Review the Value of a Job Certificate.** BOP should engage in stakeholder sessions with inmates to understand what programs and opportunities are valued the most among inmates. Conversations during field visits indicate that inmates, place a higher value on certificates earned through community colleges. Further, college job training is rightly viewed as a stepping stone to move beyond entry-level training because colleges are better able to offer programs that meet the highest level of job training.
- 7. Preserve Education Funding.** BOP should establish policies that dedicate education funding to education policies. Compared to other divisions, there is too much discretionary opportunity to divert education funds. A stand-alone education budget is critical to offering programs that matter. The budget formula provides funds based on inmate population. After that, attendance, enrollment, dropouts, class size, teacher vacancies, and percent of students receiving certificates receive far less attention.
- 8. Improve Customer Service.** BOP should establish more robust approval processes for establishing partnerships with education and training providers. Developing and implementing occupational training programs is considered very important at the institutional level. In particular, the approval process seems to take too long. During the review period, potential partners become less committed, have too little time to hire instructors, or develop materials. The process could be improved by requiring the review to occur within a 30-day period.

### *Comprehensive Academic and Social/Emotional Support (CASES)*

#### **Educational Support for Inmates with Low Achievement and/or Disabilities**

BOP inmates with low levels of academic achievement and/or disabilities need instruction, support, and job training that are designed to accelerate learning and to maximize their likelihood for re-entry success. To create opportunities for all inmates, it is critical for BOP to develop a system-wide approach to providing inmates with achievement levels below the ninth grade access to meaningful education and occupational training, which will enable them to be ready for high school, college and/or careers. This approach relies on rigorous screening and documentation of inmates' disabilities and the establishment need of testing accommodations that allow inmates with disabilities to complete courses and develop skills in an environment appropriate to their learning needs. As discussed further in this section, the approach is to be sufficiently inclusive to identify and address the needs of English Language Learners (ELLs).

In this review of the Proposed Bureau of Prisons Prevalence Study, one study reported that 68 percent of state and federal inmates had not received a high school diploma, and 26 percent completed the GED while serving time in a correctional facility.<sup>55</sup> State and federal correctional institutions have comparable rates of inmates with an eighth grade or less level of educational achievement (14 percent and 12 percent, respectively).<sup>56</sup> The percentage of adults with learning disabilities (LD) in adult basic education programs has been reported to be as high as 80 percent.<sup>57</sup> Other studies have consistently reported that compared to the overall U.S. disability population (18 percent)<sup>58</sup>, the correctional disability population is disproportionately high (e.g., 40 percent with some disability<sup>59</sup> and 66 percent with a learning disability.<sup>60</sup>) The significant correctional population disparities should not be unexpected given other research showing that more than one in three youths who enter correctional facilities have previously received special learning needs services, a much higher percentage of youths with disabilities than reported for public elementary and secondary schools (13 percent ).<sup>61</sup>

For inmates without the skills necessary to successfully benefit from instruction aligned with GED standards, the provision of targeted interventions designed to escalate learning in identified areas of need will enable them to eventually earn a GED or high school diploma. For those inmates suspected of having a disability that impacts learning, appropriate documentation of disability and need for learning accommodations will better enable them to pass the GED test. Without these opportunities, it is more likely than not that these inmates will leave the correctional system unprepared for reentry and return to the correctional system as another recidivism statistic.

### *Summary of Current System, Including Strengths and Weaknesses*

#### **Overview**

In January 2003, the Bureau of Justice Statistics issued a Special Report focusing on education and correctional systems summarizing data from various sources.<sup>62</sup> This data shows that 27 percent of federal inmates did not

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<sup>55</sup> January 2003 Bureau of Justice Statistics Special Report, retrieved at <http://www.census.gov/prod/2012pubs/p70-131.pdf>.

<sup>56</sup> Id.

<sup>57</sup> Lowry, Cheryl Meredith ERIC Clearinghouse on Adult Career and Vocational Education Columbus OH. Teaching Adults with Learning Disabilities. ERIC Digest No. 99, based on Ross-Gordon, Jovita M. "Adults with Learning Disabilities: an Overview for the Adult Educator," retrieved at <http://www.ericdigests.org/pre-9215/adults.htm>.

<sup>58</sup> 2010 Americans with Disabilities Household Economic Studies, U.S. Census Bureau, July 2012, <http://www.census.gov/prod/2012pubs/p70-131.pdf>.

<sup>59</sup> Id.

<sup>60</sup> Id.

<sup>61</sup> "Special Education in Correctional Facilities," The National Center on Education, Disability and Juvenile Justice [http://www.edjj.org/Publications/pub05\\_01\\_00.html](http://www.edjj.org/Publications/pub05_01_00.html); U.S. Department of Education, National Center for Education Statistics. (2015). *Digest of Education Statistics, 2013* (NCES 2015-011), Chapter 2, retrieved at <http://nces.ed.gov/fastfacts/display.asp?id=64>.

<sup>62</sup> Caroline Wolf Harlow "Bureau of Justice Statistics Special Report: Education and Correctional Populations," U.S. Department of Justice, 4/15/03, <http://www.bjs.gov/content/pub/pdf/ecp.pdf>.

have a high school diploma or GED, or any post-secondary credits or degree. Of all federal inmates, 12 percent had less than a ninth grade level of educational achievement, and 15 percent had some high school credits.

### Disability Prevalence

The Deloitte Current State Assessment Report (Deloitte Report) released on January 15, 2016, did not publish, and it does not appear that BOP collects, data showing the number or percentage of inmates with a disability or who are enrolled in an educational program or receiving instruction from a Special Learning Needs (SLN) teacher. Various studies show that the percentage of individuals with disabilities in correctional facilities is disproportionately high when compared to the overall population of the United States. According to a report, 2010 Americans with Disabilities Household Economic Studies, 18.7 percent of the civilian non-institutionalized population has a disability.<sup>63</sup> By comparison, it has been reported that 40 percent of all state inmates have a disability.<sup>64</sup> Of inmates without a high school diploma/GED, 63 percent have a disability.

Although these prevalence rates may not be exactly comparable for federal inmates, there is justifiable reason to believe that the rates are disproportionately high also for federal inmates without a high school diploma/GED and even higher for those with achievement rates below ninth grade. This data should be expected given the disproportionately high proportion of juveniles in correctional facilities with disabilities.<sup>65</sup> Various studies have found the following:

- More than one in three youths who enter correctional facilities have previously received Special Learning Needs services, a considerably higher percentage of youths with disabilities than is found in public elementary and secondary schools (13.3 percent).<sup>66</sup>
- Disability prevalence rates by state ranged from 9.1 percent to 77.5 percent, with a median of 33 percent, although the authors assert that it is likely that these percentages are underestimated.
- The largest rates of disability are reported for the areas of emotional disturbance (48 percent) and learning disability (39 percent).<sup>67</sup>

According to information provided by BOP representatives, a September 2015 survey reported an estimate of 4,984 (30 percent) of GED students would be identified with a learning disability if formally diagnosed.<sup>68</sup>

### Identification of Educational Need

Currently, the Test of Adult Basic Education (TABE) is used to determine the achievement level for inmates who do not have a high school diploma or GED. There are few BOP personnel at each correctional institution with the qualifications and time required to conduct the evaluations necessary to determine whether an inmate has a disability and a need for GED testing accommodations.

<sup>63</sup> Matthew W. Brault, "Americans With Disabilities: 2010," U.S. Census Bureau, July 2012, <http://www.census.gov/prod/2012pubs/p70-131.pdf>.

<sup>64</sup> Bureau of Justice Statistics, Special Report on Education and Correctional Populations, retrieved at <http://www.bjs.gov/content/pub/pdf/ecp.pdf>.

<sup>65</sup> In one Washington State 2003 study, 41.8 percent of juveniles released from confinement prior to January 1, 2001 were in the adult correctional system by their 25<sup>th</sup> birthday. This result was reported as being roughly consistent with findings in Washington and South Carolina. (Previously Incarcerated Juveniles in Oregon's Adult Corrections System, May 23 2003, retrieved at <http://www.oregon.gov/das/OEA/Documents/oya-to-corrections.pdf>.) In Washington State, 73 percent of adult inmates served time in a juvenile detention facility. (OJJDP, 2005, as cited in Remediation, Therapy and Interventions for Juvenile Offenders, Dr. David Sordino, retrieved from <http://davidsordino.blogs.pressdemocrat.com/10107/remediation-therapy-and-interventions-for-juvenile-offenders>.)

<sup>66</sup> The National Center on Education, Disability and Juvenile Justice, Special Education in Correctional Facilities, retrieved at [http://www.edjj.org/Publications/pub05\\_01\\_00.html](http://www.edjj.org/Publications/pub05_01_00.html).

<sup>67</sup> Council of Exceptional Children, Youth with Disabilities in Juvenile Corrections: A National Survey (2005), retrieved at [http://www.helpinggangyouth.com/disability-best\\_corrections\\_survey.pdf](http://www.helpinggangyouth.com/disability-best_corrections_survey.pdf)

<sup>68</sup> The survey was conducted by the Central Office Education Branch surveyed Supervisors of Education (SOEs).

### Testing Accommodations

Individuals having or believed to have disabilities that are preparing to take high school exit tests, college entrance or placement tests, or the GED exam test are likely to benefit from test accommodations. The EO will be prepared to document the need for accommodation to whatever extent is required by the test provider.

### Duties of Clinical Psychologists for Disability Identification, Referral, and Accommodation

BOP also employs clinical psychologists who are located at federal correctional facilities. A Psychology Services Manual describes in detail procedures relevant to the identification of inmates with disabilities and addressing their needs.<sup>69</sup> According to this Manual, the areas of diagnosis pertain to learning disabilities, mental illness, and mental retardation. Although the document refers to BOP's commitment to accommodating the special needs of inmates with mental disabilities (e.g., medication, group therapy), there is no reference to other disabilities or to any disability with respect to educational accommodations.

- **Clinical Psychologist Role.** BOP psychologists are not part of the Central Office Education, and they have therapeutic training and duties. The majority of them are not trained to diagnose learning disabilities. The minority that have such training may assist with intelligence testing, based on their availability, and the completion/signatures for accommodations related to intellectual, psychological, and psychiatric impairments. The correctional institutions rarely have qualified school psychologists who can perform the testing to determine disability related educational needs.<sup>70</sup>
- **SLN Role.** Educational assessments conducted by Special Learning Needs (SLN) instructors are required to document an intellectual disability and learning disability. As a general rule, they provide supporting documentation for all of the disability accommodation areas.
- **Education Department Role.** The Central Office Education currently receives approximately 250-300 GED test accommodation referrals each year from the field. Staff members review the request for appropriate documentation (test scores, diagnoses, etc.), and if the referral has all of the necessary requirements, it is forwarded to GED Testing Service for approval.

### SLN Instruction

According to the Literacy Program Statement, except for exempted facilities, every literacy program must include a qualified special education instructor who may be full-time, part-time or contract employee, depending on institution resources and needs. BOP employs Special Learning Needs (SLN) teachers to educate inmates with learning, cognitive, physical, or sensory disabilities, or have learning difficulties. The way in which students are referred to SLN teachers varies from site to site. With limited records available, only a few inmates are referred based on information documenting or suggesting a disability. GED teachers refer most of the inmates based on their irregular progress or low achievement. A school psychologist located at Central Office collaborates with the SLN teacher to evaluate and diagnose referred inmates.<sup>71</sup>

The SLN instructor must know how to administer formal and informal tests, such as the Woodcock-Johnson IV, and helps other education staff meet the educational needs of "low functioning inmates." The following are

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<sup>69</sup> Psychology Services Manual, 5310.12, Chapter 2, 2.6.G. Mentally Disabled. (August 30, 1993), retrieved at [https://www.bop.gov/policy/progstat/5310\\_012.pdf](https://www.bop.gov/policy/progstat/5310_012.pdf).

<sup>70</sup> Health Services personnel assist with supporting documentation and signatures for physical and chronic health conditions when relevant for GED accommodation applications.

<sup>71</sup> Deloitte Report at page 47

features of current face-to-face instruction for students with low achievement through SLN and/or GED teachers:

- Classes:** SLN instructors address the varied learning needs and challenges in classes with a diverse student population. The number of students (10) is typically smaller than the number in GED classes (as many as 30). In addition to SLN teachers, GED educators may have students with low achievement in their classrooms. At some institutions, GED inmates are assigned to different classes based on achievement levels, but in others inmates may have achievement ranging from primary to high school levels. In some circumstances, SLN teachers assist GED teachers with interventions to support instruction and to integrate inmates into the general GED classroom. Also, at some prisons, inmate tutoring supplements teacher instruction.
- Curriculum:** There are no relevant BOP-wide program standards or system-wide evidence-based interventions designed to accelerate learning, and the type of instructional resources, curriculum, etc. varies by teacher and institution. Some standardization will occur when BOP converts to a standardized computer-based GED curriculum and testing in June 2016. However, this curriculum will have limited relevance to students with low achievement or to that majority of inmates not pursuing a GED. Both GED and SLN teachers have and will continue to have wide discretion regarding their instruction for these inmates. Most classroom delivery is paper-based traditional classroom and hands-on learning. If the need exists and the budget is available, some institutions have specialized software for inmates who are deaf.
- Class Time:** According to the Literacy Program Statement, classes are to be scheduled for 90 minutes each, five days per week. Inmate accountability activities and inmate movements may comprise a portion of the 90-minute time frame. Institutions have the discretion to schedule classes beyond the 90 minutes and provide tutoring after scheduled programming hours.
- Number of SLN Teachers:** As of December 2015, the BOP Human Resources Division identified 67 education personnel in 55 institutions. However, not all SLN instructors have been coded appropriately, and the number of SLN instructors is greater than 67.

### Social/Emotional Support

As discussed above, Psychology Services personnel are an integral part of correctional treatment. They provide group and individual psychotherapy, crisis intervention, prosocial skill building, and staff consultation/training. By BOP policy, every admitted inmate receives an initial psychological screening to identify special treatment or referral needs, provide information useful in future crisis counseling situations, etc. BOP psychologists also offer treatment services designed to develop inmates' life skills, such as anger management, problem solving, social skills training, and stress management.<sup>72</sup> Although collaboration between the psychologists, teachers, and SLN teachers would be mutually beneficial with respect to addressing students' social/emotional needs in various settings, there does not appear to be policy or systemic practices for scheduled and regular collaboration between the two groups of personnel.

### Staffing

BOP teachers must have a Bachelor's degree from an accredited or pre-accredited institution that included or was supplemented by supervised student teaching, and at least one course in each of the following areas: general psychology, human development, history and/or philosophy of education, and teaching methods at the learning level of the position to be filled. For high school teaching positions, in addition to the degree and course requirements above, teachers must have had at least 24 semester hours (or equivalent) of course work in each of the principal fields of instruction. For special education teaching positions, instructors also must have had at

<sup>72</sup> "Opportunities Exist to Enhance the Transparency of Annual Budget Justifications," Bureau of Prisons, December 2013, <http://www.gao.gov/assets/660/659518.pdf>.

least 24 semester hours (or the equivalent) of course work in special education that includes at least one course covering the teaching of exceptional students and courses in the appropriate field(s) of specialization.<sup>73</sup> There is no requirement for SLN teachers to have any special education teaching certification.

### Professional Development

BOP provides a variety of training for SLN teachers:

- **New Staff:** Central Office Education sponsors a minimum of six training events each fiscal year, including a training academy for new staff (teachers, recreation staff, SLN teachers, and managers).
- **SLN Teachers:** An additional two weeks of training is provided for SLN teachers at the BOP training center. Between the sessions, teachers are given the opportunity to review and practice test administration and skills covered during training. The first session includes topics such as: legal provisions applicable to persons with disabilities, and identification of inmates with potential disabilities, accommodations for classroom instruction, multi-sensory teaching strategies. The second session includes documenting need for GED test accommodations, diagnostic testing, etc.

In addition, Central Office Education personnel have been meeting with representatives of the U.S. Department of Education's (ED) Office of Career, Technical, and Adult Education (CTAE) to discuss ED resources available to BOP instructors. As part of this process, personnel from the two agencies have had a series of seminars with the purpose of establishing a common language relevant to adult education, such as College & Career Ready. Furthermore, ED and BOP have discussed various strategies for making the following Literacy, Information, and Communication System ("LINCS") online resources available to BOP teachers and inmates.<sup>74</sup>

- **Teacher Courses:** Self-paced professional development courses for teachers are available in such areas as learning disabilities, differentiated instruction, English Language Learners, research in the classroom, classroom teacher effectiveness, etc.<sup>75</sup>
- **Adult Learner Resources:** Resources for adult learners are designed for them to reach life goals in areas such as improving reading, math, and science skills, learning English, building job and job search skills, becoming a U.S. citizen, and finding an adult education, child, family, and digital literacy program.<sup>76</sup>

The EO online system will enable this professional development along with many others to be available to staff more frequently and conveniently. In addition, the EO program will create incentives for teachers to pursue approved paths of professional development through third-party providers.

### Data and Accountability

BOP does not collect data regarding the following areas that are important for understanding and tracking important aspects of the Bureau's educational activities. Such data is necessary to develop key performance indicators that could be used to measure program outcomes:

- Number/percentage of inmates without a high school diploma/GED at various levels of academic achievement as measured by the TABE;
- Number/percentage of inmates with documented disabilities with/without a high school diploma/GED by disability area;

<sup>73</sup> BOP job position posting, retrieved at teachers: <https://www.bop.gov/jobs/positions/index.jsp?p=Teacher>.

<sup>74</sup> The U.S. Department of Education maintains LINCS, a professional learning platform for adult educators, and LINCS Learning Center, which connects adult learners to free online resources to reach life goals in areas such as improving reading, math, and science skills, learning English, building job and job search skills, becoming a U.S. citizen, and finding an adult education, child, family, and digital literacy program. <http://lincs.ed.gov/>

<sup>75</sup> "Learning Portal," Literacy Information and Communication System, <http://lincs.ed.gov/learning-portal>.

<sup>76</sup> Id.

- Number/percentage of inmates receiving “pre-GED instruction” or inmates with low academic level skills;
- Number/percentage of inmates with/without a documented disability receiving instruction from an SLN teacher; and,
- Ratio of students to SLN teachers.

All of BOP’s Education Strategic Priorities do not align with the Educationally Related Measures on Director’s Performance Work Plan (PWP), which flow down to the Regional Directors’ PWP and to Wardens’ PWPs, and in various ways targets appear to be low.<sup>77</sup> For example:

- **Referrals for Testing Accommodations.** Although BOP’s Priorities include a key performance indicator for the number of inmates expected to have approved accommodations (5.014), there is no related PWP measure.<sup>78</sup> Furthermore, although the Education and Occupational Training Priority (“Priority”) target is for three referrals for GED accommodations for inmates with disabilities per fiscal year (about 366 inmates) is above the current 266 requests for accommodations referred in FY 2015, the target appears to be far below the number of inmate accommodations that could be expected given the population of GED students, and it is most likely related to available resources rather than need. With 19,725 students enrolled in GED programs<sup>79</sup> and a very conservative estimate of 30 percent disability rate,<sup>80</sup> the percentage of individuals taking the GED would be at least 6,903 inmates with many of them requiring accommodations.
- **Literacy Program.** The Priority target specifies that every capable inmate who needs and desires literacy will have the opportunity to enroll in and complete a literacy program by six to seven months of release. (5.011). The related PWP measure (1.5.3) specifies at least 5,000 inmates earning a GED while incarcerated in the fiscal year. Given the reported 35,364 inmates in the GED program or on the wait list, this number appears to be a low expectation.<sup>81</sup>
- **Occupational Training Program.** The Education and Occupational Training Priority target specifies that the number of inmates completing at least one occupational training program will increase to 16,290 (an increase of 1 percent) by the end of the fiscal year (5.013).<sup>82</sup> The related PWP measure (1.5.2) specifies that only a minimum of 10,000 inmates will complete one vocational training program.

### *Best Practices*

#### **Improving Adult Literacy Instruction**

There is a sizeable literature on effective interventions for struggling adult learners who have not mastered the foundational component skills of reading and writing.<sup>83</sup> This literature applies to all adult literacy learners, including those learning English as a second language and those with learning disabilities. Based on this information, the following are guiding principles for teaching reading and writing to this population that include:

- Direct targeting of specific areas of difficulty in the context of explicit and systematic reading instruction to develop the major components of reading - decoding, fluency, vocabulary, and comprehension – and writing instruction according to the assessed needs of individual learners;

<sup>77</sup> Page 30.

<sup>78</sup> Page 35.

<sup>79</sup> Deloitte Report at page 18.

<sup>80</sup> This estimate is based on prevalence data described above.

<sup>81</sup> In the proposed EO, this target will be revised to reflect a bias towards high school diplomas.

<sup>82</sup> Deloitte Report at page 30.

<sup>83</sup> Improving Adult Literacy Instruction: Options for Practice and Research, the National Academies Press 2012, retrieved from <http://www.nap.edu/catalog/13242/improving-adult-literacy-instruction-options-for-practice-and-research>. The National Academy of Science’s National Research Council published the results of a 36-month study by 15 experts from diverse disciplines to review evidence on learning and literacy to develop a roadmap for research and practice to strengthen adult literacy education in the United States. Information in this section is based on this report.

- Combine explicit and systematic instruction with extended reading practice to help learners acquire and transfer reading component skills;
- Direct targeting of the generalization and transfer of learning;
- Differentiation of instruction to meet the particular needs of those who struggle or have diagnosed disabilities in the course of broader instruction to develop reading and writing skills;
- Motivate learning through learners' engagement with the literacy tasks used for instruction and extensive reading practice; and,
- Develop reading fluency to facilitate efficient reading of words and longer text.

### **Access to Sufficient Hours of Instruction**

Instruction needs to be targeted to skill levels and practice with reading and writing in amounts substantial enough to produce high levels of competence in the component skills. Only about one-third of adults in adult education programs made reading gains equivalent to a grade level during the program year according to the few published studies of interventions designed to develop the literacy of adults with low-to intermediate skills<sup>84</sup> and other information gathered from individual researchers and practitioners working in the field. One primary reason for this limited progress may be that the programs have not provided adults with sufficient amounts of instruction and practice for improving skills.

### **Embedded Instruction in Academic Content**

Reading interventions are especially effective if they teach to mastery, include academic content, monitor progress, and offer sufficient scaffolding of skills and emotional support. Engagement of learners in higher levels of literacy and learning does need not to wait until all the gaps in lower level skills have been filled. Scaffolds, such as prompts and visual displays, can provide the supports learners need to engage with texts and develop complex thinking usually prohibited by the lack of fluent foundational skills. To become facile in executing component skills for particular purposes, adults require both explicit teaching and plentiful opportunities to practice skills typical of those needed to achieve functional goals. For this reason and for increased motivation, it is important to facilitate the development and integration of component skills as much as possible using texts, activities, and tools that relate to the adult learners' interests, learning goals, and everyday functional literacy needs.

### **Relevance of LD Diagnosis to Instruction**

There are some estimates that adults with learning disabilities (LD) may comprise as many as 80 percent of students in adult basic education programs.<sup>85</sup> Current literature offers little to describe the processes for screening students in adult basic education programs for potential learning disabilities.<sup>86</sup> In one Ohio study over a four-year period, although screenings increased, particularly following the implementation of statewide policies and professional development, the overall number of students who were referred and received diagnostic assessment remained low. Program administrators identified costs as a significant barrier to obtaining diagnostic assessment. Furthermore, the traditional IQ-achievement severe discrepancy model is being replaced in many states and elementary and secondary school districts with a response to intervention approach. In this

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<sup>84</sup> *Id.* at Appendix C.

<sup>85</sup> Teaching Adults with Learning Disabilities, ERIC Identifier: ED321156, retrieved at <http://www.ericdigests.org/pre-9215/adults.htm>.

<sup>86</sup> Sharon L. Reynolds, Jerry D. Johnson, and James A. Salzman, "Screening for Learning Disabilities in Adult Basic Education, Journal of Postsecondary Education and Disability," in *Journal of Postsecondary Education and Disability*, retrieved at <http://files.eric.ed.gov/fulltext/EJ994285.pdf>.

context, adult educators have been encouraged to ask themselves how they can use more sophisticated educational practice to meet the needs of learners without assigning labels.

“Neither the available behavioral, nor neurocognitive data suggest that instruction for learners who struggle with reading and writing needs to be categorically different from the instruction that is effective with more typically developing learners.”<sup>87</sup>

Instruction that is based on the guiding principles for teaching reading and writing, which were discussed above, has been shown to effectively address specific reading and writing difficulties. Nevertheless, when there is a belief that an inmate preparing to take a high school exit or college entrance test meets the criteria of a disability and has benefitted from classroom accommodations that are allowable by the testing service, a formal assessment is necessary for the inmate to obtain the testing service’s approval for the accommodation. Without current documentation of a learning or other disability, inmates are excluded from obtaining accommodations for testing, in the workplace, and in post-secondary education, thereby limiting their opportunities for meaningful participation in these activities.<sup>88</sup>

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<sup>87</sup> Improving Adult Literacy Instruction: Options for Practice and Research, *Ibid.*, at page 204.

<sup>88</sup> *Id.*

### Universal Design for Learning

In addition, implementing a universal design for learning approach to instruction in adult education programs can ensure that all learners, regardless of ability, diagnosed or not, have access to instruction.<sup>89</sup> Originally applied in the field of architecture and later to commercial products and information technology, UDL goes beyond accessible design for people with disabilities to make all aspects of the educational experience more inclusive for students with a great variety of characteristics. For example, technology information can be made available to individuals with a wide range of abilities through: the provision of all text in digital format; access to text to speech and speech to text capacity; provision of captions for audio; electronic translation of English to Spanish (for some or all of text); explanation of difficult concepts through simpler text; etc.

### Interaction of Instruction and Social/Emotional Supports

A research search produced no information about the importance of providing instruction while addressing the social/emotional needs of inmates. The literature pertaining to elementary and secondary schools is replete with data and research showing the interaction of low achievement and social/emotional challenges, and the need to address these interacting and sometimes combative components. For example, the College & Career Readiness & Success Center at American Institutes for Research wrote a policy brief to assist state policymakers in better understanding how social and emotional learning (SEL) can help students to be college and career ready.<sup>90</sup> The document describes how SEL fits into each of the three strands relevant to College and Career Development, standards that support SEL at the federal and state levels, and resources. As discussed above, the BOP psychologists are not part of the Central Office Education, and they have therapeutic training and duties. Although they have some but limited involvement in educationally related diagnostic assessments, they have the potential of providing support to teachers, including SLN teachers, with respect to the embedding of SEL into the curriculum and understanding how to better address inmates' social/emotional issues.

#### *Educational Support for Inmates with Low Achievement and/or Disabilities - Recommendations*

- **Universal Design for Learning (UDL).** Through the framework of UDL, BOP should provide inmates with secondary level coursework designed to earn a high school diploma or GED-aligned instruction.
  - **Interventions.** BOP should utilize a systemic process for the selection of research-based interventions in English Language Arts (ELA) and math that will be used to accelerate learning for inmates having low levels of achievement in one or more areas that supplement instruction in secondary level courses or post-secondary courses that do not require a high school credential and occupational training. A variety of such interventions have embedded tools that support monitoring of inmate progress to verify learning or to drive adjustments to instruction.
1. **Additional Educational Assessments:** BOP should establish policy and procedures, sufficient personnel, and appropriate diagnostic tools to support the following:
    - **Response to Low Level of Educational Performance:** When inmates exhibit a level of educational performance below the eighth grade and screening/diagnostic assessment reflect a need for interventions and/or support to benefit from the chosen education program/training, identify the areas of educational need that require targeted interventions and support.

<sup>89</sup> Universal Design in Education: Principles and Applications, Sheryl Burgstahler, Ph.D., "Universal Design in Education: Principals and Application," 2005, retrieved at <http://www.washington.edu/doi/universal-design-education-principles-and-applications>. Although this article uses the terminology of "universal design for education (UDE)," the term "universal design for learning" is more commonly used in the field of education, and a national center of that name is funded by the U.S. Department of Education, National Center for Universal Design for Learning, retrieved at <http://www.udlcenter.org/>.

<sup>90</sup> "Improving College and Career Readiness by Incorporating Social and Emotional Learning," College & Career Readiness & Success Center, March 2013, [http://www.ccrscenter.org/sites/default/files/1528%20CCRS%20Brief%20d9\\_lvr.pdf](http://www.ccrscenter.org/sites/default/files/1528%20CCRS%20Brief%20d9_lvr.pdf).

- **Diagnostic Tools:** As needed, develop and post an RFP for the submission of proposals regarding the provision of research-based diagnostic tools for reading and math deficiencies for inmates achieving below eighth grade instructional level. The tools should be designed for an adult population and provide data necessary to target specific interventions to address identified deficiencies.
  - **Documenting Inmates' Disabilities and Need for Testing Accommodations:** High school exit, college entrance, or GED testing services require procedures for diagnosing and determining need for testing accommodations. These should be followed and provided for all students who: are using classroom accommodations that must be approved for testing; would benefit from accommodation(s) on their test; and, demonstrate characteristics that SLN teachers believe is indicative of a disability. To the extent that Psychology Services and/or SLN personnel do not have sufficient expertise, required credentials or time, the BOP should contract with the number of school psychologists and educational diagnosticians necessary to fulfill this responsibility.
2. **Adult Literacy:** BOP should ensure that all educational programs for students who have not mastered the foundational component skills of reading and writing, including English Language Learners and students with disabilities, are based on the following research-based principles:
- Provide students needing interventions the opportunity to participate in other educational and occupational training that will enable the student to be college and/or career ready. Engagement of learners in higher levels of literacy and learning need not wait until all the gaps in lower level skills have been filled and is necessary to increase and maintain motivation;
  - Provide students with access to a sufficient amount of time each day to master reading or significantly improve their reading ability within a reasonable period of time;
  - Direct targeting of specific areas of difficulty in the context of explicit and systematic reading instruction to develop the major components of reading - decoding, fluency, vocabulary, and comprehension – and writing instruction according to the assessed needs of individual learners;
  - Combine explicit and systematic instruction with extended reading practice to help learners acquire and transfer reading component skills;
  - Direct targeting of the generalization and transfer of learning;
  - Differentiation of instruction to meet the particular needs of those who struggle or have diagnosed disabilities in the course of broader instruction to develop reading and writing skills;
  - Motivate learning through learners' engagement with the literacy tasks used for instruction and extensive reading practice; and,
  - Develop reading fluency to facilitate efficient reading of words and longer text.
3. **Research-based Interventions:** BOP should develop and implement a system-wide approach to the use of research-based interventions to address students' diagnostic deficiencies in reading and in math for inmates when they are achieving below the eighth grade instructional level. As part of this process:
- Develop, post, and widely disseminate an RFP for the submission of proposals regarding the provision of research-based interventions;
  - Select interventions that provide for blended learning (computer and teacher based) and that have the capacity to monitor student progress over time;
  - Provide these interventions to supplement (not supplant) student enrollment and instruction in secondary school courses, post-secondary courses, and/or occupational training; and,

- Once selected, take appropriate steps to have the interventions implemented with fidelity, i.e., in accordance with the vendor's directions.
4. **Use/Hiring of Special Learning Needs Teachers:** BOP should support SLN teachers to carry out the following responsibilities and have the expertise necessary to do so:
    - In addition to their responsibilities for administering and interpreting diagnostic assessments, collaborate with regular teachers to identify students (not previously identified through screening and follow-up assessment) having low-level skills, possible disabilities, and need for academic interventions.
    - Collaborate with OPM to ensure that hiring criteria for SLN instructors specify the expertise (and credentials) needed to: educate adults with performance levels below the eighth grade or with disabilities; use and interpret relevant diagnostic tools, make informed decisions regarding the use of appropriate interventions, and consult with other BOP/community-based teachers to provide blended learning support.
  5. **Integrated Adult Basic Educations and Training:** To the maximum extent possible, BOP should use research-based models such as those supported by the Workforce Innovation and Opportunity Act grantees and others that enable adult learners to increase their skills while earning education and work-related credentials. These bridge programs attend to the educational and skill needs of low-skilled adult learners and integrate basic academic skills with postsecondary occupational credit-based learning in key industry sectors.
  6. **Social/Emotional Support:** BOP should develop protocol for teachers, including SLN instructors, to collaborate with Psychology Services personnel/contractual school psychologists. These protocols should include the need for scheduled/planned time to regularly meet and talk about students having difficulty in class and strategies teachers may use to support inmates' social/emotional needs that may be interfering with learning.

#### *Educational Support for English Language Learners (ELL)*

For English as a Second Language (ESL) or English Language Learner (ELL) inmates, the ability to communicate with staff and other inmates in English and to comprehend oral and written information is essential for participation in daily correctional activities. Moreover, to access adult basic and vocational education programs inmates must have functional English language competencies including listening, speaking, reading and writing skills. Though many of the ESL/ELL inmates are deportable aliens and will be returned to their home countries, those inmates who have higher education levels such as a high school equivalent (GED) or a Mexican Secondary (INEA-Secundaria) certificate, English proficiency as well as vocational skills will have greater employment opportunities in their home countries. Higher education and vocational skills as well as employment are factors known to reduce recidivism and illegal immigration.

Currently, it is impossible to ascertain the effectiveness of BOP programs for ESL/ELL inmates. A lack of input, process and outcome data at the student, institution and system-wide levels prevents identifying those factors and programs that are effective for the diverse needs of the ESL/ELL population. Program improvement and efficient use of resources cannot occur without system-wide improvements in data gathering, standards, curricula, staffing, and accountability.

#### Summary of Current Systems, Strengths and Weaknesses

##### Overview

English as a Second Language (ESL) instruction is part of the basic literacy program and is required where there are eligible inmates.<sup>91</sup> The Deloitte Report indicates that 98 percent of institutions offered ESL/ELL programs. ESL/ELL programs are designed to help English Language Learners improve their English until they function at equivalency of eighth grade level in listening and reading comprehension.<sup>92</sup> It is not known if there are wait lists for ESL/ELL programs.

Per the Deloitte Report, 1.9 percent of inmates participated in ESL/ELL programs. The participation rate among the regions varied from .67 percent in the North Central Region to 2.34 percent in the Western and Southeastern regions. There does not appear to be data to indicate the incidence of ESL/ELL inmates. The participation rate is used as a surrogate but may underestimate the incidence of ESL/ELL inmates since many ESL/ELL inmates are exempted from participation in education programs. Another indicator, the percent of non-U.S. citizens (23 percent of inmate population)<sup>93</sup> may include inmates who are English proficient and exclude U.S. citizens who may be limited English proficient.

There are many inmates who are exempted from participation in education classes. These include deportable aliens, pre-trial inmates, and those under study or observation. Many of the limited English proficient inmates are deportable aliens. However, participation in ESL/ELL classes as in literacy classes enables inmates to earn Good Conduct Time. As a result, many of the limited English proficient inmates participate in ESL/ELL classes though not required to do so.<sup>94</sup>

### Identification/placement procedures

Inmates are currently assessed through Admissions and Orientation interviews which obtain basic information: name, date of birth, highest level of education, etc. The interviewer will know if the inmate is exempt from participating in education programs and may have access to additional information from the inmate's pre-sentencing file. If the inmate indicates he/she completed some educational levels, a request for information is sent to the indicated schools or school districts. No data is available as to the percent of requested records that are received though it is estimated to be very low. The interviewer determines the initial ESL/ELL fluency. The Admissions and Orientation interview is not a formal, standardized instrument or protocol. It is unclear how the interviewer determines an inmate's English proficiency.<sup>95</sup>

- **Assessment:** ESL/ELL inmates identified for ESL/ELL services are administered the Comprehensive Adult Student Assessment System (CASAS). The CASAS is a pen and paper test that is used for placement, progress monitoring and certification of ESL/ELL proficiency. Currently, a score of 225 on the CASAS Level C Reading Certification test and a score of 215 on the Listening Comprehension test, equivalent to an 8<sup>th</sup> grade level, are required.<sup>96</sup> Survey achievement tests (A, B, C) are administered to move students from one level to the next augmented by teacher determined instruments and criteria. Currently, the CASAS assesses listening and reading but does not assess speaking and writing, focusing on life skill vocabulary and language function. By not assessing speaking and writing skills, the CASAS provides a very incomplete measure of students' skills. These skills are essential to English proficiency and ability to participate in educational programs leading to a GED and workplace skills as well as inmates' ability to communicate basic needs and participate in programs with English speaking staff and inmates.
- **Grouping Students:** Based on CASAS results, inmates may be grouped by level. If there are sufficient inmates of one language background, primarily Spanish, they may be also grouped by language. However, the decisions for grouping will be locally determined based on number of inmates, space, staff availability and

<sup>91</sup> Policy 5350.24 was last updated in 1997.

<sup>92</sup> Deloitte, Federal Bureau of Prisons (BOP) Education Support Project: Current State Assessment (2016), 11.

<sup>93</sup> Deloitte, at page 10.

<sup>94</sup> Chabot, Sue. Telephone conversation, March 10, 2016.

<sup>95</sup> Chabot.

<sup>96</sup> Deloitte, at page 49.

past practice. The result may be that inmates from a variety of English proficiency levels and languages may be placed in the same class and in some cases where there are few limited English proficient inmates, may be placed in the GED program.

### **Curricula**

Currently, ESL/ELL curricula are locally determined at each institution. There are no guidelines or recommended curricula from which institutions can select. Current Adult ESL/ELL standards are not used systemically. Most of the curricula are traditional book, workbook and teacher developed materials. Several institutions use computer-assisted programs to supplement classroom instruction. ESL/ELL content primarily focuses on developing functional English listening and reading comprehension skills such as locating and utilizing resources.<sup>97</sup>

In a study of state and federal correctional ESL/ELL classrooms, it was noted that there are limited opportunities for developing communicative competence. Many teachers create individualized learning plans for their inmates to avoid interaction because of concerns for classroom management or security. Use of individual plans or limited opportunities to communicate is counter-productive to the development of language.<sup>98</sup> While it is unknown if this is the case in all BOP institutions, there appears to be less emphasis placed on speaking and writing skills, which are not assessed with the current CASAS.

### **Delivery of Instructional Services**

Instruction is primarily delivered via traditional teacher-inmate classrooms, though some institutions may use some computer-based programs to supplement instruction (e.g. Rosetta Stone). Per BOP guidelines, ESL instruction is delivered for 90 minutes per day, Monday through Friday. Instruction primarily occurs during the day, although work schedules, space, or personnel availability may require that instruction be scheduled in the evening. While 90 minutes is the block of time that is allocated, it is unclear if the 90 minutes is actual instructional contact time but may include transportation of inmates to and from other areas to the classroom.

### **Staffing, Teacher Qualifications, Hiring, Evaluation, Professional Development**

Teachers for ESL/ELL programs are specified in OPM guidelines (GS1710). No certification in ESL/ELL is required nor is fluency in a language other than English. In some cases, a college degree may not be required. Teachers are hired as correctional workers first and may have other duties assigned in addition to their teaching responsibilities. In some cases, inmate tutors and translators are used to provide some instruction though not in place of ESL/ELL teachers. Currently, designated administrative personnel are required to observe teachers at least one time per year but there is no system-wide instrument or protocol used for the observation and results are not available for central or regional staff to review or even to know if they are done on an annual basis. There are annual Performance Appraisals of all Corrections Officers, including teaching and other responsibilities. These are not available for review by central staff. Furthermore, policy requires professional training but is determined locally on an annual basis. Said training may not be structured or formal.

### **Program Accountability**

Each institution conducts an Operational Review every year covering all institutional programs, not just education programs. Each institution develops an in-house team for a formal Progress Review conducted every one to three years based on a set of guidelines developed by BOP. The Program Review Division Program conducts the reviews, which may lead to high impact steps for improvement. It is unclear what system-wide data are used to determine effectiveness of educational programs. Education-related Strategic Priorities do not

<sup>97</sup> Deloitte, at page 49.

<sup>98</sup> Margo DelliCarpini, "Working with Literacy-Level English Language Learners in Correctional Education Settings: Issues, Challenges and Best Practices." The Journal of Correctional Education 53, no. 3 (2006): 252.

fully align with the education related measures by which institutions are evaluated.<sup>99</sup> Many of the measures are percentages or numbers based on historical completions rather than current populations.

#### **Other Programs for Limited English Proficient (“LEP”) Inmates**

Some institutions offer GED programs in Spanish for eligible LEP inmates. The programs are locally determined and there is no data showing their number.

At one to two institutions (e.g., Bastrop, TX), inmates who will be returned to Mexico and who have not completed the Secondary program (Secundaria-equivalent to 9<sup>th</sup> grade and last year of compulsory education in Mexico) can participate in a program from the Mexican Government, Instituto Nacional para la Educación de Adultos (INEA) to take the Secondary exam. The program provides basic skills instruction in Spanish for the Primary (Primaria) and Secondary (Secundaria) levels.<sup>100</sup> The Mexican government has developed the instructional materials and maintains the website for the administration of the examination and provides the certificates of completion. This program currently does not qualify for Good Conduct Time. It has taken the BOP approximately 10 years to achieve a rules change that will allow this program and other future programs to operate and receive Good Conduct Time, and the BOP are currently negotiating with the employee unions to achieve a policy change. Once accomplished, the State Department and the Government of Mexico will need to sign a formal memorandum of understanding regarding the program.<sup>101</sup>

The number of inmates who would be eligible to participate in the INEA program is not known. Currently, 15.9 percent of non-US citizen inmates are Mexican nationals<sup>102</sup> but the number of those who have not completed the Secondary level is not known.

#### **Best Practices**

Best practices for and studies of ESL/ELL programs have found that:

- The development of oral language influences 2<sup>nd</sup> language reading development;
- Literacy is best developed in content using real-world tasks and materials with relevant content that focuses on or encourages the development of life skills;
- Native language support for clarification of instruction can promote ESL acquisition, particularly among low-literacy ESL/ELL students, i.e. those with low literacy in their home (dominant) language;
- Level of students’ literacy of students in their home (dominant) language impacts second language literacy;<sup>103</sup>
- Differentiated instruction geared to students’ level, needs, interests and home language literacy;
- A focus on the development of oral English competencies should utilize a variety of interaction strategies, such as peer interaction and collaboration, to provide authentic listening and speaking opportunities; and,
- Programs should adopt early incorporation of reading and writing instruction rather than waiting until oral fluency is well established.

<sup>99</sup> Deloitte, at page 30.

<sup>100</sup> Deloitte, at page 49.

<sup>101</sup> Chabot.

<sup>102</sup> Deloitte, at page 10.

<sup>103</sup> Condell, Larry, Heide Spuck Wrigley and Kwang Suk Yoon. “What Works for Adult Literacy Students of English as a Second Language,” In *Tracking Adult Literacy and Numeracy Skills: Findings from Longitudinal Research*. (New York: Routledge, 2009), 133-134.

## Educational Support for Inmate English Language Learners (ELL) - Recommendations

1. **Identify Potential Limited English Proficient Inmates:** BOP should develop and implement system-wide standardized screening instruments/protocols to identify potential limited English proficient inmates. These policies should include:
  - **Instruments/Protocols** that gather data on: home language (s), number of years of formal instruction (country), last educational level completed (country) self-estimates of literacy level in home (dominant) language, self-estimates of inmates' proficiency (listening, speaking, reading, writing) plus additional questions to see if the inmate has been identified for or received special education services and past learning difficulties; and,
  - **ESL/ELL Assessment** that evaluates the inmate's proficiency with English language according to agreed-upon performance metrics.
2. **Administer Comprehensive English Proficiency Tests:** BOP should administer tests to potential ESL/ELL inmates that assess proficiency in English to include listening, speaking, reading and writing. Comprehensive assessment instruments should address the four areas of adult limited English proficient students: listening, speaking, reading, and writing. The following assessments are suggested.

- **TABE CLAS–E CTB/McGraw Hill:** The TABE CLAS-E is an integrated system of assessments, instructional guidance, and staff development materials designed to measure adult learners' English language proficiency and aid in transitioning learners into mainstream education programs or career paths. TABE CLAS–E provides resources to assess the language proficiency of adult English language learners in the areas of reading, listening, writing, and speaking. Scores are linked to TABE 9 and 10 used in many adult basic education programs.

The items and passages in TABE CLAS–E focus on workplace, community, and education contexts that are practical and familiar and that will motivate adult learners. The TABE CLAS–E items are aligned with the NRS English as a Second Language (ESL) Educational Functioning Level Descriptors, Student Performance Levels, and several state standards for English language proficiency. TABE CLAS–E provides data to pinpoint student strengths, areas of opportunity, and to demonstrate student gains for NRS reporting purposes.

If the CASAS in current or updated versions is maintained, then additional assessment instruments would need to be added to assess speaking and writing. The CASAS provides comprehensive information about students' English listening and reading proficiency and has additional tests to determine progress within each instructional level. It has acceptable validity and reliability information. Its limitations are that it does not assess speaking and writing proficiency and does not have a computer-based version.

- **English Speaking Professional Assessments:** To assess English speaking proficiency the following instruments have been identified:
  - **Basic English Skills Test (BEST) Plus (Center for Applied Linguistics):** This test assesses the listening and speaking ability of adult non-native speakers of English from beginning to advanced levels. The BEST Plus focuses on language used in everyday communication at home, at work, in the community and communicative language functions. There are two versions: an individual face-to face interview or the computer adaptive version. Administration time ranges for 5-20 minutes. The computer adaptive version delivers different versions of the test depending on the level of learner responses as entered by the administrator.

- **Adult Language Assessment Scales:** Oral (A-LAS Oral) is a performance based instrument administered as an individual face-to-face interview that assesses English listening and speaking proficiency. It requires 20-25 minutes plus an additional 5-10 minutes for the long form. It is designed to assess skills from no English to entry-level workforce. There are two forms available. No computer-based version is available.
  - **Writing Proficiency:** To assess the writing proficiency of adult limited English proficiency learners the following instruments have been identified.
    - **Adult Language Assessment Scales—Reading and Writing (CTB McGraw Hill):** The Adult LAS assesses the reading and writing skills of English Language Learners in adult education and workforce development programs. It is group administered; the writing section required 10-15 minutes for section 1 and 20-30 minutes for section two. The reading section would be duplicative of CASAS but could provide additional information on specific skills for targeting instruction.
- 3. Utilize Standardized Instruments to Assess Literacy Levels in Inmates' Dominant Language:** To the extent that standardized instruments are available, BOP should assess ESL/ELL inmates to determine literacy levels (reading, writing) in home (dominant) language. Instruments to assess Spanish literacy are commercially available in USA. Literacy in non-English language impacts instructional methodologies, grouping and progress expectations. For example, non-literate students will need initial literacy instruction, print awareness, etc. vs. literacy instruction that focuses on English phonology, sight words, conventions, etc. Assessing Spanish literacy can identify inmates who could benefit from Spanish GED and INEA programs. BOP should utilize the Test of Adult Basic Education-Español (TABE Español), CTB/McGraw-Hill. The TABE assesses native-Spanish speaking adults' basic reading and language skills in Spanish. There is one form, two levels. The language in the tests is standard Spanish common to all dialects of Spanish.
- 4. Establish Standards for ESL/ELL Programs:** BOP should select comprehensive ESL/ELL standards for adult instruction to be implemented in all ESL/ELL programs. Since the 1990's, a number of state education agencies have developed comprehensive ESL/ELL standards for adult English Language Learners. Following is a list of selected standards, which includes publication dates after 2000, comprehensive standards for ESL listening, speaking, reading and writing, and accessible format.
- **Maryland Content Standards for Adult ESL** (updated 2005): This document has standards by level and skill for reading, writing, listening, speaking, pronunciation and grammar. It also includes cultural, workplace, technology, etc. content as well as sample lesson plans.
  - **Illinois ESL Content Standards** (revised 2007):<sup>104</sup> This document includes six levels of proficiency ranging from beginning ESL Literacy to Advanced ESL/ELL and are organized by skill and level. The standards are correlated to the National Reporting System (NRS) ESL functioning level descriptors. The document includes supplemental materials that address ESL literacy skills, culture, grammar and sample lesson plans.
  - **California Non Credit and Adult Education English as a Second Language Model Curriculum Standards and Assessment Guide (Draft) 2007.**<sup>105</sup> (A final document was not located.) The document includes standards addressing listening, speaking, reading and writing for the various ESL/ELL levels. Additionally,

<sup>104</sup> "Maryland Adult Education and Literacy Services Program," Maryland Department of Labor, Licensing, and Regulation, November 16, 2015, <http://www.dlir.state.md.us/gedmd/cs.shtml>

<sup>105</sup> "California Noncredit and Adult Education English as a Second Language Model Curriculum: Standards and Assessment Guide," California Department of Education, August 9, 2007, <http://adultschool.mhusd.org/wp-content/uploads/2014/01/ESL-DRAFT-STANDARDS-2007.pdf>

it includes classroom assessment tasks and appropriate standardized assessments to measure student mastery.<sup>106</sup>

- 5. Identify Core ESL/ELL Curricula Options for Adult Learners:** BOP should select core curricula that institutions can select based on their populations needs. Core curricula should be based on best practices of adult and ESL/ELL teaching and learning and include resources for differentiation to meet students' needs. The selected curricula should strongly correlate with ESL/ELL standards, address a variety of proficiency levels, and include progress assessment tools and teacher resources. The selected curricula must address the development of listening, speaking, reading and writing skills. Some of the selected curricula should be targeted to address the needs of low literacy level students, Spanish speaking students and other identified groups within the eligible population. Focus should be on functional English taught in the context of life skills competencies.

Selection criteria must assess the appropriateness of the curricular materials for use with adults in institution settings, especially low-level literacy students. Few of the adult-g geared curricula incorporate comprehensive computer-based learning but provide supplemental materials on CD/DVD-ROM. The Colorado Adult Education and Family Literacy compiled a guide *How to Choose a good ESL textbook (2009)* that provides guidelines for textbook selection from a variety of sources.<sup>107</sup> Following are several curricula that may be appropriate; the list is neither exhaustive nor are specific curricula recommended:

- **All Star English (2010) Cambridge English All-Star, Second Edition:** This program is a four-level, standards based series for adult English learners featuring a Big Picture-dictionary approach to vocabulary building. 'Big Picture' scenes in each unit provide springboards to a wealth of activities that develop all language skills. The Second Edition features a new Target Grammar section, CASAS-style listening, student Work-Out CD-ROM and Online Teacher Resource Center.
- **Interchange, 4th Edition (Cambridge English):** The textbook-based program is geared to adult and young adult learners. Each unit includes up-to-date content, additional grammar practice, and additional opportunities to develop speaking and listening skills. The program also includes DVD-ROM and on-line workbooks. Three levels: High Beginning to High Intermediate. In addition to the core curricula, classrooms/resource rooms should contain additional materials such as English leveled high interest books including taped print materials, magazines, newspapers and other print materials, a variety of dictionaries (different levels/kinds), educational games. Some correctional programs have also included children's books that inmates learn to read so that they can read the book to their children during visits or tape for their children.<sup>108</sup>

- 6. Provide Stand-Alone and/or Supplementary ESL/ELL Instruction:** BOP should identify comprehensive computer-based ESL/ELL instructional programs to provide stand-alone and/or supplementary instruction. Selected programs should strongly correlate with ESL standards, have strong diagnostic and placement capabilities, benchmark tests to determine when students can progress to the next level or have met exit criteria, as well as accessible disaggregated data to enable teachers to identify specific areas for instructional focus. Programs should also enable teachers to assign specific instructional units to address students' needs or supplement classroom instruction.

<sup>106</sup> Illinois Community College Board, [https://iccb.org/pdf/adulted/publications\\_reports/Contentpercent20Standards\\_Finalpercent20Version.pdf](https://iccb.org/pdf/adulted/publications_reports/Contentpercent20Standards_Finalpercent20Version.pdf).

<sup>107</sup> Kathleen Santopietro Weddel, "How to Choose a Good ESL Textbook For Adult Education and Family Literacy Learners: Colorado Adult Education and Family Literacy Independent Study Course," Northern Colorado Professional Development Center, 2009, <http://www.cde.state.co.us/sites/default/files/documents/cdeadult/download/ncpdrc/howtochoosegoodesltextbook.pdf>.

<sup>108</sup> DelliCarpini, Margo. "Working with Literacy-Level English Language Learners in Correctional Education Settings: Issues, Challenges and Best Practices," *The Journal of Correctional Education*, 53, no. 3 (2006): 250-266, at page 261.

In general, there is a paucity of comprehensive, robust computer-assisted programs geared to adult ESL learners. Following is a non-exhaustive list of potential programs that can be used as stand-alone or supplementary programs. No program is recommended.

- **Longman English Interactive** is an on-line integrated skills video-based course spanning four levels from Beginning to High Intermediate and contains more than 100 hours of instruction per level. Students can log in from the lab or from any location with Internet access. The program provides instruction and practice in grammar, speaking, listening, vocabulary, pronunciation, reading, and writing. Progress Reports display "time on task" as well as practice, quiz, and test scores. E-portfolios monitor and assess inmates' progress on written assignments electronically.
- **Rosetta Stone Levels 1, 2 and 3** is a comprehensive curriculum for institutional language programs. It contains over 1000 hours of mastery learning in key language skills in levels from beginner through high intermediate. The software's method develops all key language skills-listening, speaking, reading and writing.
- **Odyssey for English Language Learners (Compass Learning)** is a browser-based K-adult program that develops learners' reading, speaking, listening and writing skills. It is a theme-based spiraled curriculum that helps students make connections to the real world and build on their knowledge. When combined with Compass Learning's management system, it provides data to support accountability and inform instruction. (NOTE: Since the content spans from kindergarten through adult, the content may not be appropriate for the adult target population.)

7. **Increase Current Time Allocated to ESL/ELL Instruction:** BOP should expand instructional programming time for ESL/ELL programs to be at least 2 hours of actual contact time, exclusive of time required to arrive or other activities that diminish actual instructional time. Where additional contact time cannot increase to a minimum of two hours daily, individual institutions should design blended programs to increase instructional time outside of allocated instructional time through the use of computer-assisted instruction or trained inmate ESL/ELL tutors.
8. **Adopt Flexible Staffing Models for ESL/ELL Programs:** BOP should allow a mix of full-time, part-time and individual contractor staffing to enable institutions to meet their unique needs and at the same time hire highly qualified ESL/ELL staff. Qualifications for ESL/ELL staff should include a college degree with specific training in second language acquisition and ESL/ELL instructional methods. Additionally, familiarity with adult learning and how to differentiate instruction for inmates with diverse learning needs should be required.
9. **Increase the availability of Spanish GED programs and the INEA Secondary certificate program with the latter receiving Good Conduct Credit.** Both of these programs award credentials to inmates that increase their potential employability. Since learning English may require five to seven years, the availability of the GED in Spanish may be advisable for some US citizens or legal residents. In the case of Mexican nationals, having a secondary certificate is critical for future employment and training in Mexico once deported.

## Technology Infrastructure

In order to cost-effectively improve educational access and outcomes and enable frameworks for accountability and ongoing improvement, the BOP must create a modern infrastructure for personalized online and blended learning, comprising hardware, software, network access, and support. The EO proposition will make the education available in federal institutions equal or superior to the best practice exemplars being implemented in state and local prisons and jails around the country.

Our research thus far suggests that a shift to a 1:1 tablet environment, cloud-based SaaS software, and secure cellular LTE networks will provide the greatest return on investment, the lowest total cost of ownership, and the greatest compatibility with requirements for network access control and a thin/zero-client environment.

In this model, each approved inmate in the education program will have access to a personal instructional tablet 24/7, from any area inside or outside the institution. This tablet will securely deliver personalized educational and vocational content, along with law and other libraries, from the elementary to post-secondary levels. Learning management software will enable each inmate—regardless of educational level—to progress at an individual pace. Tutoring and other assistance will also be available through the tablet, as well as face-to-face at instructional “Genius Bars” established in reclaimed institution classrooms.

Assessments for intake, progress, and credentialing will all be managed and stored through the instructional management system, which will be able to exchange transcripts and other credentials with state departments of education, 2-year and 4-year post-secondary institutions, and employers. Because instructional content will be distinct from the delivery platform it can be augmented or replaced as demand and efficacy warrant. Since all system functionality will reside in a secure cloud and the incremental cost of each user is relatively low, access should be provided to corrections staff as well for personal and career growth. Another primary consideration should be maintaining access for released inmates to continue education and training.

### Instructional Technology

All modern education systems require a suite of tools and services to manage the delivery, administration and evaluation of their programs. Users and stakeholders of these systems include inmates, teachers, administrators, vendors, institutional partners, funders, researchers, and those to whom the system is accountable. Thoughtful provisioning of these interlocking systems—from the network architecture to the devices which deliver content, management, and analytic reports—creates a robust, resilient, flexible platform that can evolve over time to efficiently deliver new services which, though we cannot enumerate them in the present, are certain to be part of the future. Aside from the courseware itself the components of this platform include:

- The wide area network connecting institutions to the outside world
- The local area network within the institutions, if required
- A student information system
- A learning management system
- An assessment system
- An academic and vocational credentials tracking system
- A data warehouse for tracking over time individual outcomes post-release
- Systems for tutoring and mentoring
- Security, filtering, and identity-management systems
- Human infrastructure of technical and instructional support, training, and professional development

These platform components are not necessarily all individual elements. For instance, a learning management system (“LMS”) may also provide assessment and tutoring functionality and the wide-area network may integrate monitoring and filtering functions. Further, in the contemporary world of cloud-based, Software-as-a-Service (SaaS), potentially accessing rather than personally operating many of these components is the best approach. While it is beyond the scope of this report to recommend specific products or system parameters, this section will attempt to create a framework within which those decisions should be considered.

These recommendations exemplify current best-practice principles in the design of educational information systems. They result in a software ecosystem that is:

- **Modular**, so that individual elements can be upgraded and/or replaced as needed without disrupting the larger system
- **Interoperable**, so that data can be easily imported, exported, and exchanged with systems used by vendors, partners, and other agencies
- **Agnostic**, as to the content and format of the educational programming it delivers, so that instructional decisions are not dictated or limited by the design of the platform

These recommendations are predicated on the assumption that all instructional and administrative systems will be connected to a wide-area network (“WAN”) that connects all the prisons, regions, BOP Central, and partner providers. The network will be properly segmented and configured to ensure appropriate security and compliance. This will enable the software architecture to reflect and serve the administrative and accountability frameworks, such that local teachers and providers are responsible to SOEs and wardens, whose programs are visible to and responsible to REAs, who are visible and responsible to the BOP Chief Education Administrator. Having a system that automatically generates and collates usage and outcomes data for all educational programming reduces the administrative burden at every level while providing rich information that can be used to continually improve the quality and relevance of educational offerings.

That WAN will in turn be connected to the Internet in a manner that affords secure, differentiated access to inmates pursuing sanctioned educational and career objectives. The numerous implementations of Internet access in state and local prisons across the country have demonstrated that the educational, administrative, and efficiency benefits more than justify the investment required to ensure that access remains safe and appropriate.<sup>109</sup>

WAN connectivity for administrative software will enable EO to behave as do other large education systems, exchanging inmate records such as transcripts and credentials, which in the next ten years will undergo a drastic shift towards increased granularity and performance alignment. In building this system now, one should anticipate operating within this much more varied and complex—but also high-value—ecosystem and be accessible not only by the institutions but also by residential reentry centers, probation staff, and by former inmates as each one continues an individual education path post-release.

Finally, the lessons and the methodologies of the lean startup, agile development, and user-centered design movements with regard to complex projects should be embraced. The least risk and the greatest ROI is achieved by buying or building only enough at each step to validate the next significant hypothesis regarding user needs

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<sup>109</sup> Programmatic decisions made by administrating institutions across the states determines the breadth of access to the Internet.

and behavior. While there is much to be learned from implementations at the state and local levels the scope of this work means the team will be, by necessity and by design, learning as it builds.

### *Student Information System*

Student Information Systems (“SIS”) are at the core of educational enterprises: what SENTRY is to the corrections information environment, SIS are to K–12 and post-secondary education. Depending on the product, an SIS may include not just the database of inmates and inmates’ unique information but also perform core operational functions such as scheduling, grading, attendance, transcript management, Special Learning Needs plans, and communication from and about inmates.

Not all SIS include all these features. Indeed, there is a constant push–and–pull between the wish to have an all–in–one tool and the knowledge that no all–in–one approach will provide the best product for each of those many functions. The likelihood that, either now or in the future, SIS functions may be “outsourced” to stand–alone components underlines the importance of modularity and interoperability at the core of the system.

Most crucially, a well–designed BOP SIS will provide a real–time bird’s–eye view to REAs and Central Office staff of all educational activity and outcomes. As a by–product of administering the programs the SIS creates the data which leads to the transparency required to monitor, evaluate, and improve all aspects of all programs at all levels.

The requirements of the BOP SIS will reflect the unique characteristics of its education programming and population, including:

- Adult learners with a wide range of prior educational attainment, from elementary to post–secondary education
- A mix of K-12 and post-secondary instructional and organizational models
- Significant Special Learning Needs and ESL/ELL populations
- A mobile inmate population moving amongst many institutions
- A mix of academic and vocational programming leading to a varied portfolio of earned credentials, including competency–based credentials
- A hybrid of in–person and online courses and assessments
- An inmate population in need of counseling and mentoring to support retention and completion
- A large inmate population relative to most K-12 or post-secondary organizations
- The need to track individual educational and employment outcomes after release

This mix of requirements means that few, if any, off–the–shelf systems are likely to be a perfect fit. At the same time, it is crucial that BOP avoid the temptation to commission a custom implementation, given that across sectors only 6% of large software projects are successful (with over 40% being complete failures). The optimal path will most likely be based on a core product whose use–model is most similar or analogous to the needs of BOP inmates and staff and that supports integration with other products that can fill any functionality gaps. To the greatest extent possible, any customization other than what may be required to import data from SENTRY should be deferred until lessons from the pilots have been absorbed.

### *Courseware and Assessment*

To promote equality of opportunity, a wide range and consistency of offerings, and enhanced outcomes and ROI for inmates and the Bureau, BOP curricula will be delivered from cloud–based systems and supported as appropriate by online and in–person teaching assistants. Since most modern courseware can now be licensed on a per–inmate basis (as opposed to fixed–price purchasing) this enables the BOP to pay only for what is used, to

test offerings from multiple providers, and to adjust the mix of what is offered based on both demand and quality of outcomes. Further, cloud-based systems significantly reduce or eliminate the expense of local server infrastructure and support while ensuring the BOP always has access to the latest and most improved versions of the software. Finally, effectively all of the innovation in academic and CTE educational software has been and will continue to be cloud-based<sup>110</sup>.

“Courseware” is a broad designation that covers a wide range of products with varying delivery systems and data requirements and affordances. Some have the fixed structure of textbooks or lecture courses (even though they may be primarily video—rather than text-based) and so can be delivered as one of many offerings through a Learning Management System (“LMS”, see below). However, an increasing number of software programs—especially for math, ELA, and ESL/ELL and especially at remedial levels—are powered by algorithms that adjust the content and practice to inmates’ ability levels automatically.

As described in the *Curriculum and Instruction* section, this personalization can significantly speed the rate of inmate progress through remediation to grade-level, improving motivation and creating frequent, legitimate success points. It also eases one of the greatest burdens on teachers, having to diagnose and teach simultaneously inmates of widely varying skill levels.

This adaptive programming is delivered directly from the provider’s site rather than through a third-party LMS such as would be operated by the EO. Such courseware is evolving very rapidly and so the time and expense of attempting to integrate such offerings into an LMS is unlikely to make sense. However, BOP must ensure that any data generated by such stand-alone systems can be integrated into its core instructional and analytic platforms.

Other forms of courseware delivered directly from provider sites include university-sponsored massive open online courses (MOOCs) (both credit and non-credit bearing) and computer-coding “boot camps” that prepare inmates for high-paying jobs in the software industry. The technology exists to appropriately control and monitor online access and behavior on an inmate-by-inmate basis with as much particularity and granularity as needed. Barriers to participation in these “open” programs will therefore be ones of policy rather than technology.

This proposed system addresses each inmate’s individual level of academic and vocational competency and spurs optimal progress. Therefore, assessment at each stage is crucial. At intake, documenting prior credential achievement is necessary, but not sufficient. The presence or absence of a high school diploma says little about what an inmate needs to proceed to the next level. Consequently, competency/placement assessment will be required.<sup>111</sup> Evaluations for ESL/ELL and Special Learning Needs are critically important to ensure that inmates are given rigorous appropriate learning plans. And, for inmates without a strong vocational direction, occupational testing can help to determine potential goals and paths.

An inmate progress criterion-based assessment—whether academic or occupational—will be either organically embedded within their courseware (if adaptive), determined by the entity awarding the academic credential (diploma or course credit) or linked to the vocational certification process. The BOP may also choose to

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<sup>110</sup> Note that “cloud-based” does *not* mean “open Internet access”: many vendors offer cloud-based services over secure private networks.

<sup>111</sup> Though many adaptive learning programs have their own embedded leveling assessments, free-standing norm-referenced and criterion-referenced test are important for evaluating the ROI of the courseware and the BOP program overall.

administer norm–referenced tests at specific intervals in order to gauge the efficacy of the system itself. In all cases, results of the assessments need to be stored, reported, and analyzed via the SIS to analytics dashboards.

### *Learning Management Systems*

Learning management systems (“LMS”) assist with the delivery and tracking of digital instruction and courseware. These work in conjunction with SIS (which maintains the canonical list of inmates and inmate attributes) and data and analytics portals as the stage on which digital or blended teaching and learning are enacted by teachers and inmates. Depending on the product, LMS functions can include assessment, scheduling, and discussion sessions amongst inmates and/or teachers.

Until recently all LMS recreated the old–fashioned cohort model of instruction that assumes each inmate would proceed through the same set of materials in the same order at the same time. This seat–time approach is at odds with the more current assumptions of competency–based education (“CBE”), which is proposed for the EO. CBE allows each inmate to proceed as rapidly or as slowly as is required to demonstrate mastery of specific concepts and skills, thereby making the best use of inmate and teacher time. Recently, a number of LMS have come to market that are specifically designed to support CBE by helping with the design and measurement of individual competencies and by allowing a more flexible path through the curriculum. At the same, some of the more conventional LMS are adding competency–based features, enabling them to serve both paradigms.

As mentioned above, much of the EO courseware may not be suitable for administration through an LMS, particularly products that are highly adaptive or designed for ESL/ELL and Special Learning Needs populations. This should not pose substantial barriers to usability given the identity–management system proposed, which will allow users to sign on to all systems with a single ID. The data portal/data warehouse architecture will also collect progress and performance information from all systems, so that it can be accessed by teachers and administrators from a single dashboard.

Thoughtfully choosing amongst different systems and creating contracts that allow for maximum flexibility towards vendors will be one of the most important design tasks for the EO.

### *Analytic Dashboards and Data Portals*

The past fifteen years have seen a quantum leap in the role of data and analytics to improve teaching, learning, and educational administration. Fine–grained, real–time data about inmate, teacher, and system performance helps to maximize the personalization of each inmate’s instruction, ensuring that both inmates and teachers spend time where it is most beneficial. It allows administrators at all levels to monitor progress towards goals at every level from the whole system down to specific learning objectives for individual teachers and inmates.

This in turn enables administrators to provide additional supports (staff, professional development, equipment, supplemental services) where they are most needed. It informs judgments on which contracted products and services are returning the greatest benefit and allows more cost–effective purchasing and resource allocation.

More recently, software norms have shifted from locking up data within each separate system to a set of open standards and protocols that allow the import, export, and exchange of data amongst all systems, often in real–time and without user intervention. This means that, in addition to whatever reports, dashboards, and analytics are available from our recommended system components (LMS, SIS, courseware, etc.), we can create for each EO stakeholder a customized dashboard that centrally collects required information, even if it originates from multiple sources.

That information can include data that resides in SENTRY as well the systems of partners like community colleges, enabling a richer picture of the relationship between educational programming and important correction measures like disciplinary incidents, staff morale, and health care utilization. In addition, new dashboards can be easily created as needs and programs evolve over time. As the store of historical performance data expands, the decisions of EO administrators and policy-makers will be based on an ever-deepening and more nuanced set of inputs.

### *Network Bandwidth and Security*

The BOP is in the process of upgrading all prisons to T-1 Internet connectivity, which provides bandwidth of 1.5 Megabits per second (“MPS”). While this may be adequate for the intended purpose of enabling inmates to sit for the online GED test periodically and in small numbers, it is wildly inadequate for a system in which the majority of inmates will be engaged in online learning throughout the day. As a point of comparison, the USDoEd recommends that K-12 schools have no less than 100 MPS, roughly seventy times as much for similarly-sized populations.<sup>112</sup>

Bringing suitable bandwidth to the prison is only the first step; it must then be distributed throughout the facility to the inmates. This local area network (“LAN”) can either be wireless via WiFi, wired to fixed endpoints such as a computer lab, or a hybrid of both. Wireless LANs obviously offer greater flexibility and expandability, and more easily support a greater range of device types, such as tablets. Not having to run network cabling through walls makes installation less disruptive and expensive, and the ability for corrections officers and contracted education support staff to connect to the secure network wherever they are eases program administration.<sup>113</sup>

There is a third approach to connectivity which bypasses LAN issues entirely by providing bandwidth directly to each device over secure cellular networks. In this case no local network is required for inmates to access the online EO content because each device connects directly to the secure cellular network just as a cellular-enabled smartphone or tablet would in a city park. The advantages of this approach include:

- Having inmate educational devices on a network that is complete separate and isolated from the network which serves the prison for other purposes
- The ability to expand and contract the bandwidth consumed moment by moment without regard for either LAN capacity or the bandwidth coming into the prison itself
- Significant cost savings over purchasing fixed capacity. At current rates, BOP costs for the recommended 100 MPS capacity would be 15-20X the cost of the new-but-obsolete T-1 lines
- The ability to continue to use the legacy infrastructure designed for GED testing for that purpose while deploying the new network.

This of course requires that every device on the network be cellular-capable. This is not a problem for new tablets and Chromebooks but legacy devices will require adapters in order to connect.

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<sup>112</sup> The lowest tier of Comcast or TimeWarner home service provides 10 to 18 times the bandwidth (15-25MPS) and the least expensive home offering from FIOS offers more than 30 times the bandwidth (50MPS). Given the number of users in a home compared with those in a prison that works out to between 1,500 and 5,000 times more bandwidth per user, depending on the service. This is not to suggest that prisons can acquire bandwidth at those prices, but rather to demonstrate the gap in capacity.

<sup>113</sup> Some of the installation cost savings versus wired networks will be absorbed by the costs of the WiFi access points themselves, as well as the potential need to find power for them in certain area. Aside from educational applications, having ubiquitous WiFi in prison should also enable the deployment of monitoring equipment like cameras and sensors much more easily and less expensively.

In theory, the wired LAN is somewhat more secure than WiFi or cellular access, since connection points can be restricted to areas within the prison that can be directly observed by corrections staff. In practice, however, the real security resides in the network itself, through access restriction, filtering, monitoring, and identity control, all of which are independent of whether access is via a wired connected, WiFi, or cellular. The drawbacks of a wired LAN are so dramatic in the areas of installation, maintenance, inflexibility, and obsolescence that it is difficult to imagine circumstances under which it would be preferable.

#### *Hardware*

The system we propose—where each inmate receives an individualized program of academic and vocational instruction and where the BOP measures its success based on inmates’ accumulation of valid and useful credentials—requires that education be available all day, every day, primarily online and using in–person instructional staff as intermittent supports. This means that devices used by inmates to access online content must be:

- Inexpensive enough to provide a tablet to every inmate participating in educational programming, which should be, effectively, every inmate
- Compatible with all necessary network and content security requirements
- Portable, so that they can be used anywhere within a facility to facilitate access and flexibility
- Robust, so that accidental and intentional breakage are minimized
- Physically secure, so that they cannot be weaponized

In practice, this eliminates desktop and laptop computers, leaving Chromebooks and tablets. Though inexpensive, Chromebooks are relatively fragile, and easily rendered inoperable intentionally or by accident. Of tablets, iPads are both expensive and more difficult to adapt to the EO network and system security requirements. This leaves Android–based tablets as the most satisfactory solution, meeting all of our requirements and available from several manufacturers and resellers.

#### *Support*

Maintaining the kind of ubiquitous high–access personalized learning environment that the EO envisions requires equally robust technical support to keep the system running and assist inmates and staff with its usage. The specifics of that technical support system will depend on the design choices made about hardware, software, and network configuration.

#### Examples of Possible Component Choices for EO

<b><u>High Maintenance</u></b>	<b><u>Mid–Maintenance</u></b>	<b><u>Low Maintenance</u></b>
Desktops/laptops	Chromebooks	Tablets
Wired LAN	WiFi LAN	Cellular (zero–LAN)
Custom Software		Off–the–shelf Software
Software on local servers	Software on WAN server	Software–as–a–Service (Cloud)
Purchased Hardware		Subscribed Hardware

The higher the level of maintenance, the more support personnel will be required at the institution and, to a lesser degree, the regional level. This adds to the overall complexity of the system as well as the cost since each support person must be trained and supported by a superior.

For example, a problem accessing the EO network could be due to inmate error, a problem with the device, with the local network, with the connection between the LAN and the wide area network, or with EO access control software. In the low maintenance environment above, after determining that an inmate is logging in correctly, an access failure would be successfully dealt with in 99% of the cases by simply handing the inmate a different tablet: since the cellular network is highly unlikely to fail the problem is almost certainly in the device, which is inexpensive enough that spares can be kept on hand. In our thin/zero-client environment all tablets are interchangeable, configured on the fly for each inmate based on their profile when they log in.

In the optimal low maintenance environment, the majority of technical support needs could be handled by a single staff person familiar with the basic tablet operations and trained in the startup and login procedures of the EO software suite. Since no special network access or privileges would be required this position could be augmented or staffed by inmates themselves.

By contrast, in a high maintenance environment, the problem could be with the device (highly likely in the case of desktops/laptops which are also too bulky and expensive to configure as spares), the LAN, the connection between the LAN and the WAN, or the local servers on which the software sits. The precise point of failure would need to be diagnosed and then repaired. Solving these infrequent yet recurring failures would require maintaining an expensive yet underutilized local technical staff, an expense which adds no educational value and is, effectively, a bad-decision tax.

In either high and low maintenance environments, it is necessary to provide higher level support functions than can be maintained locally. Our pilot deployments will indicate whether it is more cost-effective to staff higher-tier support functions in the regions, at BOP central IT, or to contract them out.

In addition to technical support, inmates and staff will need training and support in use of the specific applications and courseware. Initial training is typically specified as part of an implementation, and with a consistent set of services offered now across all EO facilities, it will be time- and cost-efficient to gather all local support staff for an in-person initial training so that each one can then return to institutions and regions to provide training and support to users. With a robust instructional management platform, other necessary staff training currently performed in-person can be augmented and/or shifted to remote training via tablets, resulting in significant cost offset and savings.

With ubiquitous connectivity in every prison, ongoing support (and additional training) can generally be handled remotely through chat, Skype, and Google Hangout. It is recommended that, as with technical support, inmates in each facility be recruited and rewarded to serve as first-line support for the instructional software. The experience of state and local prisons can offer useful examples on how to structure such arrangements. Finally, community college internship programs can be recruited to supply first-line support staff and technology course coaches.

### *Piloting and Deployment*

This proposal is based on deep experience with educational organizations and technology. Even so, it is necessarily a set of linked hypotheses that must be stress-tested in the real world. The goal is to uncover weak points, obstacles, and flaws in the both the design of the system and its implementation before irreversible commitments are made to a national rollout. We propose, therefore, a number of parallel pilots to test different system configurations for their practicality, popularity with inmates and staff, and early indications of impact. These pilots would follow a design-based/implementation research structure that would inform not only purchasing and deployment decisions, but also lay the groundwork for deeper understanding of the impacts that ubiquitous high-quality educational programs can have on inmates and the institutions.

The shift to digital educational resources to support the EO will require a major change in the infrastructure and educational cultures that exist in the regions and institutions. Therefore, it is recommended that a phased approach be adopted for implementation. The implementation phases would start with a limited pilot in a few facilities in order to:

- Identify implementation risks and mitigation strategies
- Test and validate technology infrastructure and access
- Identify additional system improvements to be used for modifications to the full implementation phases
- Identify hidden or unforeseen costs
- Provide data and anecdotes to build the confidence of stakeholders

Specifically, the pilot should assess three key areas:

1. **Technical Infrastructure**, including connectivity, access to instructional systems and content, device deployment, security, and technical support requirements.
2. **Educational programming**, to assess data on teacher preparation, instructional supports, inmate use of technology, and effectiveness of instructional modalities.
3. **Stakeholder Buy-in**, to analyze key stakeholder interests and concerns with the implementation. Data should provide perceived value of the program and identify impediments that need to be overcome to sustain future success.

The pilot phase should be small enough to identify which variables positively and negatively affect the project and allow modifications to be made quickly. Having two simultaneous pilot configurations will enable the most useful feedback for full-scale implementations:

1. In one large facility, 20–40% of inmates be currently enrolled in educational programming or on GED waiting lists participate instead in the new system.
2. In one small facility, all educational programming should be moved to the new system.

In both cases, the first criterion for facility selection must be warden enthusiasm. Beyond that, there should be bias towards institutions that have a track record of basic infrastructure and program support for the online GED or other online programs. These sites should be more likely to:

- Have a baseline comfort level with technology
- Have a somewhat reduced requirement for basic training
- Allow the implementation team to focus on understanding the cultural factors—both barriers and benefits—that could be leveraged for future implementation modifications to bring the project to scale

To reduce implementation risk, the start of the full–institution pilot should lag the partial–replacement pilot by four to six months, so that any initial course–gained improvements to deployment can be incorporated into the full–institution pilot. Since these pilots are primarily tests of software, hardware, and support infrastructure, six months should be sufficient duration. The primary goal of the pilot is to guide implementation, not to produce research data. Academic and institutional outcomes will require more time to assess and will be a part of the longer term data collection effort.<sup>114</sup>

Pilot data collection and analyses should be framed and reviewed in light of both the limitations of the current educational system and the anticipated benefits of the new EO. Any new implementation will present challenges that the institution has not faced before, and understanding clearly our present limitations will help to set expectations for the future educational state. The goal is to create a better system, not a perfect one.

The secondary goal for the pilots is to provide data and anecdotes that will generate understanding and support for the new initiative. Since data cannot argue with anecdote, nor anecdote with data, both must be present to build support and instill the patience that comes with it.

### *Costs*

The EO will create, essentially from scratch, a state–of–the–art online and blended learning system that will enable virtually every inmate (and Corrections Officer) to progress towards fully–valid, nationally–recognized credentials in the secondary, post–secondary, and occupational areas. While structural, procedural, and philosophical decisions will be highly determinative, there is no question there will be significant new expenditures.

It is important that EO is approached from the perspectives of total cost of ownership (“TCO”), return on investment (“ROI”), and what might be considered “total cost of incarceration” (“TCI”). This proposal affects all of these significantly, in part by making high–quality educational programming more widely available to all inmates, and also by delivering that programming more cost–efficiently than would otherwise be the case.

### *Total Cost of Incarceration (“TCI”)*

TCI represents the superset of the tangible and intangible costs to society of federal carceral policy, practices, and systems. It includes the entire BOP budget but also a great deal more, including lost GDP, lost federal tax revenues, and the costs of feeding, educating, and policing communities and families suffering the consequences of high rates of incarceration. The gross driver of TCI is the number inmates absorbed into or transiting annually the BOP system, and anything that can be done to reduce that number will be the greatest driver of costs savings.

Of all the factors that contribute to the number of federal inmates, recidivism is the one most directly controlled. Of all factors affecting recidivism, education and training is the one most directly controlled areas. All other things being equal, every percentage point reduction in recidivism will over time decrease annual BOP expenditures by at least \$70,000,000. It is well–established that high–quality prison educational programming reduces recidivism anywhere between 30–90%.<sup>115</sup> At the same time, inmates who have acquired recognized

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<sup>114</sup> An informal quasi–experimental design regarding inmate participation is desirable to the degree that it does not delay or distort the implementation but, again, this is not a research study.

<sup>115</sup> "CEA Forums :: Research, Evaluation & Training." CEA Forums :: Research, Evaluation & Training. N.p., n.d. Web. 08 Apr. 2016

educational and occupational credentials return to home communities as stronger contributors to the legitimate economy and in lesser need of support services. Thus, the reduction in TCI to society further compounds over time.

Granted, a reduction in TCI would be seen with any system of high-quality educational programming. The rationale for the specifics of this proposal (as opposed to other possible delivery systems) derives from an analysis of ROI and TCO.

#### *Return on Investment (“ROI”)*

The BOP currently spends less than \$700 per inmate per year on nominally “Educational Programming”.<sup>116</sup> Most aspects of many current programs are poorly documented. However, what is known about BOP GED and post-secondary participation and outcomes, as well as the nature of the inputs (teacher quality, time on task, credential quality) and the overall rates of recidivism, suggests that there are substantial opportunities to improve the education outcomes realized from education expenditures. Simply put, the BOP’s current return on investment is extremely low, as small as that investment may be.

This low ROI is the product of both low overall availability of programming and the low quality of what is available. Now, it is theoretically possible to increase both availability and quality under the existing system. For example, BOP could increase the number of GED seats by allocating more classroom space and time and hiring more teachers. However, given the low- to negative-value of the GED credential, BOP would simply be contributing more money towards a dubious goal. Likewise, some prisons could theoretically expand the capacity of local occupational partnerships, but the variability in quality and the complex and expensive logistical issues of inmate participation creates an expensive way for inmates to acquire useful credentials.

These approaches to education and training, like most that have been employed by the BOP so far, lack the *ability to scale*: neither unit economics nor carrying capacity improves as uptake increases. In fact, these factors trend in the other direction, becoming scarce and more expensive as demand rises, precisely the opposite of what is required from a well-designed large system. To improve ROI and thereby to scale and compound the net benefit, requires an investment in infrastructure that lowers the incremental cost of delivering the next high-quality credential.<sup>117</sup>

The nation’s recent decade of experience with blended and online learning in K–12, post-secondary, and occupational training suggests that investment in such an infrastructure for the EO would be particularly high-yielding. This result is especially applicable given the makeup of its inmate population, the number and diversity of its facilities, and the unique operational requirements of the carceral environment. Contributors to the high ROI from an online and blended EO include:

- Savings from reduced rates of recidivism

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These savings are of course not linear in either amount or the time over which they are realized. For instance, staff cannot be instantly reduced in response to smaller inmate populations and, in the other direction, prisons with high-quality education programming are less expensive to run on a per-capita basis due to the lower rates of disciplinary infractions, CO injuries, and inmate mental health costs.

<sup>116</sup> It is difficult if not impossible to make an apples-to-apples comparison with what we propose, since current figures include costs for programs like Wellness, Substance Abuse, and Parenting which would not fall under our umbrella, and those figures themselves do not reflect how wardens choose to actually spend their funds.

<sup>117</sup> An overlooked but equally important aspect is the ability to *scale down* quickly and inexpensively as the requirements change over time, which they inevitably will. The overall goal is to minimize to the extent possible fixed/committed/sunk costs.

- Savings from early release associated with educational completion
- Savings from faster and more accurate intake diagnosis of learning and behavioral problems
- Savings from the ongoing evaluation and improvement/replacement of programs
- Reduced disciplinary and violent–incident costs
- Upgrading of the prison workforce through staff access to EO programming for job training and educational advancement
- Lower cost of access to highly–qualified teachers
- Lower cost of access to educational and psychological specialists
- Increased levels of staff satisfaction and well–being

ROI is driven even higher by the fact that some of the costs associated with implementing the EO programs are substitute costs that replace less efficient current expenditures, including:

- Print textbooks and other instructional materials
- Transportation of prisoners offsite
- Stand–alone kiosks
- Libraries
- Law libraries
- Instructional programming
- Mental health programming
- Job training programming

An investment in hardware, software, network, and support equivalent to a fraction of a single year’s current spending on low–ROI programs would enable the transition to high–value, high–return programs as quickly as the institutional culture can accommodate it.

It is important to note that ROI is maximized only when the entire organization is committed and accountable for educational engagement and outcomes. Every employee at each level must consider these responsibilities a meaningful part of the job description, second only to a commitment to safety and security. When security and access appear to conflict, the organizational mission must be to find a way to enable both. Thus, every staff member, especially in Computer Services, must see this job not as enforcing policy but as creatively solving the problems that policy inevitably creates. While the extent of utilization is uneven across the entities, numerous prison systems at the state, county, and city levels have implemented online learning systems for inmates with great success, including the following:<sup>118119120</sup>

- San Francisco County Jails
- Johnson County Kansas Jails
- Indiana Department of Corrections
- Montgomery County Maryland Department of Correction and Rehabilitation
- Riker’s Island New York City Department of Corrections
- Ohio Department of Rehabilitation & Corrections
- Georgia Department of Corrections

<sup>118</sup> “San Francisco Jail Inmates Get Computer Tablets, Will Only Have Access to Four Websites,” NBC Bay Area, October 22, 2014, <http://www.nbcbayarea.com/news/tech/San-Francisco-Jail-Inmates-Get-Computer-Tablets-Will-Only-Have-Access-to-Four-Websites-280100872.html>;

<sup>119</sup> Michelle Tolbert and Jordan Hudson, “Educational Technology in Corrections 2015,” U.S. Department of Education, 2015, <http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/policybriefedtech.pdf>

<sup>120</sup> “Georgia Expands Educational Opportunities for Inmates,” Correctional News, 09/22/2015, <http://www.correctionalnews.com/articles/2015/09/22/georgia-expands-educational-opportunities-inmates>.

▪ Philadelphia County Jails

The growing trend indicates a movement to online learning model systems with tablets. With the superior resources and expertise available to the BOP, there is no reason it cannot be a leader in this area.

*Total Cost of Ownership (“TCO”)*

Given an affirmative decision to invest in the EO infrastructure, there are various approaches to contracting, build-out, and deployment that will affect the TCO, which includes the total costs of acquisition plus direct and indirect operating cost. Examples of operating costs include:

- Infrastructure (floor space) for in-person classes, computer labs, servers, and equipment storage
- Electricity (for related equipment and cooling)
- System integration
- Testing costs
- Downtime, outage and failure expenses
- Equipment maintenance, replacement, and security
- Content and data backup and recovery process
- Instructional and technology training
- Local technical support
- Bureau IT personnel
- Contractual and practical switching costs

Imagine a continuum where, at one end, all EO hardware, software, and connectivity is BOP purchased, owned and maintained, and at the other end, all is subscribed (or the functional equivalent) and all support outsourced. Overall and in broad strokes the TCO is likely to decrease as more rented/outsourced options are considered. Now, overlay this continuum onto the High-Mid-Low Maintenance categories discussed above in Support.



<u>High Maintenance</u>	<u>Mid-Maintenance</u>	<u>Low Maintenance</u>
Desktops/laptops	Chromebooks	Tablets
Wired LAN	WiFi LAN	Cellular (zero-LAN)
Custom SW		Off-the-shelf SW
SW on local servers	SW on WAN server	SW-as-a-Service (Cloud)
Purchased HW		Subscribed HW

The optimal system from a TCO perspective is likely to be composed of tablets subscribed to on a per-inmate basis, cloud-based SaaS, off-the-shelf (or minimally customized) instructional content and management

software delivered over cellular LTE networks. If properly specified and contracted, this will reduce TCO by minimizing fixed infrastructure (along with its high maintenance and upgrade costs), as well as fixed contractual commitments that cannot flex up or down in response to demand.

An actual TCO calculation depends on many policy decisions, and is beyond the scope of this phase. However, the expectation is that the EO platform of 1:1 hardware, software, and connectivity could be delivered on an ongoing basis for between \$800–\$1200 per inmate per year, not including the cost of content or of academic/vocational credits.

While much of these will be new expenditures they should be seen as investments that will earn back the cost in a relatively short time through a transfer of resources from current low-yielding institutional programs to those that can produce measurable—and measurably better—outcomes.

What makes this framework so powerful is that we are not just building a set of programs, but an architecture for deploying, evaluating, and improving programs that will yield increasing benefits over time. The key to this the building of data and delivery platforms that can support all types of collection, analysis, distribution, and inter-operation, both now and in the unanticipated future.

## Budget and Resource Management

Providing high quality prison-based education and job training services is dependent on investment in, and the sustainment of, quality programs. As such, the budget must be an integral component of any long-term, comprehensive financial plan – if the intent for that plan is to implement and sustain long-term education and occupational training strategies and programs that will best prepare inmates to return to society. The long-term savings from reduced recidivism resulting from a better strategy and programs will more than offset the costs of the education investments.

Governmental budgeting by nature is the antithesis to long-term financial planning. Education programs, on the other hand, require continuity, stability, and long term planning to be effective. Thus, multi-year budget and revenue forecasting is critical to effective education delivery systems. “Critical” to success means establishing a budget and management system through organization, staffing, and policy that can not only develop the budget and financial plan that funds quality programs, but that can also manage their implementation.

Even with limited financial resources, much can be achieved when:

- financial plans and priorities are aligned to the mission;
- strategic sourcing and partnerships are used to secure additional needed material and human resources;
- cutting edge education technology is effectively deployed;
- programs and initiatives are aligned to secure eligibility and take advantage of other federal and state programs, including but not limited to Medicaid, E-Rate, state school aid formulas, etc.; and finally
- data and assessments are used to ensure effective accountability, allowing for timely, cost-effective adjustment in programs and strategy.

The latter is of greatest importance because effective, long-board budget plans are organic, allowing for timely, cost-effective adjustments and changes based on data and line staff.

Earlier in this report, we noted that the current organization is highly decentralized. As such, it fails to support the stated mission of successfully preparing inmates for return to society. Specifically, it fails to provide them the educational and work-ready skills needed to obtain and retain work and to restore family and community stability. This fails to reduce recidivism and the associated high costs of re-incarceration. Similarly, the current Education Branch (“EB”) budget and budgeting process is decentralized to the point of having no center of accountability or transparency. For example, it is difficult to isolate the education budget from a myriad of other budget and BOP funding streams, let alone monitor expenditures to evaluate whether or not the education mission is supported effectively and efficiently. The EB has very limited tokens in the budget and management process. Consider what the EB currently lacks in terms of power and authority:

- No comprehensive education budget.
- No authority to propose one.
- No control over local institutions’ educational spending.
- Little input in setting budget priorities.
- Limited monitoring of education expenditures.
- No authority over Regional Education Authorities (REAs) where local institution budgets are received and approved.
- Control over occupational training programs that only encompasses six percent of education funding.

In general, funding and programming decisions are not guided by any comprehensive vision or strategic planning. Funds for education and occupational training programs come primarily through two uncoordinated sources: (1) the local institution's budget (GI); and (2) the occupational training awards (the AOE program) competitively awarded by the central administration to individual institutions. These two uncoordinated sources of funds guarantee that the occupational training program pushes the grant awardees in one direction, while the GI budget stymies education innovation. In both cases, the perception that technological solutions are too large a barrier keeps both sides of service delivery very conventional and increasingly outdated. What happens is that education and training end up being relatively static, driven by constrained local capacity and rather than inmate educational needs or job market realities and opportunities. As a result, individual institutions widely vary in ability to meet inmates' basic education and job skill needs, but none have the capacity to execute BOP's new vision for educational prioritization to reduce recidivism.

Compounding constrained local capacity is the fact that education staffing resources are frequently diverted from delivering education to other tasks including security and institutional operations assignments augmentation. Teachers are sometimes assigned to non-instructional posts, while inmates in the prison complex may be sitting in an assigned class without the teacher. It is important to note that this problem of diversion of resources does not seem to be extended to the drug treatment area, where funding is specifically designated. This is in no way a reflection on the local leadership. Rather, it is a failure to prioritize through policy, organization, and procedures, in contrast to the clarity of focus on prison safety and security funding and the growing clarity in the area of drug treatment funding.

The current budget structure is a clear reflection of low priority given to education initiatives. This is perhaps not surprising given that education and job training programs receive a very small proportion of BOP's budget. For example, the FY2015 education budget of \$139.5 million reflects just two percent of BOP's overall \$6.9 billion budget. Putting this in perspective, the per inmate education allocation of \$868 per capita BOP inmate is a small proportion of the annual prisoner expenditure of about \$43,000 per inmate.<sup>121</sup> (FN1)

### **Building an Education Budget and Resource Management System**

In this age of continuing appropriations substituting for annual budgets and the general reluctance to provide additional funding for new program initiatives, it is incumbent on BOP to initiate reforms that do not require legislation and are not dependent on increase in BOP appropriations. Critical to accomplishing this is the building of an "education budget and management system" within the new EO. This requires centralization of the BOP education budget in the EO under the control of the Chief Education Administrator (CEA). The CEA and the EO need to have the authority to develop, monitor, and manage an education budget that supports the vision and the strategies for delivering quality education services.

This report recommends that all budgetary resources be allocated and appropriated for education and vocational training purposes (including educational budget allocations for each prison and Regional Office) become part of a larger "segregated and dedicated" BOP "school district" budget. This would include funds for personnel, contracted services, commodities (books, instructional materials and supplies), equipment, etc. Each year the CEA, with the ability to seek input from the Consortium on Corrections Education ("CCE") (see

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<sup>121</sup>Source: The Bureau of Prisons. These are straight per capita BOP expenditures. It does not include the education spending in the private managed facilities. Actual spending on inmates who are physically in education programs varies by region and local institution, ranging from \$600 to \$3,300, according to Deloitte report.

Organization and Support for further explanation), will prepare and present a proposed budget to Assistant Director of the Reentry Services Division. The BOP proposed budget would include designation of education and occupational training dollars and staffing consistent with supporting the CEA's strategic plan. At the prison level, the education funding and budgeted education staffing need to be dedicated in the same manner as the current drug abuse programs. Any reprioritization of resources or redeployment of staff at the local level would have to be approved by the EO, except in clearly defined "emergency" situations.

Critical to making education and job training a major priority in BOP is ensuring that the newly created Office of Education Operations ("OEO") that has the staffing resources, responsibility, and authority to turn the budget into an effective education services vehicle. Critical to success is the EO effectively prioritizing and leveraging of existing resources and the pursuit of all other available resources including traditional, non-traditional, material, and human resources consistent with the BOP's legal authorities

The new budget and resource management system would not preclude the Wardens from having input and flexibility. The Wardens could submit budget requests and recommend budget amendments. Once the local budget is approved the Wardens would have primary responsibility for expending budget resources as intended. While the education budgets and education personnel are dedicated to the delivery of education services, the wardens can request reprioritization of resources in emergency situations – but requests must be approved by the new EO. The diversion of teachers from their education duties will only be for prescribed emergency situations and only for the duration of the emergency.

### *1) Building the OEO through Organization and Policy*

The EO needs to create the infrastructure necessary to allow the budget to become a vehicle for implementing and sustaining a superior education and job training services system. This means creating the Office of Education Operations in the EO, which will be responsible for budget and resource management and financial accountability. This requires a number of components, all of which can be achieved largely through the following policy and organizational changes:

- The creation of a separate "stand alone" education budget that will be formulated, monitored and managed by the EO.
- Building internal capacity to develop a comprehensive BOP education budget that is aligned to the needs and priorities of the strategic plan. This would include budget-related organizational and human resource recommendations, including local staffing models and personnel decisions, all consistent with the plan.
- Financial management capacity within the EO, which includes financial reporting, position control, education procurement oversight and approval, program monitoring, and financial accountability.
- Establishing a clear chain of command requiring that local budget decisions impacting education and job training resources and programs be approved by the EO centrally, or in designated circumstances to determine, through the Regional Education Administrators ("REAs").
- The capacity to ensure financial accountability and program effectiveness supported by EO/OEO's grant of authority to initiate and conduct their own financial audits and program assessments.

- A system of financial, contractual and programmatic performance transparency, which would include the creation of public information platform (Data Dashboard) and the development of a local institution "Education Performance Report Card."<sup>122</sup>

**a) Responsibilities:**

- Develop annual comprehensive budget encompassing all funding sources.
- Incorporate regional and local institutions' budget plans after review and approval by all designated appointees.
- Develop strategy for identifying and expanding strategic partnerships.
- Implement budget modifications as required and approved.
- Prepare and submit grant applications to secure supplemental resources through Federal, State and private channels.
- Monitor financial, program, and education staff resources.

**b) Internal Controls:**

- Review and approve payroll forms prior to action by the payroll office, to verify correctness of expense based on the budget plan.
- Conformance with guidelines and availability of funds.
- Review and approve non-personnel order forms, prior to action by Procurement Office, to verify correctness of expense based on budget plan.
- Conformance with applicable guidelines and availability of funds.
- Review and approve position actions prior to action by BOP Human Resources Office to verify existence of a funded position and maintain position monitoring.
- Monitor budget, review all accounts, line by line, to confirm that posted charges are correct, consistent, complete and accurate.
- Analyze budget variance encompassing variances by line.
- Internal audits-as required.
- Financial reporting condition reports issued regularly (monthly) documenting account amounts, expenditures to date, balances, forecasts, and variances.

*2) Maximizing effective use of existing resources and assets:*

The Office of Education Operations embrace a strategy of maximizing effective use of all available resources through leveraging and strategic sourcing, and identifying and utilizing all available assets. There are a number of effective budget practices to accomplish this. They would include the following.

- a) Standardization and strategic sourcing can substantially expand purchasing power. For example, employing leasing/rental (rather than outright or financed purchases) can rapidly and affordably expand needed assets such as technology components. At the same time, leasing strategies can provide access to the newest technology on a cyclical basis, at no additional expense. Additionally, embracing software-as-a-service will reduce maintenance costs simplify the process of adding and dropping services as needed.

<sup>122</sup> Most school districts are providing greater transparency through the construction of "Data Dashboards." Such Data Dashboards could also provide a one stop shop for data on participation and performance for prison education programs. Most major school districts today also provide individual School Performance Report Cards, which could be replicated for individual correctional facilities.

- b) A robust Inmate Instructor Program (“IIP”) to identify, recruit and train potential inmate teachers, teaching assistants, and academic coaches/ tutors to significantly expand the human resources at little cost to support the Blended Learning/ Individualized Learning Plan model. Inmates could also be selected and trained to provide other supports to the education programs.<sup>123</sup>
- c) Development and management of a comprehensive multi-year financial plan that allows for the EO to finance the “phase in” of proposed education reforms system-wide in a calibrated manner, as additional funding is made available through BOP savings resulting from reduced recidivism.
- d) Collaborative agreements with other state accredited education institutions, state and Federal agencies and industry recognized occupational training programs, to dramatically and affordably expand course and program offerings both quantitatively and qualitatively.
- e) Cultivating nontraditional external partnerships with other agencies and organizations to enhance academic, social, cultural, and human capital resources and supports. Additionally, strategic partnerships can optimize education, job training and re-entry employment opportunities.

### *3) Securing additional funding resources for which student inmates are eligible*

Programs and initiatives would be aligned to take full advantage of available federal and state education funding while adopting a policy of pursuing all available and eligible resources, both public and private. BOP should strive to explore securing resources available to its strict funding limitations.

Several programs (e.g. Workforce Innovation Opportunity Act; Federal Grants Managed by the Office of Correctional Education; Individuals with Disabilities Education Act; Every Student Succeeds Act; State General Aid; and Veteran’s Benefits), are not available to BOP inmates. These limitations are based in Constitutional law, statute, regulation, and other legal authorities, and are not due to lack of pursuit. Further, there are government ethics considerations in dealing with private organizations.

The BOP remains committed to supporting educational and vocational training inmates, and to using all appropriate resources in meeting this responsibility. The following provide broad guidelines when considering any potential proposals for outside resources.

### **BOP is Generally Responsible for Education and Vocational Programs**

- The BOP is responsible for the care and “instruction” of inmates committed to the agency’s custody.<sup>124</sup> Therefore, as a general rule, any funding for education programs comes from the appropriations provided to the BOP by Congress<sup>125</sup>. Any expenditure of appropriated funds to acquire goods and services is generally accomplished through the federal procurement process, which is governed by the Federal Acquisition Regulation, among other legal authorities.

### **General Guidelines for Interacting with Other Federal Agencies - Appropriations Issues**

- Generally, the BOP may not augment its appropriations by accepting goods or services from other government agencies for which it already receives appropriated funds (e.g. GED programs; RDAP; etc.).<sup>126</sup>

<sup>123</sup> The concept of inmate peer tutoring is not new. Many prisons use inmates in an instructional support capacity. Notably, the Windham School District, operating in the Texas Department of Justice prison system, has a standardized system of recruiting and training inmate tutors.

<sup>124</sup> 18 U.S.C. § 4042

<sup>125</sup> 31 U.S.C. § 1301 (a)

<sup>126</sup> 31 U.S.C. § 1301 (a)

- The BOP may not supplement its appropriations by accepting funds, such as federal grants, that Congress has specifically provided for other purposes (e.g. the above listed programs).<sup>127</sup>
- In order to accept funds from other federal agencies, the other agency and the BOP would need specific authority from Congress to provide and receive funds. In some limited cases, the BOP may enter agreements with other federal agencies under the Economy Act, if the agreement promotes certain efficiencies and is in the best interest of the government.<sup>128</sup>
- Veteran benefits may be available if the Veterans Administration (VA) provides the benefit directly to the inmate (as opposed to the BOP), and the benefit is not for a program or service the BOP provides. The specifics of such an arrangement would need to be further reviewed, and will largely depend on the VA's interpretation and discretion concerning its authority to provide benefits to incarcerated individuals.

These provisions provide a broad framework for collaborating with other federal agencies. Other legal and ethical considerations may arise in specific cases. Specific details of any proposed collaboration will need to be reviewed by staff from the Administration Division and the Office of General Counsel.

#### **General Guidelines for Interacting with Private Organizations – Appropriations and Ethics Issues**

- Generally, the BOP may not augment its appropriations by accepting goods or services from private organizations for which it already receives appropriated funds (e.g. GED programs; RDAP; etc.).<sup>129</sup> On some occasions, goods and services from outside organizations may provide resources the BOP is not required to provide.
- All private organizations and individuals providing services at no cost to the BOP shall complete a Gratuitous Services Acknowledgement (GSA)<sup>130</sup> which clarifies the terms and conditions under which such government agencies can accept these services (e.g. specific acknowledgement there is no expectation of payment; no claims against the government; etc.)
- If a private organization wants to donate items or goods, Program Statement 1350.02, Acceptance of Donations, must be followed. If an individual is receiving a salary from the private organization to provide services in the institution, further ethics review should be conducted.
- When interacting with private groups, it is important to avoid a specific or implied endorsement of one organization over another.<sup>131</sup> The Bureau should engage with similar organizations in an equitable manner.
- The private organization needs to follow all other relevant BOP policies, e.g. Program Statement 5353.01, Occupational Education Programs, Program Statement 5300.20, Volunteers and Citizen Participation Programs, etc.
- A private organization cannot solicit inmates for business services available after they are released.<sup>132</sup>
- As education and vocational programs are currently voluntary for inmates, we cannot guarantee to the private organization a specific number or percentage of inmates that will participate.

<sup>127</sup> 31 U.S.C. § 1301 (a)

<sup>128</sup> 31 U.S.C. § 1535

<sup>129</sup> 31 U.S.C. § 1341 (a)

<sup>130</sup> 31 U.S.C. § 1342, and corresponding legal opinions, e.g. 30 Op. Att'y Gen. 51; 27 Comp. Dec. 131.

<sup>131</sup> 41 CFR 101-20.308

<sup>132</sup> 5 CFR 2635.702b

- The BOP cannot accept gifts from prohibited sources. Thus, outside entities providing gifts cannot be an entity which currently provides goods or services to the Bureau under contract, or is seeking to do so.<sup>133</sup>
- The BOP cannot solicit, nor have others solicited on the agency's behalf, private groups to establish or create goods or services for federal inmates. However, once we are aware that an entity offers a benefit for staff or inmates, we can inquire about the program without violating the solicitation ban.<sup>134</sup>

These provisions provide a broad framework for collaborating with private organizations. Other legal and ethical considerations may arise in specific cases. Specific details of any proposed collaboration will need to be reviewed by staff from the Administration Division and the Office of General Counsel.

### **Financing and Implementing BOP Education Reforms**

The estimated cost of organizational changes, new staffing requirements and strengthened education programs will cost approximately \$134 million annually, once fully implemented. However, this would not necessarily require an increase in overall BOP funding. Through careful financial planning and budget management, funding could be secured by: (1) reprioritizing existing spending; (2) reprogramming vacant positions; and (3) phasing in new programs across local institutions on a schedule that allows time for savings from reduced recidivism to be realized and reprogrammed.

In Phase One, the EO is organized, resourced, staffed and empowered. This does not require new education funding, but a reprioritizing of existing education funding. In Phase Two, the new and expanded education and occupational training programs are gradually expanded system wide over a period of five years. This requires new education funding but could be financed through a gradual reprioritization of existing BOP resources. The net effect is that the percentage of the BOP budget "dedicated" to education would double from two percent to four percent of BOP's total budget. This would be more than offset by the savings realized from the reduction in the prison population resulting from reduced recidivism.

#### *Phase One: Building the Infrastructure.*

Phase One would involve the organization, staffing and empowerment of the new EO. This would, in effect, become the "BOP school district." Phase One would also include planning for the Instructional Management System and the reform of the prison education funding formulas. Phase One can be accomplished quickly and at minimal additional education costs.

### **1) Creating the new organization and administration structure.**

Creating the EO administrative and organizational structure (as described in Section 1) and staffing it can be financed with existing education resources through policy changes, budget reprioritization. Staffing the new positions needed to operationalize the model can be accomplished through the reprogramming of existing vacancies. The new system would require less than 40 additional Central and regional office staff. These positions could be drawn from existing teaching and recreation staff vacancies to cover costs. BOP currently

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<sup>133</sup> 5 CFR 2635.203 (d)

<sup>134</sup> 5 CFR 2635.202 (a)

reports 229 such vacancies. Additional staff support would be secured by drawing from the creation of a Bureau of Prisons Internship Program.<sup>135</sup>

Even before the new and expanded education programs are introduced and implemented, the creation of the EO and empowering it to manage existing BOP education resources and programs would quickly improve the efficiency and effectiveness of existing programs. This will give the EO time to fully develop, pilot, phase in, and finance the new and expanded education and occupational training programs system wide.

## **2) Development of the Plan for the Instructional Management Platform (the “Plan”)**

To implement the new programs and to provide the expansion of education services, the BOP is in need of an Instructional Management Platform. Such a platform can offer a supportive environment for a more robust framework of data collection and analyses, a source of curriculum and instructional models and supports, a source for professional development and training, and a vehicle for online education and blended learning. The platform needs to include standardized field technology (*i.e.*, tablets) needed to facilitate a transition to blended learning instruction and online student support model. The field technology would be acquired as the programs are expanded through the individual institutions.

Through innovative financing, creation of the platform and acquisition of the field technology can be secured. This might include eRate reimbursement, novel bonding instruments, and the assessment of what can be reprogrammed when traditional, labor intensive instructional expenditures are replaced with newly available (to BOP) technology.

The most effective financing tool would be to standardize technology, strategically source the supplier and lease or rent the platform and field assets. Leasing/renting can rapidly and affordably expand technology assets and facilitate the creation of a flexible system that can evolve as the curriculum and instructional models evolve, and as technology improves. Leasing/renting allows access to the newest technology on a cyclical basis (usually every two to three years) at no additional expense. It embraces software-as-a-service to reduce maintenance costs, and to permit the efficient adding and dropping of services. It also allows expansion of technology resources, as in some cases BOP is allowed to retain older technology, which the vendor simply writes off.

Any significant and rapid technology upgrade creates staffing and training challenges. Of all the specialty areas in need of additional supplemental staff support not currently provided by existing personnel, it may be easiest to recruit university interns with advance technology skills to support the expanded use of education technology in the prison education programs. This would enable BOP to significantly expand its technology support personnel at modest costs.

## **3) Bringing equity, efficiency, and accountability to exiting resource distribution**

BOP has two primary mechanisms for funding education services. Both are flawed and do not adhere to the principals of equity or efficiency. BOP’s education budget is the primary funding formula, financing most programs and staff through the G1 line, including teacher salaries and education program expenses. While funding is allocated based on the number of inmates, funding is not tied to either inmate participation nor

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<sup>135</sup> Source: Bureau of Prisons. Vacancy list is current as of March 2016. This list combines teacher and recreation Staff vacancies. 58 staff positions would be allocated to the Central Office and Regional offices.

student outcome. Furthermore, the funding and positions are not dedicated, allowing wardens to reallocate funds as needed.

Advanced Occupational Education (“AOE”) is allocated on an institution-by-institution level on the strength of individual institutions’ occupational training proposals. The unpredictable nature of occupational training funding, combined with the extremely cumbersome application process, ensures inequities in funding allocations with the percentage of institutions receiving occupational training funding ranging from 35 percent to 86 percent (FY15) depending on the region. Thus, many prisons are not experiencing any of the potential benefits of the program.<sup>136</sup>

There is an additional source of funds for inmates through the Inmate Trust Fund (ITF). The ITF receives revenues from a partial share of prison purchases at commissaries and inmate telephone service fees, among other sources. In the local institutions, most often these funds provide inmates with money for commissary merchandise. They can be used for post-secondary education expenses which must be paid for from the inmates’ personal funds, scholarships or community (family) sources.<sup>137</sup>

Greater fairness and accountability would be brought to the principal institution education funding formula by basing the allocation on inmate participation rates, rather than overall headcount. Tracking Average Daily Attendance (ADA) would be a mechanism to provide incentives to the institution for program completion. This allocation formula would extend to Basic Education Programs, High School/GED Programs, and Occupational Training and related academic programs.

The EO would streamline and simplify the AOE system, while AOE would continue to fund locally designed initiatives that improve work skills and job readiness. The program would be used to fund initiatives "sponsored" by wardens, the Local Education Administrator (formerly the SOE) and the expanded and empowered Local Trade Council (“LTC”). The AOE process would be simplified and local institutions and their LTC's would be an awarded AOE funding by selecting from among "pre-qualified" best practice model programs. AOE awards would fall into two categories: (1) awards for the piloting of promising new initiatives; and (2) multi-year awards for proven "best practice" initiatives, particularly those involving external partnerships that necessitate longer term commitments.

The EO could also move to expand the ITF into a full “scholarship fund” intended to help cover inmate expenses for post-secondary education that are not authorized to be covered by BOP. The new scholarship fund could be supported by a portion of the commissary and telephone fees, a portion of prison industry profits, vouchers purchased by the families of inmates, and scholarship reimbursements by inmates who have secured long term employment. The latter is envisioned as a sort of self-funding inmate "Pell Grant" deferred loan program. The Fund could serve also be a vehicle for securing and investing private contributions and for pursuing grants.

### *Phase Two: Implementing the Expanded Programs*

The second phase would involve the gradual introduction of new programs and expanded services in the local institutions. Annualized costs of new and expanded programs, including technology support, is an estimated

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<sup>136</sup> Source. The Deloitte "Current State Assessment". Only 6 of 17 institutions in the South Eastern Region were awarded AOE funding. AOE awards were only 6% of the education budget or slightly over \$9 million.

<sup>137</sup> Inmate Trust Funds allow inmates to track personal account funds while permitting others to deposit money. It is similar to a bank in that authorized parties can make withdrawals or anyone can make a deposit. Inmates most often use the funds at the commissary. Inmates can also support their families and save money for use upon release, as well as finance continuing education

\$134 million in additional BOP "education" funding. However, the net cost increases to BOP would eventually be more than offset by BOP savings from reduced recidivism. The "static" cost per program would be as follows:

**a) Comprehensive Academic and Social Emotional (CASE) Program**

This is an augment to the current basic skills (ABE) program. It would provide academic basic skills including ESL/ELL and Special Learning Needs (SLN) services including social emotional interventions for inmates who are simultaneously participating in occupational training programs. This would serve an additional 10,000 inmates at \$3,500 per student annually. The program would cost \$35 million annually.

**b) The High School Diploma Program**

Implement and prioritize a High School Diploma program based on an accredited internet-based high school. It would serve an estimated 6,000 inmates at \$5,700 annually per inmate, including technology. A static estimate would put the cost of this program at just over \$34 million annually.

**c) Expanded Continuing Education Options**

Secure access to accredited diploma and certificated programs through external partnerships with colleges, universities, and occupational training programs. The initial goal would be to more than double the number of inmates who are currently in the occupational training programs. The additional 12,000 inmates served, at \$5,000 annually per inmate, including technology support, would put the program costs at \$60 million annually.<sup>138</sup>

**d) The Inmate Instructor Program:**

The teaching staff would be supplemented by creating an Inmate Instructor Program (IIP) identify, train and manage inmate academic coaches and tutors to supplement the core instructional team. The goal would be to equip every "classroom" teacher with at least two highly trained inmate academic coaches.<sup>139</sup>

**e) BOP Internship Program:**

The EO would formulate an intern program to supplement educational administrative and support staff at all levels. BOP would aggressively pursue partnerships with local universities to secure interns for a variety of occupations and recruit interns in critical needs areas such as psychology, social education, ESL/ELL, finance, technology and data processing.

**Conclusion: Significant savings from reduced recidivism**

According to the oft-referenced 2013 study by the Rand Corporation, two-thirds of the prisoners released nationally will be arrested within three years. Half of those will be incarcerated within that same period. The rate of recidivism is significantly reduced when inmates participate in prison education programs. The study estimates that for every \$1 spent on education, \$4-5 is saved.

With 97% of all federal inmates eventually being released, an average inmate stay of 37.5 months, 45,000 inmates released annually, and the direct relationship between education and reduced recidivism, there are significant long-term savings to be secured from investing in and expanding high quality education and occupational training services. Consider that by just dividing the total number of citizen inmates into actual BOP expenditures, the average amount being spent annually on education and occupational training is approximately \$868 per inmate. By contrast, more than \$43,000 annually on average is spent by BOP per inmate overall. The

<sup>138</sup> A portion of the expanded post-secondary education program will be bore by private dollars, as non-occupational, post-secondary education must be funded through inmate personal funds.

<sup>139</sup> The goal would be to create a Prison Industry type program paying \$2,500 inmate academic coaches and tutors \$1 an hour, 20 hours per week, for 48 weeks. The goal would be to recruit two inmate academic coaches for each EO teacher.

decline in the federal prison population from the reduced recidivism of just over 3,200 inmates could theoretically generate enough savings to fund the expanded programs.

The reality of public budgeting, however, is that there is almost always a lag between reduction in the number of people served, or in the case of BOP incarcerated, and a corresponding reduction in staffing and most contract costs. However, the ratio of the overall cost of incarceration to the cost of inmate education is so significant that, at the very least, in the short term, education related reductions in recidivism would allow for the modest reprioritization of BOP spending needed to fully finance the new and expanded education and occupational training programs.

Phasing in the new and expanded programs at the local level over a five-year period would enable BOP to gradually and incrementally increase the funding from clearly identified BOP savings resulting from reduced recidivism. It would also allow the local institutions time to adjust to the programs, and the EO time to improve the programs and adjust to the realities of local cultures.

## External Partnerships

To leverage the approach that the newly-created Education Office (“EO”) takes to inmate education and professional development, this report recommends that BOP establish a unit within the EO’s Office of Education Operations (“OEO”) focused on identifying external strategic partnerships. OEO will be responsible for identifying outside resources and maintaining stakeholder relationships concerning these resources, in accordance with the BOP’s legal authorities. OEO will be responsible for ensuring maximum performance and accountability across the system, as regards partnerships, programs, and outcomes.

OEO will facilitate the identification and standardization of effective partnership offerings and collaborative job training practices across BOP. OEO will coordinate these partnerships through EO’s Central Office personnel working in tandem with the Regional Education Administrators (“REAs”) and the Local Education Administrators (“LEAs”). These partnership opportunities will seek to expand educational options through vocational training and certification/licensure opportunities, as well as provide a seamless transition from prison to gainful employment for current and former inmates. After extensive research, data collection, and expert input, the following recommendations have been identified:

HUMAN CAPITAL & MANAGEMENT	Create a business unit for pursuing strategic partnerships that will be responsible for creating a system to leverage resources to improve educational offerings and resources across BOP through strategic partnerships.
CAREER COACHES	Engage “Life and Career Coaches” by entering into partnerships with colleges and universities, as well as for-profit/non-profit organizations, to provide life skills to inmates.
TALENT PIPELINE	Form a consortium of appropriate educational institutions, and workforce development organizations to build a talent pipeline within prisons and communities.
EMPLOYMENT	Drive social capital, defined as the networks of relationships among people who live and work in a particular society, enabling that society to function effectively, to support successful reentry and gainful employment through internships and job placement opportunities.
ASSESSMENT	Conduct third-party assessments coordinated by external partners with a focus on implementation, outcomes, and the impact of recidivism.

MENTORING	Engage and train formerly incarcerated individuals who have achieved post-release success for the purpose of mentoring and coaching inmates.
TRANSPORTATION	Partner with the Department of Transportation and other governmental organizations to provide transportation to educational institutions and job sites for inmates.
PUBLIC RELATIONS	Develop a marketing campaign through third-party partners to drive awareness of partnerships and promote the benefits of addressing recidivism.
POLICY	Work with Congress to enact legislation and/or implement internal policies in support of strategic partnership objectives.

## BACKGROUND

According to the U.S. Department of Education, nearly all of the 700,000 state inmates who are released annually will face significant challenges to successful reentry into society. There is a substantial education gap between inmates and the general population. Approximately 82 percent of the general population has earned a high school diploma or GED, compared to only 60 percent of inmates in state and federal prisons and jails.<sup>140</sup> More than 50 percent of the general population has attended college, yet less than 25 percent of state and federal inmates can say the same. This low level of education attainment correlates with lower rates of employment and increases the likelihood of recidivism. Within three years of being released, more than 65 percent of ex-offenders will again be arrested, and nearly 50 percent will find themselves back in prison.<sup>141</sup>

While recidivism has many causes, a lack of educational credentials, work experience, and a lack of partnerships that could help former inmates function outside of a structured environment create substantial economic risks for former inmates and limits their ability to find and maintain sustainable employment opportunities. There are also the issues of a deficit in relevant job skills to help released inmates secure gainful employment, and a lingering criminal record that disqualifies them from securing job opportunities. In consideration that 95 percent of the more than 2.3 million inmates will eventually rejoin society at large, this lack of education credentials and job skills represent an area of great concern for society.

The emerging labor market requires more post-secondary education degrees and certifications than ever before, which will prove to be a significant barrier to employment for ex-offenders with limited skill sets. In addition, inmates do not have easy access to other supportive services that could help ease the transition into society.<sup>142</sup> It is therefore crucial for BOP to focus on strategic partnership opportunities to assist in the development of an internal school system.

External partnerships can be leveraged to provide a source of academic, social, cultural, and human capital. These can improve BOP's capacity to implement and sustain quality programs. Additionally, strategic

<sup>140</sup> U.S. Department of Education, Office of Vocational and Adult Education, *Partnerships between Community Colleges and Prisons: Providing Workforce Education and Training to Reduce Recidivism*, Washington, D.C., 2009.

<sup>141</sup> US Department of Education, 2009.

<sup>142</sup> US Department of Education, 2009.

partnerships can optimize education, job training, and employment opportunities, with an emphasis on providing relevant and useful job-readiness skills that will result in gainful employment. One of the key focal points of productivity is developing and cultivating non-traditional partnerships, within the BOP's legal authorities. As BOP education systems begin to increasingly operate in the ecosystem of open standards for data collection, educational attainment, and reducing recidivism, these collaborations will result in a mutually beneficial relationship for all stakeholders to successfully prepare inmates for life after release.

Leveraging partnerships will help BOP to better prepare inmates to rejoin the general population. A growing number of states are exploring new avenues to identify effective methodology to reduce these alarmingly high recidivism rates—along with the associated financial burdens and safety concerns—by initiating the development and implementation of a correctional education infrastructure supported by hundreds of aligned partners. It's not only government officials and educators who recognize the importance of increasing employability as a means to reduce recidivism. According to one inmate, "Utmost attention should be given to increasing employability after release. It's the closest thing to a magic bullet against recidivism, not just because of providing a legal income. It changes a prisoner's entire psyche and outlook. It's *the* linchpin to offering perceived control of one's life and restored respect from one's loved ones."<sup>143</sup>

The following examples demonstrate how existing partnerships have addressed the reduction of recidivism through education and employment programs in cities and states across the country.<sup>144</sup>

- The Wisconsin Department of Corrections formed a partnership with the Correctional Education Association ("CEA") and the Milwaukee Area Technical College ("MATC") to enable prisons in Wisconsin to acquire post-secondary education services for its incarcerated youth offender population. MATC offers tele-courses using the satellite services of CEA's Transforming Lives Network ("TLN"), a distance-learning project that provides corrections-specific offender education and staff development to correctional facilities nationwide.<sup>145</sup>
- A pathway from Prison to Post-Secondary Education is a national initiative to increase educational attainment and employment opportunities for incarcerated and formerly incarcerated individuals. This effort involves partnerships between colleges, prison and parole officials, and community and business leaders in selected states to provide easier access to postsecondary education in prisons. By supporting an expansion of educational opportunities in prison, seamless entry into higher education post-incarceration, and reentry services, this program promotes individual success in the community. The aim of Pathways is to transform lives as well as build stronger families and communities.<sup>146</sup>
- The Oregon Youth Authority ("OYA") Education Services Division is working in collaboration with Education Portal and utilizing online open education resources and college courses to create educational opportunities in Oregon's juvenile facilities. OYA and its partners have created a secure delivery system of computer-based Open Educational Resources ("OERs") and Massive Open Online Courses ("MOOCs") that are aligned with the College Level Examination Program ("CLEP") college exam credits. OYA employs stand-alone computers to deliver e-learning instruction. Course offerings consist of high school equivalency, General Education Development (GED) preparation, re-entry programming, and other treatment options. This enables computer-assisted instruction and self-paced learning. Inside/Out volunteers and program alumni and facility correctional officers serve as instructors.

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<sup>143</sup> US Department of Education, 2009.

<sup>144</sup> Deloitte, 2015

<sup>145</sup> U.S. Department of Education, Office of Career, Technical, and Adult Education, *Educational Technology in Corrections*, Washington, DC, 2015.

<sup>146</sup> Vera Institute of Justice, *Pathways from Prison to Postsecondary Education Project*, Retrieved March 16, 2016 from <http://vera.org/project/pathways-prison-postsecondary-education-project>

- The National Governors Association, the Council of State Governments, and other national public policy organizations are also working to provide assistance to states in creating, coordinating, and promoting state and local strategies to address the myriad of challenges faced by ex-offenders who are attempting to successfully re-enter society. The previously discussed study undertaken by the Rand Corporation found that inmates who participate in postsecondary education programs while incarcerated are 43 percent less likely to reoffend, suggesting that offering educational opportunities to inmates contributes to a reduction in the recidivism rate<sup>147</sup>
- Another study performed by the Indiana Department of Corrections found that inmates who took college courses had a recidivism rate of only 5 percent within three years of release compared to the national average of nearly 68 percent.<sup>148</sup> The findings from these studies provide compelling reasons to pursue tangible, realistic solutions for creating external strategic partnerships to aid in enhancing educational opportunities and employment resources for current and formerly incarcerated individuals.
- In 2012, the Work for Success program was launched in New York to match selected higher-risk and lower-risk individuals to the appropriate employment opportunities after their release. New York businesses gained access to qualified and properly trained applicants, along with tax credits and access to federal bonding for hiring former inmates. The development of this program was achieved by leveraging partnerships between the State Department of Corrections, the Department of Labor, and community-based organizations to develop a comprehensive statewide approach to provide job skills and other training to current and former inmates.<sup>149</sup>

## STRATEGIC PARTNERSHIP RECOMMENDATIONS

It is critical that an infrastructure exists for BOP to systematically build partnerships to reduce recidivism. To accomplish this goal, BOP should include OEO in its revised Educational Program framework to ensure that education and job training through partnerships is a priority. EO, through OEO, should embrace a nontraditional approach to education that encompasses more than just an academic component. OEO should be tasked with creating a system, similar to those already implemented in many state systems, for offering holistic support and services that would serve to accommodate the needs of each individual. For best results, these opportunities would be made available during an individual's time in BOP custody, and post-sentence while under the supervision of the U.S. Probation Office. Ideally, coaching and instruction will start at least two to three years before release and continue two years upon release.

OEO will additionally ensure maximum performance and accountability across the system for all key stakeholders as they relate to partnerships, programs, and outcomes. OEO will have an inclusive group of professionals and experts to provide education to nontraditional students, which will be established under the FACA requirements cited above. This partnership will include a cross-spectrum of members comprised of representatives from community colleges, universities, businesses, and community-based organizations. The team would (1) work to reduce recidivism by addressing challenges related to housing, employment, parenting, transportation, communication, technology, and access to important documents, which are essential elements to enhance the quality of life for individuals returning to the community; (2) increase employability and earnings among former inmates as a means of disrupting the cycle of intergenerational incarceration; (3) develop cost-

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<sup>147</sup> Union-Bulletin, "Inmate Higher Education Can Reduce Crime," Retrieved March 3, 2016 from [http://www.union-bulletin.com/opinion/editorials/inmate-higher-education-can-reduce-crime/article\\_0976b92c-e163-11e5-9afb-6bdcee3bba6d.html](http://www.union-bulletin.com/opinion/editorials/inmate-higher-education-can-reduce-crime/article_0976b92c-e163-11e5-9afb-6bdcee3bba6d.html)

<sup>148</sup> Union Bulletin, 2016

<sup>149</sup> New York State Department of Labor, *Work for Success Program*, Retrieved March 17, 2016 from <http://www.labor.ny.gov/careerservices/work-for-success/overview.shtm>

effective solutions enabled by technology to increase postsecondary education attainment and access to support services, and offer opportunities for those who successfully reintegrate into society to give back to the community by serving as mentors or teachers for other inmates.

*RECOMMENDATION 1: ENGAGE LIFE & CAREER COACHES BY ENTERING INTO PARTNERSHIPS WITH COLLEGES AND UNIVERSITIES, AS WELL AS FOR-PROFIT/NONPROFIT ORGANIZATIONS, TO PROVIDE LIFE SKILLS TO INMATES*

1) Engage Life & Career Coaches (LCCs) who would focus on building the academic, social, and cultural capital that is essential to help inmates reintegrate into society.<sup>150</sup> These coaches would be available, at the discretion of those released, to provide: sage advice; a problem solving sounding board; guidance related to job seeking, career, or education planning; and strategic thinking. Third-party providers would select the coaches, trained part-time volunteers who could be incentivized with small stipends for expenses. LCC's would be managed under the BOP's volunteer policies and procedures.

2) Position LCCs as the initial point of contact and would offer supplemental training such as financial management workshops, career advising services, and strategies to address the challenges inmates face after release. LCCs would also provide accountability for the success of formerly incarcerated individuals in their educational and employment pursuits.

3) Establish training programs for LLCs. LCCs will function in a similar capacity to a college guidance counselor. They will require intensive training to assist inmates in navigating the transition from incarceration to reintegration into society. Ideally, the same LCC will be paired with an inmate while he/she still incarcerated, and continue to guide that individual throughout the reintegration process.

4) Establish Success Teams composed of a prison case manager, a community corrections representative, prison education staff, and a college or university advisor, with an LLC in the Team lead position. The Success Team will collaborate to assist individuals in the transition from prison back into the community.

*RECOMMENDATION 2: FORM A CONSORTIUM OF COMMUNITY COLLEGES, PRIVATE/STATE UNIVERSITIES, VOCATIONAL SCHOOLS AND WORKFORCE DEVELOPMENT ORGANIZATIONS TO BUILD A TALENT PIPELINE WITHIN PRISONS AND COMMUNITIES.*

1) Establish consortium under FACA to provide guidance on resources and foster academic excellence.

2) Develop performance standards for strategic educational partnerships through agreed-upon evaluation processes with the consortium.

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<sup>150</sup> Academic capital refers to the potential of an individual's education and other academic experience to be used to gain a place in society. Social capital consists of the development of networks of relationships among people who live and work in a particular society that enables the society to function effectively. Cultural capital refers to non-financial social assets such as education, intellect, dialect, and physical appearance that promote social mobility beyond economic means.

- 3) Establish performance goals through collaborative discussion with the consortium to ensure achievement of learning outcomes and objectives.
- 4) Conduct evaluations of consortium programming through a third-party organization.
- 5) Collaborate with policymakers and members of the community to gauge interest and support from the local community as a key stakeholder and would ensure prison locations/sites for successful pathways to education and employment.
- 6) Develop a correctional education orientation program that includes policies and systems to help adapt teaching methodology to prison facilities. This can be achieved by fostering partnerships with learning institutions to effectively train prison educators.
- 7) Establish paid internships and other opportunities for college students and other consortium members to support educational programming and employment services for currently and formerly incarcerated individuals

Community colleges are often logical partners for correctional facilities seeking support in providing educational opportunities to inmates because they are cost-effective, they provide convenient locations throughout the state, and many are willing to partner with prisons. While community colleges provide a full range of correctional education programs in some states, in others they provide only post-secondary vocational and academic programs, including noncredit certificate-bearing courses. In 2005 the Institute for Higher Education Policy (“IHEP”) conducted a nationwide analysis and discovered that 68 percent of all postsecondary correctional education is provided by community colleges, although fewer than 5 percent of prisoners are enrolled.<sup>151</sup> These findings formed the basis for a review of partnerships between community colleges and prisons, which attempt to increase the visibility of existing partnerships, to encourage similar partnerships in other communities, and to demonstrate how these partnerships can benefit everyone including community colleges, prisons, inmates, and the public. It is important to leverage the community colleges’ educational programming standards in the design of BOP programming. Through the consortium, BOP should ensure that correctional institutional courses align with the standards and content necessary for matriculation in college degree programs. Additionally, credits must be transferable across the BOP correctional institutions as well as the consortium members’ institutions. To facilitate sustainability of professional development initiatives, the BOP should also work with the consortium members to prioritize the hiring of formerly incarcerated individuals who have gone on to further their own education and professional development opportunities.

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<sup>151</sup> US Department of Education, 2009.

*RECOMMENDATION 3: DRIVE SOCIAL CAPITAL BY DEVELOPING NETWORKS AND RELATIONSHIPS TO ENSURE SUCCESSFUL REENTRY AND GAINFUL EMPLOYMENT THROUGH INTERNSHIPS AND JOB PLACEMENT OPPORTUNITIES.*

- 1) Identify job openings that are suitable for formerly incarcerated job seekers, and gain an understanding of the skills and abilities that are necessary to perform these jobs. This can ensure that appropriate education and vocational training programs are provided to individuals both while in prison and when they return to the community.
  
- 2) Launch an interagency vocational training program to develop talent and ensure job placement for people exiting prisons. An example of a potential partnership would be between the Department of Labor, the Department of Corrections, and a workforce solutions organization like Manpower Group, the Salvation Army, or Goodwill. This type of partnership would be effective in job placement because it would identify relevant, high-demand occupations.
  
- 3) Create a resume template for formerly incarcerated people to assist them in translating the academic and vocational skills they learned during incarceration into employment skills.
  
- 4) Improve accessibility of vital records. Proper identification is required to secure employment, so BOP should work with states to simplify the process to obtain identification documents necessary for employment.
  
- 5) Develop a system of client matching for job seekers and employers. Use an evidence-based tool to identify the proper training and other needs to be addressed during incarceration in the community, which would allow agencies to make targeted referrals.

*RECOMMENDATION 4: INVESTIGATE TECHNOLOGY TO MAKE LEARNING OPPORTUNITIES MORE ACCESSIBLE TO CURRENT AND FORMER INMATES.*

- 1) Research electronic devices and software that may assist learning and development.
  
- 2) Expand educational options and services to reach more students and to offer a broader, more diverse curriculum through online instruction, distance learning, and webinar training to drive lower recidivism.
  
- 3) Utilize digital technology to collect and disseminate resources related to educational opportunities, employment opportunities, and life skills.

4) Facilitate the reentry process by allowing incarcerated individuals to prepare for release by researching employment opportunities; applying for jobs, financial aid and benefits; enrolling in college; addressing outstanding legal issues; searching for and securing housing; and maintaining or developing personal relationships with their community networks in partnership with their assigned LCC.

5) Expand programming to corporate community partners that can lead to paid internships, apprenticeships, and employment.

6) Redesign processes and structures to take advantage of the power of technology to improve learning outcomes while making more efficient use of time, money, and staff.

7) Track educational attainment and post-release outcomes to determine the effects of correctional education on job placement and retention, college transitions and persistence, and recidivism. Support non-educational functions and activities at the facility to help mitigate cost.

8) Provide instructors with access to professional development resources and opportunities, such as communities of practice, to collaborate and learn from other instructors both inside and outside secure classrooms.

*RECOMMENDATION 5: CONDUCT THIRD-PARTY ASSESSMENTS COORDINATED BY EXTERNAL PARTNERS WITH A FOCUS ON IMPLEMENTATION, OUTCOMES, AND THE IMPACT OF RECIDIVISM AND RECIDIVISM REDUCING PROGRAMS.*

1) Establish metric goals that meet the expectations of all key stakeholders.

2) Conduct an annual program evaluation to determine strengths and weaknesses of existing partnerships.

3) Conduct bi-annual focus groups for current and former inmates to monitor success ratios.

4) Conduct faculty and staff evaluations to drive accountability.

*RECOMMENDATION 6: ENGAGE AND TRAIN FORMERLY INCARCERATED INDIVIDUALS WHO HAVE ACHIEVED POST-RELEASE SUCCESS FOR THE PURPOSE OF MENTORING AND COACHING INMATES.*

- 1) Institute an application process for individuals who are able to meet specified criteria for mentorship and coaching opportunities.
- 2) Implement a screening process to determine mentorship eligibility and to identify suitable matches between inmate participants and potential mentors/coaches, and address issues that may arise from supervised release terms and conditions
- 3) Conduct an annual evaluation to measure success and identify areas of improvement.
- 4) Determine if mentor/mentee matches are viable and sustainable beyond the first-year evaluation period and implement changes accordingly.

*RECOMMENDATION 7: PARTNER WITH THE DEPARTMENT OF TRANSPORTATION AND OTHER GOVERNMENTAL ORGANIZATIONS TO PROVIDE TRANSPORTATION TO EDUCATIONAL INSTITUTIONS AND JOB SITES FOR INMATES.<sup>152</sup>*

- 1) Assess participants' transportation needs to determine appropriate accommodations.
- 2) Identify solutions to provide necessary transportation (e.g., Bus systems, rideshare, taxis, etc.).
- 3) Develop a policy that includes criteria for ridership eligibility.
- 4) Establish a system of accountability to ensure appropriate use of transportation resources.

*RECOMMENDATION 8: DEVELOP MARKETING CAMPAIGN TO PROMOTE THE BENEFITS OF ADDRESSING RECIDIVISM*

- 1) Launch a national, regional, and statewide public education and outreach campaign to inform businesses and communities about the benefits of hiring formerly incarcerated individuals in their communities.
  - This campaign should include social media, mailings to employers, and presentations to Chambers of Commerce and public-service announcements.
  - By building a consortium of key nonprofits, OEO can help change public perception of formerly incarcerated individuals and demonstrate how employment for these individuals will strengthen families, stabilize communities, and stimulate the economy.

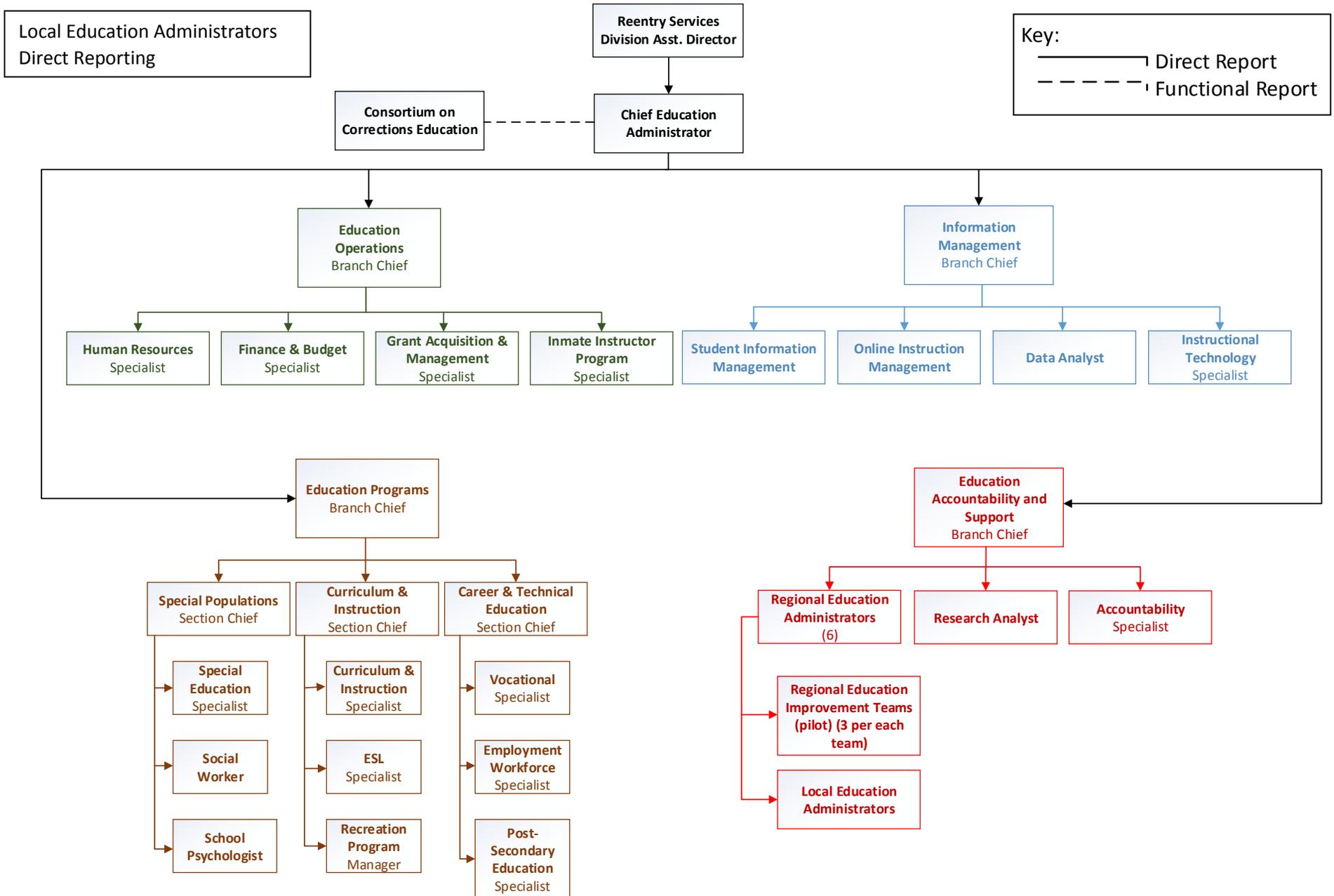
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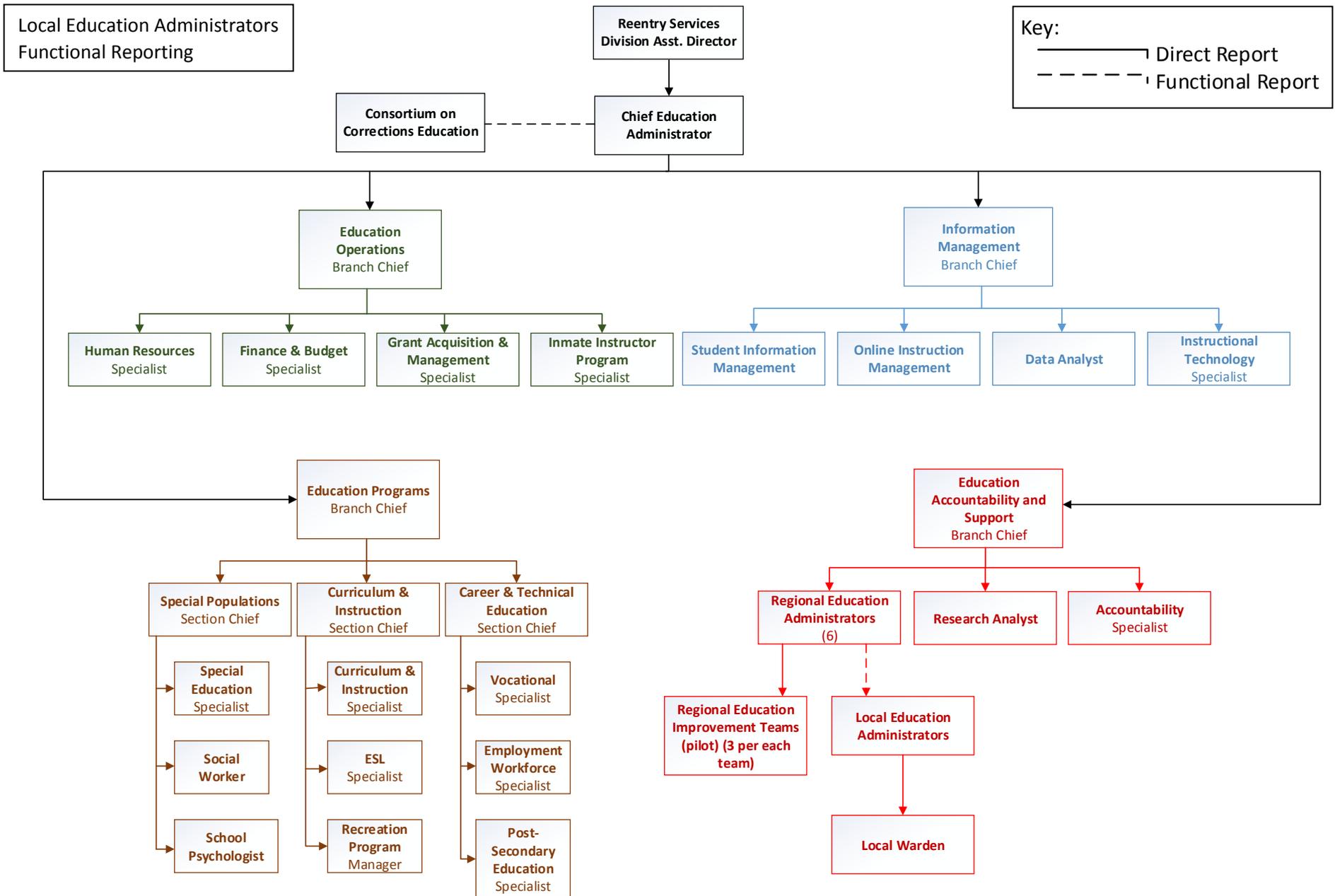
<sup>152</sup> For inmates with appropriate security clearance allowing this option.

*RECOMMENDATION 9 ADVOCATE FOR LEGISLATION AND IMPLEMENT INTERNAL POLICIES IN SUPPORT OF STRATEGIC PARTNERSHIP OBJECTIVES.*

1) Propose legislation to create a system of nationally transferable credits that are earned in correctional facilities.

2) Propose legislation to provide benefits for prison education interns to motivate participation.





## New Education Initiative Organization Structure, Policies and Practices

**Introduction:** The purpose of the New Education Initiative is to significantly improve educational outcomes for inmates in the Bureau of Prisons (BOP) facilities. The essential pre-requisites for a strong foundation to the new education initiative are a better resource allocation, a more centralized organizational structure, improved hiring practices, expanded and more unified educational programs across the agency (especially in certain educational areas), increased outreach to the research and local communities and more state of the art technological delivery systems across all educational programs. Embracing these pre-requisites will support the priority of an optimized, differentiated and personalized instruction system.

### 1. *Creating an Effective Organizational and Administrative Structure*

#### Education Office Organization, Policies and Practices

**Organization:** The Education Office (EO) shall be a crucial part of the Reentry Services Division (RSD), as it is essential to successful reentry for inmates to be educated and prepared for the workforce.

**Personnel:** The EO should have educational experts in curriculum and instruction, instructional technology, and assessment and evaluation. While the new organization structure proposed by the agency is much more robust, it should also have support experts and independent capacity in finance, procurement, program evaluation and human capital, which would coordinate with the BOP-wide leadership. The BOP proposed organization chart aligns effectively with the proposal Bronner Group (BRONNER) has recommended. However, the structure and headcount support functions (Human Resources, Information Management and Financial Management) as BOP has proposed should be reviewed to determine that they are sufficiently robust. Additionally, BOP must determine how program assessment will be performed to effectively support the accountability function.

**Functions:** The EO functions will be responsible for budgeting, program design, and oversight over the quality and efficacy of the programs implemented in the local institutions (including program management evaluation). These responsibilities include the issuance of Corrective Action plans to an Institution based on a Quality Review issued by a Regional Education Improvement Team.

**Programming:** The Education Office shall pursue a program of work that shall be divided into three areas: Comprehensive Academic and Social/Emotional Support, High School Support, and Advanced Adult Education Support.

#### **Comprehensive Academic and Social/Emotional Support**

**(Basic Skills):** “Basic Skills” delivery needed to accelerate learning in literacy, reading/language arts, English Language Learning, and social/emotional needs with intensive evidence-based interventions through blended learning.

**High School Support:** Pathways for students to earn a recognized high school diploma or GED through a blended learning competency-based high school curriculum program. Both would include adult work skills development such as ACT "WorkKeys."

**Advanced Adult Education Support:** Programming to support inmate continuing education both academic (college and university) and occupational training. This includes access to specific job skills training programs that result in certification from state accredited public or private school or state recognized associations and agencies. It would support access to adult work skills development, such as certificated financial and technology training programs. Inmates without high school diplomas/GEDs would have access to certain programs that did not preclude them, and could simultaneously pursue GED while participating in a nationally recognized certificated occupational training programs.

**Concept of Operations:** The basic skills and the High School/GED programs would be rigidly standardized. The areas of post-secondary education, occupational training, and education enhancements would have broad general goals that all institutions would comply with, but enable the Local Education Administrators, their Wardens, and their Local Trade Councils (LTCs) opportunities to select individualized programs and strategies reflecting local capacity, geographic location, and local partnerships. Local institutions must develop (with the option of receiving EO support) specific quality programs in the area of occupational training and, potentially, reentry services that would be submitted to the EO for approval and funding through the Advanced Occupational Education (AOE) program.

**Reporting (Command and Control):** All staff in the central Education Office, including the Regional Education Directors and the Regional Education Improvement Teams will ultimately report to the EO director, the Chief Education Administrator (CEA).

The Education Office will have:

- Ability to set budget priorities and approve programs for the education functions with the approval of the Assistant Director of RSD and the Director of the BOP.
- Ability to set BOP standards and policy on matters pertaining to the education functions with the approval of the Assistant Director of RSD and the Director of the BOP.
- Authority over the selection, termination, and evaluation of education personnel.
- Ability to secure quantitative and qualitative data from all BOP institutions and ensure transparency.
- Ability to create the template for Professional Work Plans (collaboratively created goals, priorities, and agreed upon

processes and strategies, with associated budgets, that comply with EO policies) to be used throughout the BOP for all EO personnel.

- The EO establishes the Professional Work Plans for the Regional Education Administrators (REAs).
- REAs establish the Professional Work Plans for the Local Education Administrators (LEAs), in collaboration with the Warden.
- Ability to direct Quality Reviews (on-site educational assessments) by the relevant REAs at an institution to determine the effectiveness of the Professional Work Plans.
- Authority to hold the Institutions accountable for the education functions' compliance and effectiveness through their REAs.

**Other Matters:** The EO shall have the ability to determine the processes and procedure of the implementation of a more state-of-the-art technology platform, which supports the Scope of Work presently being used for the RFP for the Correctional Education Technology System. If the pilot is successfully deployed, it shall be rapidly deployed throughout the BOP. The successful deployment of the pilot program should also be leveraged to inform the development of a technology-based Student Information System and adequate personnel to populate it, manage it, and evaluate the information generated for continuous improvement of the Education Office and the education and occupational training programs.

### Regional Education Office Items

**Organization: Regional Education Administrators:** There will be six (6) Regional Education Administrators who will be members of the Central Office.

**Organization: Regional Education Improvement Teams (REITs):** The REITs will operationalize the Central Office oversight of the efficacy of educational programs in the local institutions. The REAs or their designees will lead a team of educational personnel from within the BOP and/or educational consultants to evaluate the efficacy of operations in the institutions and will be able to make recommendations for improvement to the Warden (Corrective Action Plans). In the event of disagreement, the Warden and the Education Office shall agree or submit the matter to the Education Office leader for final resolution.

**Personnel: Regional Education Administrators (REAs):** The REAs shall have experience as former educational administrators or persons who have significant experience in the educational policy field.

**Personnel: Regional Education Improvement Teams:** REITs shall consist of two to four persons plus the REA. Team members could include existing educational administrators, educators in the institutions or experienced practitioners in the educational policy field. They can be from within the BOP, its institutions, or external consultants, depending on the perspective, expertise and independence required.

**Functions: Regional Education Administrators:** REAs will be the interface between the Central Office and the institutions on their goals, their implementation and efficacy of the Educational operations and will enforce policies and standards of the EO.

**Accountability Function:** REAs will have oversight for Institutional programming, monitoring and oversight for program execution and results/goals being achieved, regularly evaluate data and policy compliance, engage the institutions in making them more effective, and hold the LEAs accountable for success of the education programming.

**Human Capital Function:** REAs will be responsible for the administration and oversight of professional development of Human Capital in the Institutions.

**Quality Review Function:** REAs will be responsible for leading and conduction quality reviews of the work being done by the Institutions. These will be performed periodically (not less than once every two years).

**Support Function:** REAs will serve as regional resource and support centers to coordinate and assure quality of the recruitment and training of educational personnel and assist in the establishment of strategic partnerships with universities, industries, and other units of government.

**Reporting (Command and Control):** REAs report to and are evaluated by the EO Director or his/her designee.

**Other Matters:** The BOP should pilot implementation of REITs in one region in order to understand and level set the framework details. The BOP should then expand REIT deployment to the other five regions after six months.

### Local Education Office Items

**Organization: Local Education Administrators:** LEAs will be an employee of the Institution, but the criteria for hiring and the selection will be approved by the Education Office CEA or his/her designee.

**Personnel:** The personnel positions and personnel criteria for selection of individuals who will provide educational services in the Institution will be set by the EO and approved by the Warden. The personnel selection will be selected by the LEAs, with the approval of the Warden or designee. Each LEA will have three direct report leaders, who will both teach and lead an education service category. The categories are CASES Unit, High School Support Unit, and Advanced Adult Education Support Unit.

**Functions: Local Education Administrators:** LEAs will lead Education programming in the Institutions and will be directly responsible to the Warden and the Central Office for the hiring and firing of personnel (with the approval of the Warden), the direction of the personnel, and the efficacy of the programming. The LEAs' Professional Work Plans will be developed by the EO and approved by the Warden.

**Reporting (Command and Control):** The LEAs will report to the Warden, but have a functional reporting relationship to the EO, primarily through the REAs. This functional reporting relationship is a dotted-line relationship to the EO, which means the LEAs' educational functions will be directed by the EO. The Warden will retain the right to override the directions of the EO in the event of an exigent matter that concerns the safety of the prison personnel, the prison inmates or the public at large, or for other significant and exigent matters. The Warden will have a right to evaluate the LEA, but the evaluation outcome must be approved by the EO.

## 2. *Creating Education Policies and Priorities to Support the New Education Initiative*

### **Existing Policies and Priorities (Education and Administration)**

The BOP has adopted many education policies and practices that have given rise to existing success in the results of lowering recidivism and improving educational outcomes for inmates. These policies and practices should be reviewed in this process and should be carried forward for adoption if it is agreed that they will further the New Education Initiative. If a policy or process does not do so or is otherwise in conflict with the New Policies and Priorities below, the existing policy or process should be retired.

### **New Policies and Priorities (Organization and Education)**

Below are bulleted concepts which the BOP should shape into formal policies.

#### **Programmatic strategy and alignment**

- Basic education skills program system-wide are necessary to build the capacity of inmates who are be able to take the GED and/or get a high school diploma
- Skills training should be integrated with the GED and/or high school diploma programs
- Occupational training programs should be accessible to the non-GED/high school diploma candidate
- More emphasis should be placed on building a high school diploma program
- Skills training should be driven by inmate needs or national job market realities. Local BOP institutions should endeavor to follow a uniform approach to meet inmates' basic learning and reentry needs, but

tailored to the needs and capabilities of the local communities.

- The BOP should take a system-wide approach to educating inmates with very low achievement and/or disabilities.
- Adult Continuing Education (ACE) programs should be increased and certificated. Occupational programs should be aligned to jobs and the job markets where the released inmates will return.

### **Budget**

Education and occupational training is a priority from the standpoint of the BOP's finances.

Education and occupational training, funding, and programming decisions are made at the Education Office.

### **Program Review and Effectiveness**

There shall be a process or mechanism for evaluating programs for quality, effectiveness, and the ability to meet inmates' needs and the BOP education goals. Although there is a Program Review Division (separate from the Education Office), this Division serves the entire BOP and focuses on compliance with regulations and policy rather than program performance. As such, program effectiveness, educator instructor quality, and alignment with common education standards has been largely ignored.

The BOP should share information to make informed decisions about the effectiveness and relevance of the education and occupational training programs. The information sharing function shall be within the Education Office and with important stakeholders, such as the Director and his/her staff, the Reentry Services Division, the other Headquarters Division leaders, and the Wardens.

### **Staffing**

There should be equitable funding to Institutions with the number of education positions determined by participation – not inmate population.

### **Human Capital**

Job qualifications should be aligned with job descriptions to meet the Mission, Vision, and Core Ideologies and Values of BOP and the Education Office.

The BOP should establish well-defined job qualifications and adopt a commitment to require continuing education and training for EO instructors, managers, and other staff.

There shall be adequate special education and behavioral support services; the instructors in these service areas must be required to have certification or experience with teaching adults or high school students with low achievement and/or disabilities. Further, there should be more special education teachers at the institutional level and more education psychologist to assess inmates' special needs.

Human Resources should establish the job qualifications and job descriptions and seek approval from BOP Human Resources for the following:

- Chief Education Officer.
- Senior Administrators.
- Regional Education Administrator.
- Local Education Administrator.
- Teacher- Academic.
- Teacher- SPED.
- Recreation/ Wellness.
- Education psychologist.
- Administrative Support Specialists.
- Education Technology Network Specialist.
- Inmate Academic Coaches.
- Contractual teaching positions.

### **Supports**

The BOP should establish a mechanism or authority for coordinating facility-based social-emotional resources with education program personnel. These resources should include therapists, psychologists, and health care workers.

### **Local institutions**

- Local institution education programs are standardized, but tailored to the local inmate population, and will include the following features:
  - LEA and support staff (teacher, coaches, and instructional leaders) will provide the direct education services to the institutions.
  - IT Support team in the Executive Office will exist to maintain the instructional management platform, but will maintain close collaboration with the BOP IT function.
  - Education Services Areas will include Comprehensive Academic and Social/Emotional Support (CASES, defined below); High School Support; and, Advanced Adult Education.

- Each service area will have a standardized approach developed by the Executive Office and implemented throughout the BOP.
- Standardization of teacher qualifications, evaluation, accountability, and incentives throughout the system developed by the Executive Human Resource office.
- Contract instructors and education and training programs.
- Inmate Instructor Program (IIP), an initiative to expand the teaching workforce by training capable and willing inmates to provide support to certified teachers.
- “Extension” education and job training services with area colleges, private training programs, unions, and employers.
- Educational resources and library services.
- Instructional support staff ratios to individual institution prison populations will be 1:10.
- Institutions in the will be staffed according to the models guided by the Education Office and described below:
  - Certified Teachers
    - Job descriptions will be rewritten by the Executive Office to require that full-time teachers are certified.
    - Teachers will report to the LEAs. Their primary responsibility will be to serve as teachers, while their secondary responsibility will be to serve as Correctional Officers.
  - Contract instruction
    - Accredited programs selected by the Education Office that offer recognized certifications will be exempt from the teacher qualification requirements.
    - Contract and retired teachers will be hired to fill critical areas in accordance with Education Office guidelines.
  - Inmate Instructor Program (IIP)
    - A comprehensive IIP will be established to provide supplemental instructors and teaching coaches.
    - IIP candidates will participate in training programs to secure a BOP "provisional" teacher certification.
    - IIP teachers will receive time off their sentence.
    - IIP teacher positions will be classified as a "work assignment" above a Grade-4 compensation and be eligible for additional compensation tied to years in service.

### 3. Local Trade Councils

The reconstituted Trade Advisory Commissions (TAC), formalized as Local Trade Councils (LTCs), are the vehicles for entering into strategic partnerships to expand high quality occupational training and reentry employment opportunities.

Existing TACs should be expanded so that each institution is required to create an LTC. Currently, the TAC is required when an occupational education program is not offered by an outside accredited education institution or not certified/accredited by an outside verifying or accrediting agency.

The LTC should have broad industry and workforce development (public and private) membership. It would focus not only on the quality of education and occupational training programs but also in the selection of other relevant training programs and the recruitment of partners. The LTC should also play a program review role in examining the relevance and quality of local occupational training programs. The mission of the LTC will be as follows:

- Provide the local Warden and LEA with advice on occupational training and post prison employment strategies.
- Assist with the identification and selection of relevant occupational training programs.
- Perform identification, selection and recruitment of public and private occupational training institutions offering training programs in industries accessible to former inmates.
- Set standards and review programs and instruction to ensure quality.
- Identify and recruit potential employers and work with Reentry Affairs Coordinators and Probation Officers to secure continuing educational and job training opportunities and employment.
- Seeking out and securing long-term strategic partnerships to enhance education and job training and research-entry employment opportunities.

### 4. Inmate Instructor Program (IIP)

**Objective:** Create a comprehensive standardized program that significantly supplements teacher support resources by identifying, selecting, and training inmates who qualify to participate as teaching coaches and tutors in the institution education and occupational training programs.

**Goals:**

To staff the program to implement the Blended Learning/ Individualized Lesson Plan model.

To maximize the amount of individualized and small group instruction

To improve student performance and increase student completion rates in diploma and certificated programs.

To improve the education and job training system while operating within the current budget constraints.

**Selection Criteria:**

Inmate will have the following:

- A verified high school diploma.

- At least a 9.0 Educational Achievement (EA) score on the reading subtext of the Tests of Adult Basic Skills.
- Demonstration of other requirements established by the principal, warden and/ classification committees.
- Successful completion of the required teacher training and a Prison Teaching Certificate. Tutors will be assigned by the warden or the Teacher Classification Committee according to skill set.

**Organization:**

Qualified Inmates will:

- Serve as teaching coaches when deemed essential by the LEA.
- Be implemented under the supervision of the LEA.
- Work under the "direct" supervision of the instructor designated by the principal.
- Be assigned full- or part-time and may be used as time, scheduling, security and facilities permit.
- Be used only as a support staff to a certified teacher or administrator.
- Have excessive no supervisory authority over inmates except when serving as a substitute teacher.

**5. *The Consortium on Corrections Education (CCE)***

The Consortium on Corrections Education (CCE) will operate as a Research and Development (R&D) arm to the BOP Education Office to provide input in the development and refinement of policies and procedures and to assess strategies and programs and financial priorities.

The CCE will give the Education Office the capacity to improve education services by providing the EO with access to quality research, specific program analysis and access to the "Best Practices." The CCE will identify which program components have the greatest impact on inmate success and what policies, procedures, and organizational structures are necessary to deliver these impacts.

The CCE should operate as an independent federation of researchers and experts from national organizations and universities, all with an interest in improving correctional education. The BOP Executive Office should be represented by its top education and administrative staff who would take sabbaticals to bring their knowledge and experience within the local institutions to the Consortium. The U.S. Department of Education (USDOE) should also be represented and share in the leadership, as the USDOE has had a long-standing interest in correctional education reform.

The Consortium's research and analysis activities should directly addresses program quality, instructional quality, and alignment with community and industrial standards. The creation of the CCE is intended to give the BOP education leadership access to continual high quality R&D that could inform decision-making and continuous improvement in program offerings, instructional content, and organizational structure.

## Inmate Instructor Program

### Program Tier Structure

#### Introduction

The Inmate Instructor Program (IIP) is presented as a core proposal to provide the structure needed to implement and sustain the Education and Occupational Training Program. The IIP is designed to address the varied needs of the Bureau of Prison (BOP) inmates that result from each inmate's individual educational background, skills and abilities and expands the pool of instructors available to the local BOP institutions. For some inmates, the Program enables them to utilize their varied skills and abilities to help others and improve their own situation through earned incentives.

#### IIP Tier Programs

The Program is designed in three (3) Tier programs to allow maximum possible participation:

**Tier 1 – BASIC:** An inmate who has obtained his or her GED can provide test preparation programming to other inmates who are pursuing their GEDs;

**Tier 2 – SKILLED:** An inmate who possesses a specific skill (i.e. technology, visual arts, culinary skills etc.) can provide education and/or professional training in his or her skillset to other inmates;

**Tier 3 – PROFESSIONAL:** An inmate who possesses a documented advanced educational degree can teach classes to other inmates while incarcerated.

Each of these Tier programs has required qualifications for inmates to participate as well as a structured program for completion. Also, inmates who want to serve as coaches and/or mentors outside of a structured program must participate in a Training Program in order to be qualified.

All applicants for any of the Program Tiers must:

1. Be recommended by the Warden, their current Instructor, and other personnel as required by local BOP institution policy; and,
2. Complete all requirements associated with the Program Tier.

#### TIER 1- BASIC

The Tier 1 program is designed to assist those inmates who have not yet earned a high school diploma or equivalent. An applicant who wants to be an Inmate Instructor for the Tier 1 program is required to have the following:

1. A minimum 9.0 reading score;
2. A verified high school diploma;
3. Recommendations by appropriate BOP institution staff; and,
4. Successful completion of the following courses:

- a. A course in instructional strategies to provide a basis to assist inmate students in learning curriculum content;
- b. A course in test-taking skills to prepare inmates for GED exam;
- c. Review courses in Language arts or Math & Science, depending on the inmate's own area(s) of strength as determined by the Test of Basic Skills; and,
- d. A course in understanding and working with different learning styles to provide him or her with the tools to coach students in different ways of processing information.

All courses will be taught by the local BOP institution's current instructional staff or by a private education provider contracted by the institution. The courses will be taught as a combination of classroom learning as well as computer based activities. This plan of blended learning will allow for maximum flexibility due to the various skill levels and learning styles of the inmates. However, it is important that the BOP recognize the need to address the issue of using software in these courses that does not need (or allow for) internet access, due to current constraints in the availability of on-line learning materials.

#### Tier 2 - SKILLED

The Tier 2 program is designed to allow inmates to teach others a specific skill in which they excel. As an example, inmates who are computer literate, inmates who are experienced in creative and visual arts, or those with experience in vocational skills (carpentry, welding, painting etc.) would be allowed to work with interested inmates to learn the basics of that skill. This Tier program is limited by available supplies and/or equipment at the local BOP institution. However, this Tier program represents a valuable opportunity for interested inmates to broaden their skillsets and can facilitate connections to employment during the re-entry phase.

Due to the highly-individualized nature of this Tier program, it is unlikely that the BOP Education Office (EO) could establish a standardized set of requirements to apply to all inmates who express interest in becoming certified as a Tier 2 instructor. However, a standard approach for evaluation of each inmate's qualifications for training others in his or her identified skillset should include an inmate's demonstration of proficiency in the skillset. This demonstration should be subjected to evaluation from instructors within the local BOP institution. As necessary, the instructors can coordinate with representatives from the local institution's Local Trade Council (LTC) to identify local experts who are qualified to assess the inmate's performance and competency in the identified skillset. The instructors and LTC representatives can also identify an appropriate credential (or its equivalent) that the inmate could obtain to demonstrate certification in the identified skillset.

#### Tier 3 – PROFESSIONAL

The Tier 3 program is designed for the more educated inmate who possesses an advanced degree to pursue further educational credentials. This Tier would allow incarcerated professionals to utilize their experience to assist others as well as potentially help themselves. To encourage these high-skilled individuals to deploy their skills, the BOP EO should establish a set of reward programs that incentivize participation. These programs could include (but should not be limited to):

- Top-scale Prison Industries pay for their work;
- Good Time points for those who teach;
- Sentence reductions; and,
- Certifications that could lead to advanced degrees.

Inmates who possess a Bachelors' Degree could take courses and earn an advanced degree. Courses required would be the same as in the general population and while earning the degree, participants would be helping other inmates attain their GED. Through current instructors, outside private providers, or collaborations with universities which have an online program, inmates would be able to take the required courses to attain these degrees.

### Conclusion

The Inmate Instructor Program (IIP) provides the BOP with an opportunity to simultaneously improve the sustainability of the Education and Occupational Training Program and create greater opportunity for inmates within the Program. By credentialing BOP inmates in a wide array of educational and professional training programs, the IIP enables the BOP to expand its available resources of certified instructors for teaching and training and builds an internal pipeline for program staffing. By directing inmates into a system that produces credentials and professional experience in a variety of education and training programs, the BOP enables inmates to advance their own education and professional development and position themselves to make a more successful re-entry into society.



Department of Justice  
Federal Bureau of Prisons

Federal Bureau of Prisons

Proposed Policies and Procedures  
for the Education of Inmates  
with Disabilities

November 29, 2016



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## Letter of Transmittal

To whom it may concern:

There are significant opportunities to improve education program accessibility and support for inmates with disabilities in the Federal Prison System. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination in programs and activities receiving federal financial assistance. While the U.S. Department of Justice (DOJ) has regulations that apply to non-discrimination based on disability, none of these regulations are relevant to education services provided by the Federal Bureau of Prisons (BOP).

The U.S. Department of Education (DOE) has one regulation implementing Section 504 that pertains to secondary and post-secondary education of individuals with disabilities. However, this particular regulation does not apply to the BOP because the agency does not receive any funding from the DOE. In addition, the Individuals with Disabilities Education Act (IDEA), a national statute and regulation that addresses the provision of a free appropriate public education to school-aged students with disabilities, does not apply to the BOP inmates because the agency does not receive IDEA funding from the DOE.

Based on the Bronner Group, LLC (BRONNER) Education Program Assessment of the BOP, DOJ has requested BRONNER to develop a document of policies and procedures directly relevant to inmates with disabilities and their education within the BOP facilities to address this historic area of neglect.

This document provides:

- 1) Current legal context with respect to federal non-discrimination and special education laws pertaining to the BOP;
- 2) Relevant DOJ regulations, BOP's Literacy Program Statement, and supplementary information described in the Bronner Education Program Assessment; and,
- 3) The proposed BOP policies and procedures for the education of inmates with disabilities, which are based on the U.S. Department of Education (DOE) Section 504 of the Rehabilitation Act and addresses those areas referenced in the Education Program Assessment.

This document is intended to provide a foundation for further discussion by the DOJ, the BOP, and the DOE's Office of Special Education Programs officials, including attorneys. It is anticipated that this document will initiate lively and extensive discussion regarding many of the proposed BOP policies and procedures. It is recommended that the DOJ/BOP begin drafting policies and procedures that are articulated in this report to provide basic and foundational requirements for inmates with disabilities, for example, and follow up with those that are more interpretive in nature.

This document was prepared by Sue Gamm, Esq., who based this work on her knowledge and sum of more than 40 years of experiences working in the field of disability education. Attorney Gamm has extensive experience as a Special Educator for Chicago Public Schools (CPS), a Civil Rights Attorney and Division Director for the DOE's Office for Civil Rights (Region V), a Chief Specialized Services Officer for CPS, a Director of Due Process and Monitoring, and a National Consultant.

Improvements in the area of education support for those with disabilities will not be addressed overnight and will require long discussions and deliberation. This document is intended to assist the DOJ/ BOP in developing a long term plan to move toward a strategy and programs to address the educational needs of student inmates with disabilities.

Sincerely,

Paul Vallas  
Project Director and Subject Matter Expert  
Bronner Group, LLC

## Introduction

Based on Bronner Group, LLC (BRONNER)'s Education Program Assessment (Education Program Assessment) of the Federal Bureau of Prisons (BOP), the U.S. Department of Justice (DOJ) requested BRONNER to develop a set of policies and procedures relevant to inmates with disabilities and their education within BOP facilities. This document provides: 1) the current legal context with respect to federal nondiscrimination and special education laws as they pertain to BOP; 2) relevant DOJ regulations, BOP's Literacy Program Statement and supplementary information described in the BRONNER Education Program Assessment; and, 3) proposed BOP policies and procedures for the education of inmates with disabilities, which are based on the U.S. Department of Education's (ED) Section 504 of the Rehabilitation Act and addresses areas referenced in the Education Program Assessment.

This document was prepared by Sue Gamm, Esq., who based this work on her knowledge and sum of more than 40 years of experiences working in the field of disability education: as a special educator at the Chicago Public Schools (CPS); as an ED Office for Civil Rights (Region V) civil rights attorney and division director; as CPS's chief specialized services officer, and director of due process and monitoring; and as a national consultant. This document is intended to provide a foundation for further discussion by DOJ, BOP and ED's Office of Special Education Programs officials, including attorneys. It is anticipated that this document will initiate lively and extensive discussion regarding many of the proposed BOP policies and procedures.

## Current Legal Context

BOP correctional facilities have the only publicly funded schools educating students 18-21 years of age that do not receive Individuals with Disabilities Act (IDEA) funding from the U.S. Department of Education (ED). As a result, BOP and its facilities are exempt from the IDEA statutory and regulatory requirements that apply to all state prison and correctional facility schools. These requirements pertain to such areas as the identification of disability, special education (i.e., specially designed instruction for students with learning disabilities), related services, supplementary aides and services, accommodations, etc.

Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination in programs and activities receiving any federal financial assistance, applies to BOP. Although DOJ has three regulations that apply to nondiscrimination based on disability, none are relevant to educational services. One of the regulations applies to state and local government services (23 CFR Part 35), the second applies to public accommodations and commercial facilities (28 CFR Part 36), and the third applies to equal employment opportunity (Part 42). Although ED has a regulation implementing Section 504 that pertains to secondary and postsecondary education of individuals with disabilities (34 C.F.R. Part 104), that regulation does not apply to BOP because the agency does not receive any funding from ED. Furthermore, to the extent that the Americans with Disabilities (ADA) may apply to BOP, the ADA's Title II standards are generally the same as those required under Section 504.<sup>1</sup> However, as mentioned above, DOJ has no Section 504 provisions specifically related to education.

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<sup>1</sup> Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html>.

DOJ has a regulation at 34 CFR 544 that pertains to the education of BOP inmates. BOP's Literacy Program requirements are described in the regulation's Subpart H, which is supplemented by BOP's Literacy Program (GED), Program Statement (Literacy Program Statement).<sup>2</sup> Subpart H refers to Special Learning Needs (SLN) teachers, but does not refer to inmates with disabilities other than referencing inmates with a "documented emotional, mental, or physical individual impediment to learning" as exempt from participating in required literacy programs. (§544.71) BOP's Literacy Program (GED) Program Statement also does not refer to individuals with disabilities but does refer to SLN teachers as "special education" teachers. The Program Statement provides no additional information about any special education requirements. Furthermore, 34 CFR 544's neither Subpart C (Postsecondary Education Programs for Inmates) nor Subpart F (Occupational Education Programs) make reference to any BOP requirements relevant to inmates with disabilities and the provision of reasonable accommodations.

## BOP Requirements

In order to suggest education-related policy and procedures for BOP inmates with disabilities, the information below provides a review of: DOJ's regulation at 34 CFR 544, Subpart H; BOP's Literacy Program Statement; and, supplementary information described in the BRONNER BOP Education Program Assessment. Also provided are comments regarding areas needing policy clarification or additional interpretation.

### Purpose & Scope

With few specified exceptions, inmates without a verified General Educational Development (GED) or high school diploma are required to attend an adult literacy program for a minimum of 240 instructional hours or until a GED is achieved, whichever occurs first (§544.70). The Program Statement further states, "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 program applies also to non-English speaking inmates without a verified high school diploma or GED."

### Program Participation

An education staff member coordinates each institution's literacy program. Initially, staff shall meet with the inmate for the purpose of enrollment in the literacy program (§544.73a).

- **Formal Interview:** Subsequently, staff shall formally interview each inmate involved in the literacy program when necessary for the purpose of determining a progress assignment (§544.73a).
- **Identification of Educational Need:** Currently, the Test of Adult Basic Education (TABE) is used to determine the achievement level for inmates who do not have a high school diploma or GED.
  - There are few BOP personnel at each correctional institution with the qualifications and time required to conduct the evaluations necessary to determine whether an inmate has a disability and a need for GED testing accommodations (Education Program Assessment, page 29).
- **Documentation:** Staff shall place documentation of these interviews in the inmate's education file. (§544.73a)

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<sup>2</sup> Retrieved from [https://www.bop.gov/policy/progstat/5350\\_028.pdf](https://www.bop.gov/policy/progstat/5350_028.pdf).

- **Initiation of Program, Wait List & Priority Status:** Ordinarily, inmates begin their literacy program within 120 days after arriving at an institution. However, inmates who are within five years of their projected release dates, with the exception of parole violators, should be given priority for enrollment if a wait list exists (Emphasis added.) (§544.73a).
  - The waiting list for a GED program has been estimated at some 15,629 inmates, with 19,725 inmates enrolled in the programs<sup>3</sup> (Education Program Assessment, page 19).
- **Making/Not Making Progress:** An inmate 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 the inmate:
  - Refuses to enroll or has withdrawn from in the literacy program; or,
  - 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.The designation of not making satisfactory may 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. [§544.73(b)(1) and (2)]

### Literacy Class Schedules (Amount of Daily Instruction)

Literacy classes, to include special learning needs (SLN) classes, should be scheduled Monday through Friday. Each literacy class session should meet a minimum of 90 minutes per day. This means that inmates should be in school for at least 90 minutes 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 60-minute classes, the Regional Director’s concurrence is required before 60-minute classes can be implemented. When possible, literacy programs should be operated during daytime hours. However, evening literacy classes may be scheduled if the Warden determines that evening classes are needed to reduce the waiting list or used to expand program offering options (Literacy Program Statement #7, page 7-8). Institutions may establish an inmate tutor/aide program. Guidelines shall be developed regarding the training and supervision of inmate tutors/aides where such programs are available (§544.83).

- **Improving Adult Literacy Instruction (Best Practices):** BRONNER has identified a sizeable amount of literature on effective interventions for struggling adult learners who have not mastered the foundational component skills of reading and writing.<sup>4</sup> This literature applies to all adult literacy learners, including those learning English as a second language and those with learning disabilities. Based on this information, guiding principles for teaching reading and writing to this population include:

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<sup>3</sup> Lydia Wheeler, “Alternative GED program proposed for federal prisons,” The Hill, 1/08/15, <http://thehill.com/regulation/228892-alternative-ged-program-proposed-for-federal-prisons>; Caroline Wolf Harlow “Bureau of Justice Statistics Special Report: Education and Correctional Populations,” U.S. Department of Justice, 4/15/03, <http://www.bjs.gov/content/pub/pdf/ecp.pdf>.

<sup>4</sup> Improving Adult Literacy Instruction: Options for Practice and Research, the National Academies Press 2012, retrieved from <http://www.nap.edu/catalog/13242/improving-adult-literacy-instruction-options-for-practice-and-research>. The National Academy of Science’s National Research Council published the results of a 36-month study by 15 experts from diverse disciplines to review evidence on learning and literacy to develop a roadmap for research and practice to strengthen adult literacy education in the United States. Information in this section is based on this report.

- Directly target specific areas of difficulty in the context of explicit and systematic reading instruction to develop the major components of reading – decoding, fluency, vocabulary, and comprehension – and writing instruction according to the assessed needs of individual learners;
  - Combine explicit and systematic instruction with extended reading practice to help learners acquire and transfer reading component skills;
  - Directly target the generalization and transfer of learning;
  - Differentiate instruction to meet the particular needs of those who struggle or have diagnosed disabilities in the course of broader instruction to develop reading and writing skills;
  - Motivate learning through learners’ engagement with the literacy tasks used for instruction and extensive reading practice; and,
  - Develop reading fluency to facilitate efficient reading of words and longer text (Education Program Assessment, page 33).
- **Access to Sufficient Hours of Instruction (Best Practices):** Instruction needs to be targeted to skill levels and practice with reading and writing in amounts substantial enough to produce high levels of competence in the component skills. Only about one-third of adults in adult education programs made reading gains equivalent to a grade level during the program year, according to the few published studies of interventions designed to develop the literacy of adults with low-to-intermediate skills<sup>5</sup> and other information gathered from individual researchers and practitioners working in the field. One primary reason for this limited progress may be that the programs have not provided adults with sufficient amounts of instruction and practice for improving skills (Education Program Assessment, pages 33 -34).

#### Exemptions to Literacy Program Participation

Inmates 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. 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 (§544.71(b) and (c), and Literacy Program Statement #8, page 8). The Warden may exempt an inmate from 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 Supervisor of Education (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.

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<sup>5</sup> *Id.* at Appendix C.

- **Documentation of “No Longer Benefit:”** The following documentation is required to document that an inmate with special learning or medical needs no longer benefits from the literacy program “and has reached his/her learning potential”:
  - Formal documentation reflects 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).
  - Documentation will also indicate that the inmate has maintained a positive attitude in class and demonstrated a concerted effort to participate and complete assignments, and that the student has 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. This information is documented in the SENTRY Inmate Management System (Literacy Program Statement pages 17 and 18).

### Exemption Comments

The above exemption that justifies an inmate’s removal from the literacy program is vague [the inmate has “an extremely serious and irreversible medical or psychological condition that, even when treated, prevents the inmate from benefitting from the literacy program,” “has reached his/her learning potential,” and “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)]. Note, the Literacy Program Statement’s ambiguous text: “most medical conditions, e.g., blindness ...” can be accommodated with medication. It is not clear how medication can effectively accommodate an inmate’s blindness.) The exemption is based on informal and formal diagnostic assessment tools showing the inmate will no longer benefit from the literacy class instruction, and the inmate has stopped making progress in all major academic areas. This showing is based on valid pre- and post-test achievement test scores reporting a lack of academic gain in any major academic area (reading, math, and written language).

To the best of this author’s knowledge and for many reasons, such an exemption is not available for school-aged students with disabilities under either IDEA or Section 504. One reason is related to a statement above, “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.” In this author’s experience, individuals able to work (and even those unable to work) in a sheltered workshop environment have not had disabilities that prevent further learning.

### Social/Emotional Support

Psychology Services personnel are an integral part of BOP correctional treatment for inmates. They provide group and individual psychotherapy, crisis intervention, prosocial skill building, and staff consultation/training. Under BOP policy, every admitted inmate receives an initial psychological screening to identify special treatment or referral needs, provide information useful in future crisis counseling situations, etc. BOP psychologists also offer treatment services designed to develop inmates’

life skills, such as anger management, problem solving, social skills training, and stress management.<sup>6</sup> Although collaboration between the psychologists, teachers, and SLN teachers would be mutually beneficial with respect to addressing students' social/emotional needs in various settings, there does not appear to be policy or systemic practices for scheduled and regular collaboration between the two groups of personnel (Education Program Assessment, page 31).

### Work Assignment Limitations by Education/Literacy Program Exemption

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 (Note, per §544.71(b), this includes those through formal diagnostic assessment to have a documented emotional, mental, or physical impairment to learning who are not required to complete the literacy program beyond those levels the assessment deemed to be realistic.) (§544.74).

- **Appointment:** An inmate who does not meet the literacy requirement may be assigned to a grade 4 work position contingent upon the continued enrollment in the literacy program. An inmate ordinarily must attain a GED credential/high school diploma 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 4 or in a non-graded incentive pay position. 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 (This applies to promotion also).
- **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.

### SLN Teacher Staffing Requirements

Except for exempted facilities, every literacy program must include a qualified special education teacher meeting U.S. Office of Personnel Management requirements. He or she:

- is a full-time or a part-time civil service or a contract employee, depending on institution resources and needs. BOP encourages 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, BOP encourages but does 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 (Literacy Program Statement #20, page 36).

- **SLN Teachers:** BOP employs SLN teachers to educate inmates with learning, cognitive, physical, or sensory disabilities, or have learning difficulties. Based on the review, BRONNER has determined that the way in which students are referred to SLN teachers varies from site to site. With limited records available, only a few inmates are referred based on information documenting or suggesting a disability. GED teachers refer most of the inmates based on their irregular progress or low

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<sup>6</sup> "Opportunities Exist to Enhance the Transparency of Annual Budget Justifications," Bureau of Prisons, December 2013, <http://www.gao.gov/assets/660/659518.pdf>.

achievement. A school psychologist located at Central Office collaborates with the SLN teacher in each facility to evaluate and diagnose referred inmates (Deloitte report, page 47).

- **Classes:** SLN teachers address the varied learning needs and challenges in classes with a diverse student population. The number of students (10) is typically smaller than the number in GED classes (as many as 30). In addition to SLN teachers, GED teachers may have students with low achievement in their classrooms. At some facilities, GED students are assigned to different classes based on achievement levels, but in others, students may have achievement ranging from primary to high school levels. In some circumstances, SLN teachers assist GED teachers with interventions to support instruction and integrate students into the general GED classroom. Also, at some facilities, inmate tutoring supplements teacher instruction (Education Program Assessment, page 30).
- **Curriculum:** There are no relevant BOP-wide program standards or system-wide evidence-based interventions designed to accelerate learning, and the type of instructional resources, curriculum, etc. varies by teacher and facility. Some standardization will occur when BOP converts to a standardized computer-based GED curriculum and testing in June 2017. However, this curriculum would have limited relevance to students with low achievement. Both GED and SLN teachers have and will continue to have wide discretion regarding their instruction for these students. Most classroom delivery involves paper-based teaching materials, traditional classroom environments, and hands-on learning. If the need exists and the budget is available, some institutions have specialized software for inmates who are deaf (Education Program Assessment, page 30).
- **Number of SLN Teachers:** As of December 2015, the BOP Human Resources Division identified 67 education personnel in 55 institutions. However, not all SLN teachers have been coded appropriately, and the number of SLN teachers is greater than 67 (Education Program Assessment, page 31).
- **SLN Teacher Licensure:** BOP teachers must have a Bachelor's degree from an accredited or pre-accredited institution that included or was supplemented by supervised student teaching, and at least one course in each of the following areas: general psychology, human development, history and/or philosophy of education, and teaching methods at the learning level of the position to be filled. For secondary school teaching positions, in addition to the degree and course requirements above, teachers must have had at least 24 semester hours (or equivalent) of course work in each of the principal fields of instruction. For special education teaching positions, teachers also must have had at least 24 semester hours (or the equivalent) of course work in special education that includes at least one course covering the teaching of exceptional students and courses in the appropriate field(s) of specialization. There is no requirement for SLN teachers to have any special education teaching certification.<sup>7</sup> (Education Program Assessment, page 31)

### GED Test Accommodations

Individuals having or believed to have disabilities that are preparing to take the GED test are likely to benefit from test accommodations. Depending on an individual's disability, testing accommodations levels the playing field and could make the difference between passing and failing the GED. For individuals with disabilities to receive any test accommodations, e.g., extended testing time, the GED Testing Service must receive a detailed and extensive report documenting the disability and showing how the disability would impact performance if the GED were to be given under standard conditions.<sup>8</sup>

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<sup>7</sup> BOP job position posting, retrieved at teachers: <https://www.bop.gov/jobs/positions/index.jsp?p=Teacher>.

<sup>8</sup> <http://www.gedtestingservice.com/testers/computer-accommodations>

The GED Testing Service will not approve any testing accommodations without such documentation provided by evaluators having the licensure and experience that the GED Testing Service requires (Education Program Assessment, page 29-30).

- **SLN Role:** Educational assessments conducted by SLN teachers are required to document an intellectual disability and learning disability. As a general rule, they provide supporting documentation for all of the disability accommodation areas.
- **Education Department Role:** The Central Office Education Administration receives a total of approximately 250-300 accommodation referrals each year from the field. Staff members review the request for appropriate documentation (test scores, diagnoses, etc.), and if the referral has all of the necessary requirements, it is forwarded to GED Testing Service for approval.
- **Duties of Clinical Psychologists:** BOP also employs clinical psychologists who are located at federal correctional facilities. A Psychology Services Manual describes in detail procedures relevant to the identification of inmates with disabilities and addressing their needs.<sup>9</sup> According to this Manual, the areas of diagnoses pertain to learning disabilities, mental illness, and mental retardation. Although the document refers to BOP's commitment to accommodating the special needs of inmates with mental disabilities (e.g., medication, group therapy, etc.), there is no reference to other disabilities or to any disability with respect to educational accommodations.
- **Clinical Psychologist Role:** BOP psychologists are not part of the Central Office Education Administration, and they have therapeutic training and duties. The majority of them are not trained to diagnose learning disabilities. The minority that have such training may assist based on their time availability with intelligence testing and the completion/signatures for accommodations related to intellectual, psychological, and psychiatric impairments. The facilities rarely have qualified school psychologists who can perform the testing to determine disability related educational needs.<sup>10</sup>

### Professional Development

BOP provides a variety of training for SLD teachers (Education Program Assessment, pages 31-32), as detailed below:

- **New Staff:** Central Office Education Administration sponsors a minimum of six training events each fiscal year, including a training academy for new staff (teachers, recreation staff, special education teachers, and managers).
- **SLN Teachers:** An additional two weeks of training is provided for SLN teachers at the BOP training center. Between the sessions, teachers are given the opportunity to review and practice test administration and skills covered during training. The first session includes topics such as: legal provisions applicable to persons with disabilities, identification of inmates with potential disabilities, accommodations for classroom instruction, and multi-sensory teaching strategies. The second session includes documenting need for GED test accommodations, diagnostic testing, etc.

In addition, Central Office Education Administration personnel have been meeting with representatives of the ED Office of Career, Technical, and Adult Education (CTAE) to discuss ED resources available to BOP instructors. As part of this process, personnel from the two agencies have participated in a series of

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<sup>9</sup> Psychology Services Manual, 5310.12, Chapter 2, 2.6.G. Mentally Disabled. (August 30, 1993), retrieved at [https://www.bop.gov/policy/progstat/5310\\_012.pdf](https://www.bop.gov/policy/progstat/5310_012.pdf).

<sup>10</sup> Health Services personnel assist with supporting documentation and signatures for physical and chronic health conditions when relevant for GED accommodation applications.

seminars with the purpose of establishing a common language relevant to adult education, such as College & Career Ready. Furthermore, ED and BOP have discussed various strategies for making the following LINC'S on-line resources available to BOP teachers and inmates:<sup>11</sup>

- **Teacher Courses:** Self-paced professional development courses for teachers are available in such areas as learning disabilities, differentiated instruction, English language learners, research in the classroom, classroom teacher effectiveness, etc.<sup>12</sup>
- **Adult Learner Resources:** Resources for adult learners are designed for them to reach life goals in areas such as improving reading, math, and science skills, learning English, building job and job search skills, becoming a U.S. citizen, and finding an adult education, child, family, and digital literacy program.<sup>13</sup>

The Education and Occupational Training Division (EOTD) online system that BRONNER has proposed in the Education Program Assessment will enable this professional development, along with many other resources, to be available to staff more frequently and conveniently. In addition, the EOTD program will create incentives for teachers to pursue approved paths of professional development through third-party providers.

#### Data & 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. Every Needs List Report must contain these three lists:

- **GED Unknown List:** Inmates whose GED status is unknown.
- **Waiting List:** Inmates waiting to enroll in the GED program, including at least inmate arrival and projected release dates.
- **Projected Release Date List:** GED Need status of inmates within 23 to 24 months of their projected release dates. Inmates with a GED need should be interviewed and counseled at least once (more if resources permit) about re-enrollment (Literacy Program Statement # 21, page 37).

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 (Literacy Program Standards page 6 and 7).

#### Data & Accountability

BOP does not collect data regarding the following areas that are important for understanding and tracking important aspects of the Bureau's educational activities (Education Program Assessment, pages

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<sup>11</sup> The U.S. Department of Education maintains LINC'S, a professional learning platform for adult educators, and LINC'S Learning Center, which connects adult learners to free online resources to reach life goals in areas such as improving reading, math, and science skills, learning English, building job and job search skills, becoming a U.S. citizen, and finding an adult education, child, family, and digital literacy program. <http://lincs.ed.gov/>

<sup>12</sup> Retrieved at <http://lincs.ed.gov/learning-portal>.

<sup>13</sup> Retrieved at <http://lincs.ed.gov/>.

32 -33). Such data is necessary to develop key performance indicators that could be used to measure program outcomes:

- Number/percentage of inmates without a high school diploma/GED at various levels of academic achievement as measured by the TABE.
- Number/percentage of inmates with documented disabilities with/without a high school diploma/GED by disability area.
- Number/percentage of students receiving “pre-GED instruction” or students with low academic level skills.
- Number/percentage of inmates with/without a documented disability receiving instruction from an SLN teacher.
- Ratio of students to SLN instructors.

In addition, all of BOP’s Education Strategic Priorities do not align with the Educationally Related Measures on Director’s Performance Work Plan (PWP), which flow down to the Regional Directors’ PWP and to Wardens’ PWPs, and in various ways targets appear to be low (Education Program Assessment, page 30). For example:

- **Referrals for GED Test Accommodations:** Although BOP’s Priorities include a key performance indicator for the number of inmates expected to have approved accommodations (5.014), there is no related PWP measure (Education Program Assessment page 35). Furthermore, although the Education Strategy Priority (Priority) target is for three referrals for GED accommodations for inmates with disabilities per fiscal year (about 366 inmates) is above the current 266 requests for accommodations referred in FY 2015, the target appears to be far below the number of inmate accommodations that could be expected given the population of GED students, and it is most likely related to available resources rather than need. With 19,725 students enrolled in GED programs and a very conservative estimate of 30% disability rate (Deloitte Report, page 18, with estimation based on prevalence data), the percentage of individuals taking the GED would be at least 6,903 inmates with many of them requiring accommodations.
- **Literacy Program:** The Priority target specifies that every capable inmate who needs and desires literacy will have the opportunity to enroll in and complete a literacy program by six to seven months of release (5.011). The related PWP measure (1.5.3) specifies at least 5,000 inmates earning a GED while incarcerated in the fiscal year. Given the reported 35,364 inmates in the GED program or on the wait list, this number appears to be a low expectation.
- **Occupational Training Program.** The Education Strategy Priority target specifies at least one occupational training program will increase to 16,290 (an increase of 1%) by the end of the fiscal year. (5.013) The related PWP measure (1.5.2) specifies that only a minimum of 10,000 inmates will complete one vocational training program.

## Recommendations for Policy and Procedures

Given the absence of BOP requirements pertaining to inmates with disabilities, the US Department of Education's Section 504 regulation pertaining elementary and secondary schools, and adult education (Subpart D), and postsecondary education (Subpart E) were considered. In addition, IDEA regulatory provisions were considered and modified as deemed appropriate. The draft below, including policy considerations, is provided as a framework with text for further discussion with relevant parties.

1. **Nondiscrimination:** No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity operated or supported by the U.S. Department of Justice Bureau of Prisons (BOP).<sup>14</sup>
2. **Definitions.** The definition of disability shall be construed in favor of broad coverage of inmates. An inmate has a disability when he or she:
  - a. **Has a record** of a physical or mental impairment because the inmate has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities;
  - b. **Is regarded as having** such an impairment if the inmate establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity; or,
  - c. **Has a physical or mental impairment that substantially limits one or more major life activities, under the following definitions:**
    - 1) **Physical Impairment** means any allergies, asthma, diabetes, cancer, HIV/AIDS, digestive disorders, cardiovascular disorders, , any physiological disorder or condition, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; spatial sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genitourinary; hemic and lymphatic; skin; etc.
    - 2) **Mental Impairment** means any mental or psychological disorder, such as dyslexia, intellectual disability, attention deficit hyperactivity disorder (ADHD), depression, conduct or other behavior disorders, oppositional defiant disorders Tourette's syndrome organic brain syndrome, emotional or mental illness and specific learning disabilities.
    - 3) **Substantially limits** means the following when considering the physical or mental impairment:
      - a) **Measurement:** The limitation is measured against nondisabled individuals who are the same age as the inmate.

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<sup>14</sup> Section 504 of the Rehabilitation Act of 1973. 29 U.S.C. § 705. The Americans with Disabilities Act (ADA), as amended, conforms the Rehabilitation Act to the ADA definition of disability. Amendments Act not only amends the ADA but also includes a conforming amendment to the Rehabilitation Act of 1973 that affects the meaning of disability in Section 504. 29 U.S.C. § 705(20)(B); see ADA Amendments Act of 2008 42 U.S.C. § 12102 at §7.

- b) Mitigating Measures:** The determination of substantially limits is made without regard to the ameliorative effects of mitigating measures, such as:
- i) Medication, medical supplies, equipment, or appliances, low-vision devices<sup>15</sup> (which do not include ordinary eyeglasses or contact lenses<sup>16</sup>), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
  - ii) Assistive technology use;
  - iii) Reasonable accommodations or auxiliary aids or services such as:
    - Qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
    - Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
    - Acquisition or modification of equipment or devices; and,
    - Other similar services and actions; and,
  - iv) Learned behavioral or adaptive neurological modifications.
- c) Temporary impairments** (e.g., broken writing arm, broken leg, etc.) are considered based on their severity and the extent to which it substantially limits one or more major life activities for an extended period of time. Temporary impairments are considered on a case-by-case basis, taking into account both the duration (or expected duration) of the impairment and its limiting impact. Generally, impairments with an expected duration of more than six months are considered to have a substantial limitation. However, depending on the impairment, an inmate's age and the major life activity involved, an impairment expected to last less than six months may be substantially limiting.
- d) Episodic or Remission;** Conditions that are episodic or in remission are covered if they create a substantial limitation in one or more major life activity while they are active. For example, inmates with chronic asthma causing frequent school absences may have a disability under these circumstances.
- 4. Major life activities** refers to functions, such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities refers also to the operation of a major bodily function, which includes but is not limited to: functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- d. Qualified** refers to inmates with disabilities in the following circumstances:
- 1) Literacy, GED or Secondary Education:** The inmate:
    - a) Is 21 years of age or younger; or
    - b) Is of an age during which inmates without disabilities are provided such services.
  - 2) Postsecondary and Occupational Education:** The inmate meets the academic and technical standards requisite to admission or participation in the recipient's education program or

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<sup>15</sup> Low-vision devices are those that magnify, enhance, or otherwise augment a visual image.

<sup>16</sup> Ordinary eyeglasses or contact lenses are lenses that are intended to fully correct visual acuity or eliminate refractive error.

activity.

- 3) **Work Assignment:** The inmate, with reasonable accommodation, can perform the essential functions of the work assignment in question.
- 4) **Other Services:** The inmate meets the essential eligibility requirements for receipt of the services.

### 3. Evaluation Process

- a. **Suspicion of Disability:** The evaluation process is initiated when BOP personnel have a suspicion that an inmate has a disability. An inmate is suspected of having a disability when, during a screening interview with a school or BOP representative, the inmate:
  - 1) Reports he/she previously received special education instruction in a prior school setting;
  - 2) Does not have a verified GED or high school diploma and the inmate reports or any screening or assessment shows the inmate is performing below the eighth grade level;
  - 3) Is in the literacy program and is not progressing to the extent that is typical of nondisabled individuals of a similar age; or,
  - 4) Has medical information showing or other information suggests a visual or hearing impairment, intellectual disability, emotional disturbance, traumatic brain injury, autism, etc.
- b. **Evaluation and Determination of Suspected Disability.** As soon as possible, but no later than 10 days after the first interview when a determination is made that an inmate is suspected of having a disability, BOP shall ensure that the following steps shall be taken:
  - 1) **Initial Meeting:** The Special Learning Needs (SLN) teacher and the inmate shall meet to discuss the suspicion that the inmate may have a disability and the parameters of a proposed assessment. As part of this process, the SLN teacher and the inmate shall consider any existing information available to BOP personnel.
  - 2) **Designing the Assessment:** Based on this discussion, the SLN teacher shall draft an assessment plan for the inmate's consideration and written consent, and identify the trained personnel, such as the SLN teacher, psychologist, etc., that are necessary to conduct any additional assessments. If supplementary assessments are necessary, the assessments shall supplement any existing information and the combination of data shall be sufficient to determine whether the inmate has a disability.
  - 3) **Assessment Standards:** The assessments shall be based on the following standards:
    - **Validated:** Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered in conformance with the instructions provided by their producer;
    - **Tailored:** Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;
    - **Accurate Results:** Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever

other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

- 4) Assessment Results:** The assessment shall provide information including, but not limited to, the inmate's current level of educational performance in areas such as reading, math, writing, etc., with sufficient detail to address any learning gaps. Also, for inmates who appear to be English language learners, personnel shall assess the inmate's English language acquisition and related educational needs.
  - 3) Determining Disability:** Within 60 school days of the screening interview, the SLN teacher and the inmate will meet to review the evaluation results, and determination of disability. If there is sufficient information to make this determination at the screening meeting, the SLN teacher will discuss with the inmate the presence of a disability at that time.
  - 4) Reevaluation:** At least every three years, the SLN teacher or other designated school personnel, e.g., psychologist, and the inmate will meet to review progress monitoring data and other information to determine if the inmate continues to have a disability. If the SLN teacher determines that additional assessments are needed, they will be identified and provided to the inmate, and another meeting will be held to review the results within 60 school days of the date the need was identified.
- 4. Personalized Learning Plans:** Annually, each qualified inmate with disabilities shall have a personalized learning plan (PLP) that is developed by an SLN teacher and the inmate. Based on the results of the inmate's evaluation results, the PLP will include the following information:
- a. Overview of PLP Information:** The PLP shall include a description of the following information. Areas designated with an asterisk (\*) are described below:
    - 1) Current levels of educational performance and needs, including academic deficiencies and social/emotional needs that impact learning, any sensory deficits (visual or hearing), physical impairments, or other notable impairments and needs.
    - 2) Educational program, i.e., Literacy Program, High School Options, Occupational Education, and/or Post-Secondary Education.\*
    - 3) Amount of education for inmates without a GED or high school diploma who are 21 years of age or younger.\*
    - 4) English as a Second Language (ESL)/English language learner (ELL) support.
    - 5) Academic/social supplementary interventions based on any identified or diagnosed needs.\*
    - 6) Reasonable accommodations, or auxiliary aids or services (such as those described in paragraph 2.c.3)(iii) above.\*
    - 7) Six-month achievement targets.
    - 8) How the inmate's progress will be measured.
    - 9) Identification of any additional assessment needed to document the inmate's disability and need for accommodations on the GED or other formal test.\*
    - 10) Regular collaboration that will occur between various correctional institution personnel to provide coordinated support.\*
  - b. Determination of Educational Program:**
    - 1) Inmate Needs GED or High School Diploma:** For inmates without a GED or high school diploma, the SLN teacher and inmate will review the inmate's assessment results and consider the amount of time it will most likely take for the inmate to earn a high school

diploma or GED, and the amount of time for the inmate to complete his/her sentence. Based on this information and with the advice of the SLN teacher, the inmate will choose one or more of the following options:

- High school courses leading to a high school diploma; or
- GED instruction leading to GED testing and a GED; and/or
- Occupational training and/or education enhancement. This option would be available along with the high school options, GED paths, or paths independent of these; or
- Post-secondary education requiring a high school diploma or GED.

Each of these options shall be supported, as needed, by the supplemental language, academic, or social/emotional interventions described on the inmate's PLP.<sup>17</sup>

**2) Inmate Has GED or High School Diploma:** For inmates with a GED or high school diploma, the SLN teacher and inmate will review the inmate's assessment results, and the inmate will choose one or more of the following options:

- Occupational training and/or education enhancement; and/or
- Post-secondary education.

**c. Amount and Intensity of Education:**

**1) No GED or High School Diploma and 21 Years of Age or Under:** For inmates with disabilities who do not have a GED or high school diploma and who are 21 years of age or younger, the PLP will state that the inmate will receive an education of at least five hours daily,<sup>18</sup> and provide students with access to a sufficient amount of time each day to master reading or significantly improve their reading ability within a reasonable period of time. Instruction will be targeted to skill levels and practice with reading and writing in amounts substantial enough to produce high levels of competence in the component skills. The class in which the inmate is taught will enable the teacher to provide the inmate with the attention he or she requires to learn. *(As an alternative, consider imposing a maximum teacher-to-inmate-with-disabilities proportionate class size.)*

**2) No GED or High School Diploma and is Older than 21 Years of Age:** For inmates with disabilities who do not have a GED or high school diploma and who are older than 21 years of age, the inmate will receive at least the amount of education afforded to inmates without disabilities, and will be provided additional education to the extent practicable. The class in which the inmate is taught will enable the instructor to provide the inmate with the attention he or she requires to learn. *(As an alternative, consider imposing a maximum teacher-to-inmate-with-disabilities proportionate class size.)*

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<sup>17</sup> Instruction should enable inmates to increase their skills while earning education and work-related credentials. These bridge programs attend to the educational and skill needs of low-skilled adult learners and integrate basic academic skills with postsecondary occupational credit-based learning in key industry sectors. See research-based models such as those supported by the Workforce Innovation and Opportunity Act grantees.

<sup>18</sup> A five-hour school day is based on the national average of 6.64 hours per day for a 180-average day school year. Assuming a BOP school year of approximately 237 days, the proportionate school day would be some 5 hours. See the U.S. Department of Education's National Center for Education Statistics, Schools and Staffing Survey, Average number of hours in the school day and average number of days in the school year for public schools, by United States and by state for 2007-08, retrieved from [http://nces.ed.gov/surveys/SASS/tables/sass0708\\_035\\_s1s.asp](http://nces.ed.gov/surveys/SASS/tables/sass0708_035_s1s.asp).

- 3) Has GED or High School Diploma:** For inmates with disabilities who have a GED or high school diploma, the inmate will receive at least the amount of education afforded to inmates without disabilities.
- d. Supplementary Interventions to Accelerate Learning:** Research-based interventions in English Language Arts (ELA) and math will be identified to accelerate learning for inmates having low levels of achievement in one or more areas that supplement instruction in the literacy program, secondary level courses, post-secondary courses that do not require a high school credential and/or occupational training.<sup>19</sup> To the extent practicable, teachers will utilize a Universal Design for Learning approach to instruction in adult education programs can ensure that all learners, regardless of ability, diagnosed or not, have access to instruction.<sup>20</sup>
- e. Reasonable accommodations, or auxiliary aids or services:** (such as those described in paragraph 2.c.3)(iii) above.)
- 1) Experience with Test Accommodations:** Inmates shall receive exposure to or interaction with reasonable classroom testing accommodations that will be requested for formal testing, such as for the GED, to enable the inmate to be familiar with and able to use the accommodations effectively.
- 2) Formal Assessment Necessary to Support Accommodation Need for Outside Testing Agencies:** For each inmate planning to take a GED test or test from another provider, the Education and Occupational Training Division (EOTD) shall ensure that it will submit in a timely manner to each test provider the necessary documentation required by the provider to show the inmate has a disability and justifies the provision of specified reasonable accommodations.
- 3) Assistive Technology (AT)** refers to any item that can be used to increase, maintain or improve an inmate’s functional independence and capabilities. It refers to any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or

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<sup>19</sup> Interventions are especially effective if they teach to mastery, include academic content, monitor progress, and offer sufficient scaffolding of skills and emotional support. Engagement of learners in higher levels of literacy and learning does need not to wait until all the gaps in lower level skills have been filled. Scaffolds, such as prompts and visual displays, can provide the supports learners need to engage with texts and develop complex thinking usually prohibited by the lack of fluent foundational skills. To become facile in executing component skills for particular purposes, adults require both explicit teaching and plentiful opportunities to practice skills typical of those needed to achieve functional goals. For this reason and for increased motivation, it is important to facilitate the development and integration of component skills as much as possible using texts, activities, and tools that relate to the adult learners’ interests, learning goals, and everyday functional literacy needs.

<sup>20</sup> Universal Design in Education: Principles and Applications, Sheryl Burgstahler, Ph.D., “Universal Design in Education: Principles and Application,” 2005, retrieved at <http://www.washington.edu/doi/universal-design-education-principles-and-applications>. Although this article uses the terminology of “universal design for education (UDE),” the term “universal design for learning” is more commonly used in the field of education, and a national center of that name is funded by the U.S. Department of Education, National Center for Universal Design for Learning, retrieved at <http://www.udlcenter.org/>. Originally applied in the field of architecture and later to commercial products and information technology, UDL goes beyond accessible design for people with disabilities to make all aspects of the educational experience more inclusive for students with a great variety of characteristics. For example, technology information can be made available to individuals with a wide range of abilities through: the provision of all text in digital format; access to text to speech and speech to text capacity; provision of captions for audio; electronic translation of English to Spanish (for some or all of text); explanation of difficult concepts through simpler text; etc.

customized, that is used to increase, maintain, or improve the functional capabilities of an inmate with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device. Examples of assistive devices used for program modifications include tape recorders, magnifiers, enlarged key labels for computers, adapted keyboards, and communication displays. AT can be high tech (a computer operated by eye movement) or low-tech (a specially designed door handle for people with dexterity problems).

- 4) Augmentative Communication:** Devices for alternative/augmentative may be needed for a student to interact with staff and peers or to access any portion of the curriculum. These devices are considered for students unable to use verbal speech or who have speech that is extremely difficult to understand. Without these devices, students typically use gestures, communication boards, pictures, symbols and/or drawings.

## 5. Initiation and Continuation of Educational Program

- a. Initiation of Educational Program:** As soon as possible but no later than ten school days following the completion of the PLP, each SOE shall ensure that the inmate's PLP is fully implemented. Upon transfer to another facility, the inmate's educational program shall begin as soon as possible but no later than 10 school days. This requirement be differentiated for inmates 21 years of age and younger without GED/high school diploma, and those with a GED/HS diploma, and for those over 21 years of age?)
- b. Exemption Due To Making/Not Making Progress:** No qualified inmate with a disability shall be deemed to be making insufficient progress toward earning a GED credential or high school diploma based on any assessment testing, a determination of benefit, or reaching his or her learning potential. If an SLN or other teacher has concerns about whether such an inmate is making sufficient progress, the SLN teacher (and other relevant personnel) and the inmate shall meet to review the inmate's PLP and the inmate's educational program, and they shall make any necessary adjustments designed to enable the inmate to make sufficient progress in the future. This requirement should also apply to other qualified inmates with disabilities without regard to age and earned GED/HS diploma?

## 6. Removal from Education Because of Misconduct

- a. Application:** This provision applies to inmates with disabilities who are 21 years of age or younger and do not have a GED or high school diploma.
- b. Extended Removal from Education:** For misconduct that results in an inmate's removal from education for more than 10 consecutive school days or 15 cumulative school days, on the relevant 10<sup>th</sup> or 15<sup>th</sup> day, the SLN teacher shall with the inmate consider the inmate's evaluation results and other relevant information, such as teacher observations, and determine if the conduct in question was a manifestation of the inmate's disability. In this case, the conduct was:
- 1) Caused by, or had a direct and substantial relationship to the inmate's disability; or
  - 2) The direct result of the failure to implement the PLP.
- c. Conduct Is a Manifestation of Disability:** If the conduct was a manifestation of the inmate's disability:
- 1) The SLN teacher and psychologist will amend the PLP to address the behavior in question and describe interventions designed to enable the inmate to improve his or her conduct; and
  - 2) The inmate will be permitted to return to his or her educational program.



shall be used for formative and summative purposes and be aligned to competency-based frameworks and practices.

#### 10. Data and Use of Technology:

- a. **Screening, Assessments, and Personal Learning Plans:** EOTD shall expedite the screening, assessment, and PLP processes using technology to the maximum extent possible to facilitate integration with available electronic educational and employment records, and enable information to be shared with other BOP facilities following inmate transfers.
- b. **Data Collection:** EOTD shall annually collect data that includes but is not limited to the following data (on the aggregate and at the institution level):
  - 1) Number and percentage of inmates with disabilities, and by disability area;
  - 2) Number/percentage of inmates without a high school diploma/GED at various levels of academic achievement as measured by the Test of Adult Basic Education (TABE) or other comparable assessments;
  - 3) Number/percentage of inmates with disabilities 21 years and under and over 21 years, who have and do not have a GED or high school diploma. For each group collect:
    - a) Number/percentage of inmates starting each educational program;
    - b) Number/percentage of inmates exiting the program prior to its completion;
    - c) Number/percentage of inmates taking the GED;
    - d) By testing provider, number/percentage of inmates with accommodations submitted to and the number approved by the provider;
    - e) Number/percentage in each program passing the GED test or another test;
    - f) Average time in preparatory classes before passing the GED or high school diploma;
    - g) TABE score upon completion of each program; and,
    - h) Average daily attendance for each program;
  - 4) Number/percentage of inmates with/without a disability receiving instruction from an SLN teacher; and,
  - 5) Number of SLN teachers.

#### 11. Develop a Robust Accountability System: EOTD shall include in its system of accountability the collection and monitoring of key performance indicators, which include the following:

- a. **Outside Testing Accommodations:** 100% of all inmates with disabilities with need for accommodations from a test provider have complete and required documentation submitted to the provider in a timely manner for the inmate to receive the accommodation for testing, and the provider approves at least 85% of the accommodation requests.
- b. **Evaluation and Determination of Suspected Disability:** 100% of all inmates suspected of having a disability are evaluated and appropriate personnel make a determination of disability, in association with the inmate, in a timely manner.
- c. **Personal Learning Plans:** 100% of all inmates with a disability receive a complete PLP in a timely manner.
- d. **Provision of Education:** 100% of all inmates with a disability receive educational services in a timely manner.

**12. Work Assignments, Rate of Pay, and Promotion:** BOP shall make all inmate work-related decisions in a manner that ensures discrimination on the basis of disability does not occur and shall not limit or classify inmates in any way that adversely affects their opportunities or status because of disability.

- a. Educational Levels:** BOP shall not deny a qualified inmate with disabilities any work assignments, appointments, promotion or pay because the inmate has not reached a specified educational level because of his or her disability.
- b. Reasonable Accommodations:** BOP may not deny any work opportunity to a qualified inmate with a disability if the basis for the denial is the need to make reasonable accommodation to the inmate's physical or mental limitations.

## Local Trade Council Recommendations

### Recommended Policy Revision

#### Introduction

Credentialed career and technical education programs and quality education programs are strengthened when close ties with business, labor, and education are strengthened. Career and technical education “...must align with and fulfill employers’ needs for competent, high-performing employees who enter the workforce with technology expertise and fundamental job-success skills.”<sup>1</sup> Because the Bureau of Prisons (BOP) institutions are located throughout the United States, the local community is a logical institution partner to support the BOP education system within each institution and, because they are familiar with local hiring needs, to recommend education programs that link to employers and facilitate job employment at re-entry. To accomplish this outcome, a Local Trade Council (LTC) needs to be established at each local BOP institution and represented by members who are knowledgeable about the local hiring environment.

The BOP has a policy regarding LTCs, currently referred to as Trade Advisory Committees (PS 5300.21, 2/18/2002). Generally, these committees are charged with the evaluation of programs through curriculum review, instructional delivery, and sufficiency of equipment. Although this exercise has merit, it does not extend to an evaluation of whether these education programs are needed in the community, whether different training is needed, or whether the programs enable former inmates to obtain jobs. Further, the current policy restrains these committees to oversee only the evaluation of in-house programs. Additional career and technical education programs may be offered contractually, but these are not with the committee’s purview. However, even if a program is offered contractually and even if it leads to a credential, the program may not be viable from a job attainment perspective. Therefore, the LTC policy could be amended to create more innovative and supportive committees.

#### Current BOP Policy for Local Trade Councils/Trade Advisory Committees

As noted, the current Trade Advisory Committee policy is found in PS 5300.21 (2/18/2002, p.16) and is referenced in full below:

**TRADE ADVISORY COMMITTEE.** A trade advisory committee is required when occupational training programs are not offered by outside accredited education institutions or are not certified or accredited by outside accrediting or certifying agencies. When an entire education department is accredited or certified by an outside accrediting agency/organization, a trade advisory committee still is required to ensure individual program quality.

The trade advisory committee’s size and composition may vary according to local needs, but must include at least two active members who are not regular employees or institution contractors.

The intent is to include representatives from trade organizations, accredited training institutions, or potential employers.

- These committees are to meet at least twice a year with at least one meeting conducted at the institution.

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<sup>1</sup> Frenship High School. CTE Advisory Councils. <http://www.frenship.us/Page/5449>

- Minutes from the trade advisory committee are to be prepared and maintained for three years.

At least once a year, the committee members will assist the training instructor to review the curriculum, instructional delivery, equipment, and other relevant areas to ensure that the training program is comparable to community standards. The review findings must be documented and maintained for three years. This review process can be part of the meeting conducted at the institution.

### Recommended Revisions to the Local Trade Council/Trade Advisory Committee Policy

There are numerous examples of policies for LTCs at state, regional, and local levels that could serve BOP effectively. The recommended goals, objectives and activities for the BOP to adopt for its LTCs are primarily found in the Johnson County Community College, Career and Technical Education Advisory Boards, [www.jccc.edu](http://www.jccc.edu). Many of these functions are found within other policies.

#### **Recommendation 1: LTC Goals, Objectives and Activities**

- A. Identify job opportunities for current and former BOP inmates (*Augmentation of current policy*)
  - Assist in surveying workforce needs and identifying new and emerging occupations.
  - Advise on the changing nature of competencies and skillsets in industry and career fields.
  - Assist in placing graduates or program completers.
  - Communicate opportunities to connect students with full- or part-time jobs to local institutions' program administrators.
- B. Assess and consult on BOP facilities and program equipment
  - Consult on existing equipment, facilities, and resources and compare with career norms. (*Found within current policy*)
- C. Inform development and revision of course content
  - Consult on the development of educational objectives in local BOP institution programs.
  - Review the programs' sequence and scheduling of courses and delivery options. (*Partially included in current policy*)
  - Review and suggest content for courses of study and standards of proficiency in areas which are essential to becoming successfully employed in a career path. (*Augmentation of current policy to include program recommendations that may be offered contractually and/or through the current Advanced Occupational Education [AOE] program*)
- D. Evaluate and expand instructional and learning experiences (*New tasks*)
  - Identify or suggest resource personnel to enrich the instructional content.
  - Participate as a resource person to enhance the instructional process.
- E. Promoting education (*New tasks*)
  - Participate in programs designed to promote career and technical education.
  - Encourage other businesses to stimulate development of work experience programs.
  - Build interest and understanding between the business, college, labor, community and professional organizations.

#### **Recommendation 2: LTC Composition**

- A. Membership

- The membership of the LTC includes individuals who possess current and projected needs, knowledge, and work experiences which are representative of the area served by the program.
- The membership of the LTC includes individuals who are representative of all stakeholders of the local community.
- Composition of the LTC includes leaders from industry, business, the professions, labor, and colleges/universities.
- The number and rotation of members of the LTC is determined by the program area and the needs of the BOP institution and its programs.
  - The number of members will likely vary by location of the BOP institution.
- The local BOP institution determines membership size, composition, length of term, and rotation.
- The number of required meetings and protocol is determined by the BOP institution.
- The local BOP institution maintains a recognition program for LTC members' contributions to the success and sustainability of the education and
- There should be a recognition program for LTC members.

***Recommendation 3: Education Office Central Administration Support for LTCs***

Local Trade Councils cannot achieve their full potential for supporting local BOP institutions without an understanding of successful case studies from other institutions. The Education Office (EO) Central Administration staff must play a role in coordinating and supporting continuous improvement efforts for LTCs, therefore, EO Central Administration staff should make the following available to every LTC:

- A. Information about patterns of job demand and employment that may be relevant to multiple institutions or regions;
- B. A complete catalog of AOE programs that have been funded and their accompanying locations;
- C. Comparative program performance metrics, including (but not limited to):
  - a. Program completion rates;
  - b. Apprenticeship completion rates;
  - c. Waiting lists; and,
  - d. Job attainment rates and timelines;
- D. Use of different technologies for program delivery and/or curriculum development.

***Recommendation 4: Exploration of Resources for LTC Implementation and Management***

Local BOP institutions are permitted to garner more resources from donors, non-profits, and grants (including competitive grants offered by other federal departments) under current regulations. The BOP should review whether LTCs are able (or could be eligible to) legally pursue funding that does supplant federal funding, but that could be used to pilot job training programs not currently funded.

**Conclusion**

The revision of Trade Advisory Committees into Local Trade Councils will enable the BOP to expand and strengthen its workforce development pipelines at the local level and facilitate inmates' reentry into jobs that are needed in their local communities. By expanding the role that LTCs play in program design, structure, implementation, and performance, the local BOP institutions will be able to maintain an Education and Occupational Training Program that evolves along with the local market conditions.

## Education Office Sample Job Descriptions

TITLE	EDUCATION & EXPERIENCE	DESCRIPTION
<b>Chief Education Officer</b>	<p><b>Master's degree</b> (Education, Legal, Business or Finance, or other relevant area of concentration)</p> <p><b>4 years of experience</b> as a leader or deputy leader of a substantial education enterprise (a governmental agency, a for profit or not for profit)</p> <p><b>Certification (Optional)</b> – State or college certification as Community College Leader and Senior Executive or a School Superintendent of a district of greater than 10,000 students. This should not be mandatory because there are many different standards that are applied from state to state and program to program, but this can be helpful in assessing competency.</p>	<p>Delivers educational programming and content to adult students over a network of locations or technologies</p> <p>Develops policy, which governs the delivery of educational programming and content to adult students over a network of locations or technologies</p> <p><b>Examples</b> could include, but not limited to, a State Superintendent or Commissioner, a Deputy State Superintendent or Commissioner, a member of a State Board of Education (K-12) or a Board of Regents (High Education), a College or University President or Deputy or other Senior Executive, a Community College President or Deputy or other Senior Executive or a School Superintendent of a district of greater than 10,000 students.</p> <p><b>Content Knowledge</b> – Have a basic understanding of various content areas, such as Curriculum and Instruction, Differentiated Learning, Credit Recovery, Adult Learning, Special Education, Vocational Training.</p>
<b>Regional Education Administrator</b>	<p>Same qualifications as above, or:</p> <p><b>Bachelor's degree</b></p> <p><b>4 years of experience</b> as a <b>direct report to a leader or deputy leader</b> of a substantial education enterprise (a governmental agency, a for profit or not for profit)</p> <p><b>Certification (Optional)</b> – State or college certification as Principal or a Teacher, particularly a special education teacher. This should not be mandatory for the same reasons as above.</p>	<p>Delivers educational programming and content to adult students over a network of locations or technologies</p> <p>Develops policy, which governs the delivery of educational programming and content to adult students over a network of locations or technologies</p> <p><b>Content Knowledge</b> – Have a basic understanding of various content areas, such as Curriculum and Instruction, Differentiated Learning, Credit Recovery, Adult Learning, Special Education, Vocational Training.</p>
<b>Local Education Administrator</b>	<p>Same qualifications as above, or:</p> <p><b>Bachelor's degree</b></p> <p><b>4 years of experience</b> as a leader or deputy leader, or a direct report one of them, of a modest or small education</p>	<p>Delivers educational programming and content to adult students over a network of locations or technologies or</p> <p>Develops policy, which governs the delivery of educational programming and content to adult students over a network of locations or technologies.</p>

<p><b>Local Education Administrator</b> <b>(continued)</b></p>	<p>enterprise (a governmental agency, a for profit or not for profit)</p> <p><b>Certification (Optional)</b> – State or college certification as principal or a teacher, particularly a special education teacher. This should not be mandatory for the same reasons as above.</p>	<p><b>Examples</b> could include a Principal or Deputy Principal of a middle school or a high school (but not an elementary school)</p> <p><b>Content Knowledge</b> – Have a basic understanding of various content areas, such as Curriculum and Instruction, Differentiated Learning, Credit Recovery, Adult Learning, Special Education, Vocational Training.</p>
<p><b>Teacher-Academic</b></p>	<p><b>Bachelor’s degree</b></p> <p><b>4 years of experience</b> as a middle school or high school teacher</p> <p><b>Certification (Not Optional)</b> – State certification as a teacher, ideally a special education teacher.</p>	<p><b>Examples</b> could include a Principal or Deputy Principal of a middle school or a high school (but not an elementary school)</p> <p><b>Content Knowledge</b> – Have a basic understanding of various content areas, such as Curriculum and Instruction, Differentiated Learning, Credit Recovery, Adult Learning, Special Education, Vocational Training.</p>

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*"Our prisons should be a place where we can train people for skills that can help them find a job, not train them to become more hardened criminals."*- President Barack Obama, July 14, 2015

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## Mission

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The mission of this engagement is to assist the Bureau of Prisons (BOP) with the evaluation and assessment of strategies and programs in support of the Education and Occupational Training Priority. This document articulates the structure and approach for completing tasks to accomplish this mission.

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## The Facts: Education, Recidivism, and the BOP Education Program

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- Education and occupational training reduces recidivism.
  - A high school diploma holds more value in reentry employment opportunities than a GED.
  - Occupational training when accompanied by a GED or a high school diploma has the greatest impact on reduced recidivism and significantly increases employment opportunities.
  - The BOP appropriation for education is a small fraction of the overall BOP budget, representing only 2% of the overall BOP appropriations and 5% of the "Inmate Support Services" (when appropriations safety and security spending is not included).
  - Former inmates in their reentry phase lack access to a continuum of educational and occupational training services, despite the demonstrated need for these services.
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## Recent History of the BOP Education Program

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- BOP has taken on greater responsibilities over the years without receiving a corresponding increase in resources, placing a great strain on the existing system and making it difficult to dedicate more resources to non-safety related services – including education. Despite this constraint, BOP has made progress in reducing recidivism, which has contributed to a reduced federal prison population.
- BOP's most effective job training program, the self-funded "Federal Prison Industries" (FPI) program, has been significantly reduced by legislation limiting the industries and labor markets in which FPI can compete and participate, and impedes the ability to use and train on the latest technology.
- There is minimal funding available for continuing education and occupational training services for inmates during the reentry phase.
- Despite financial challenges, BOP has undertaken an expansion and modernization of GED/GED Prep services and has deployed a more effective delivery of support services, particularly in the drug treatment area. This initiative has contributed to a substantive decline in recidivism.
- BOP has demonstrated a commitment to make education programs a higher priority and to improve the efficiency and effectiveness of the education programs by placing them under the Reentry Services Division (RSD).

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## Observations of the Current BOP Education Program

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- The BOP Education Program focuses its resources and technology offerings on GED and GED Prep programming.
- Except for the GED Prep component, the Basic Skills program and English as a Second Language (ESL) and Special Education (SPED) services are very limited.
- The Education Program does not offer a High School Diploma Program.
- Advanced education programs are limited by tuition requirements.
- The quality of occupational training programs is uneven at best, varying in quality from correctional facility to facility, often not certificated, and frequently not linked to areas of employment opportunities.
- The BOP Education Branch lacks the capacity to develop a comprehensive education strategy and does not have the authority over budget and personnel to drive implementation of the strategy through setting priorities, making education personnel decisions, monitoring performance, providing support, and maintaining accountability.

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## Preliminary Recommendations to Expand and Improve Education and Occupational Training Services

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- 1) Build the capacity to conduct a comprehensive assessment of individual inmate needs, including Education and Social/Emotional/Physical health, so as to determine the most effective services.
- 2) Select research based "Basic Skills" education programs or frameworks that include adult literacy, ESL, and SPED.
- 3) Offer a High School Diploma Program option and incorporate a Work Skills component in both the High School Diploma and GED program options.
- 4) Develop a model and related support system for entering into partnerships with local colleges and accredited technical training schools to access education and certificated industry-linked occupational training opportunities that inmates can utilize while in the correctional facility and throughout the reentry phase.
- 5) Build an education technology delivery system that supports the education and occupational training programs, remains flexible enough to anticipate and adjust to future needs, and adapts to and integrates future education and technology breakthroughs.

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## Approach to Accomplishing Recommended Improvements

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- 1) Build an organizational structure within the Reentry Services Division (RSD) that has the capacity to develop a strategic education plan, recommend programs and strategies, set budget and staffing priorities, make education personnel and budget decisions, and hold BOP instructors, managers, and administrators accountable.
- 2) Select "Best Practice" programs, frameworks and instructional delivery system components that will:
  - a. Improve and expand education services;

- b. Be supported by a student inmate information system that allows education services and supports to be targeted to students' needs; and,
- c. Utilize a technology infrastructure that will remove the obstacles of space, time, and human resource limitations and expand education and occupational training opportunities and support.

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## Proposed Financing

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### 1) *Reorganization and Reprioritization*

Building the capacity of the Office of Education within RSD does not require new funding. This initiative can be accomplished by making organizational and policy changes and by reprogramming a small number of existing FTE positions.

### 2) *Pilot Projects*

The BOP can implement new and expanded education programs and services as initial pilot projects so that the BOP can test the program, demonstrate its effects, and refine the program over time while minimizing program costs.

### 3) *Long Term Strategic Planning*

The new programs and necessary technology systems can be implemented over time consistently as part of a long term (5 year) plan. This long-term planning allows for the financing of improved programs through reprioritizing and reprogramming of resources and personnel over multiple years.

### 4) *Non-traditional Funding*

Determine the "limits" of federal restrictions on accepting private contributions and support and identify exceptions, such as the following:

- Outsourcing occupational training to community colleges;
- "Independent" Education Research Consortium, funded by foundations;
- Foundation-funded pilot programs for new programs and technology administered by universities;
- Private funding for supporting continuing education and occupational services for former inmates during reentry phases;
- Financing technology infrastructure over time through favorable rent/lease agreements; and,
- Outside technical and administrative support for Local Trade Councils in their expanded tasks of working with local correctional facilities to secure and support education and occupational training partnerships.

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## The Strategy: The BOP/BRONNER Project Team

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### Organization and Coordination

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This engagement has been supported by a Project Team comprising of BOP-identified resources and BRONNER consultants and subject matter experts.

The Project Team is constituted by two Working Groups (WG). The first WG focuses on building, empowering and resourcing the Office of Education. The second WG focuses on education programs/frameworks and the instructional delivery and support system.

### WORKING GROUP #1

#### Identified Issue

The Office of Education lacks the capacity for research and development and support needed to develop, evaluate, and adjust long-term education strategy. This Office also lacks the resources and authority to set priorities; manage education-related human and financial resources; and, to monitor, support, and hold BOP instructors, managers, and administrators accountable.

#### The Charge

Build BOP's capacity to improve and expand education services by providing the Office of Education with the capacity to develop a strategic plan and the authority to select programs, set budget priorities, make personnel decisions, and monitor and hold staff accountable for the plan's implementation.

#### Constraints

##### *Culture and Budget*

The BOP appropriation for education is a small fraction of the overall BOP budget, representing only 2% of the overall BOP appropriations and 5% of the "Inmate Support Services" (when appropriations safety and security spending is not included).

#### Initial suggestions

- 1) Reprogram existing vacant FTE positions to augment the Education Office's capacity to provide support in five critical areas:
  - Program oversight;
  - Data and education technology;
  - Human resources;
  - Budget management and accountability; and,
  - Resource acquisition and strategic partnerships.
- 2) Build the capacity of each of the six BOP regions to monitor and support education and occupational programs at the local institution level.

- 3) Create a Correctional Education Research Consortium (or equivalent) that could partner with select universities and other national organizations to monitor programs, conduct research, identify best practices, assist in planning, etc.
- 4) Expand the role and composition of the Local Trade Councils to give them responsibility and capacity for establishing and supporting strategic partnerships at the local institution.

Building the appropriate organizational structure with effective capacity and real authority can drive continual educational excellence and improvement. Having the capacity to monitor and assess programs and measure performance, while having sufficient personnel, budget and financial management authority to make needed adjustments, will enable BOP education services to evolve and continually improve.

### **Working Group Agenda**

Develop a comprehensive plan to strengthen the Central Education Office and regional education offices and a fixed implementation schedule that would begin this calendar year. The goal is to have the new structure in place by the end of 2016.

### **Key Needs/Decisions Points**

- Meet with the BOP Director and RSD administrators to build institutional understanding of the new organizational structure and its full range of responsibilities and authority.
- Agree on and prioritize necessary tasks to strengthen and empower RSD to improve and expand education services through its Education Office.
- Facilitate resource planning meetings with BOP Budget and Human Resources personnel to determine which FTE positions are available for reprogramming and define the process for any reprogramming.
- Determine the parameters on securing additional resources and supports through foundations and strategic partnerships.

### **Primary Deliverables**

- 1) Agreement on the composition and the authority of the Office of Education with RSD.
- 2) Determination of the Education Office staffing needs; development of the job titles and job descriptions; and, approval of titles and descriptions by BOP.
- 3) Determination and approval of policy changes needed to empower the Office of Education.
- 4) Identification of training needs and development and approval of training schedule.
- 5) Finalization of models for the Research Consortium and expanded Local Trade Councils.

## WORKING GROUP #2

### Identified Issue

The current education programmatic frameworks, instructional logistics, and support structures cannot meet the current education demand in BOP facilities. These frameworks and structures are unable to scale to increase the number of inmates served or improve educational and training outcomes.

### The Charge

Improve and expand education and job training programming in the BOP to equip individuals to reenter society with dignity and with a greater chance for economic success.

To attain this charge, the BOP must significantly increase the number of inmates with access to and use of a continuum of high-quality educational and vocational credits and credentials that are nationally-recognized and transferable to other educational and vocational settings.

### Constraints

There are several significant issues that are preventing the BOP from meeting its educational core mission, including:

- Lack of a comprehensive, documented educational strategy to meet the educational mission over the next 5 years;
- Limited availability of classroom space;
- Insufficient amount of instructional time to meet inmate academic needs;
- Limited time available for inmates to actively engage in learning, including skill practice;
- Difficulty and expense of securing appropriate instructional staff;
- Inmate mobility within the federal prison system, which prevents program continuity;
- Inability to customize instruction to meet the individual needs of inmates;
- Limited technological capacity to create high-value partnerships with local institutions, such as community colleges and private training programs;
- Lack of appropriate instructional technology to support teaching and learning;
- Absence of data systems to track formative and summative outcomes, maintain credentials, and monitor progress at all levels; and,
- Overall lack of funding.

### Initial Suggestions

The provision of education programs and frameworks at all instructional levels requires selecting or assembling the best programs available for basic skills, secondary, and post-secondary education and occupational training. To accomplish this, the following tasks are recommended:

- 1) Establish an educational and occupational training continuum that allows students to progress from one education level to another and to access occupational skills.
- 2) Develop an instructional delivery and support infrastructure that minimizes fixed costs and inflexible program commitments and allows for continuous monitoring and improvement of instructional and post-release outcomes.
- 3) Create instructional programs/frameworks and delivery system that are flexible enough to accommodate unanticipated future needs, and is scalable across the BOP system.
- 4) Establish a financing strategy that uses leasing, rentals, and subscriptions to make scalability more affordable and to facilitate asset management and access to technology improvements.

The appropriate technology can increase the number of inmates served, can be highly customizable, can be available anytime, and does not require the expensive build out of physical classroom space. The technology infrastructure will allow the system to adopt an online and blended framework, which can support the programmatic needs of students at the levels of basic skills, secondary, post-secondary, and vocational training.

### **Working Group Agenda**

Identify frameworks and program components that the BOP can deploy as short-term pilot projects at selected institutions for the testing of new programs, content frameworks, and delivery infrastructures, including network and instructional devices.

### **Key Needs/Decision Points**

- Develop a current census of instructional technology across correctional facilities and emerging or future technology use.
- Develop an understanding of preexisting discussions with providers of instructional content and delivery systems.
- Conduct on-site visits and facilitated discussions with correctional facilities that have undertaken similar technology-based initiatives and determine how logistical and security issues have been mitigated.
- Understand security risks associated with secure cellular networks and potential mitigation strategies for these risks.
- Establish a contracting mechanism for a pilot program that allows for the greatest degree of discretion and flexibility as to the services provided, both at the outset and as the pilot evolves.
- Advise BOP on developing curriculum and instructional frameworks to securely and efficiently support blended and online learning programs, and to construct a secure technology-supported instructional management system.

### **Primary Deliverables:**

- 1) Strategy on how to augment GED preparation and certificates with a high quality High School Diploma program.
- 2) Selection of the programs, frameworks and strategic partnerships to offer inmates high quality education and occupational training opportunities.
- 3) Recommendations for the most appropriate and effective education technologies for overcoming obstacles of time, space, student information, and human resources.
- 4) Recommendations pertaining to the incorporation of an education technology strategy into the BOP long-term technology plan.
- 5) Undertaking of pilot programs in two to four institutions, beginning in 2016, to test and refine the new programs and education technologies.

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## Securing Additional Funding for Student Inmates

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While many federal funding programs are inaccessible to the BOP, there are opportunities for additional funding for which student inmates may be eligible. To secure this funding, the BOP should align education and training programs with administrative initiatives to take full advantage of available federal and state education funding while adopting a policy of pursuing all available and eligible resources, both public and private. This strategic alignment should include the development of a "Grants-in-Aid" budget and the creation of a Grants Management Unit in the Reentry Services Division (RSD) Office of Education Budget Office.

There are several equity issues, based in policy and law, to be reviewed regarding BOP's access to federal funding available to state and local government entities. The following is a non-inclusive list of federal programs that currently exclude the BOP as recipient of funds.

### **Workforce Innovation Opportunity ACT (WIOA)**

The WIOA requires states to provide funding for corrections education to reduce recidivism. The Act expands the Workforce Investment Act's list of academic programs (adult education and literacy, special education, and secondary school credit) to the following areas: integrated education and training, career pathways, concurrent enrollment, peer tutoring, and transition to reentry initiatives and other post-release services.

### **Federal Grants Managed by the Department of Education's Office of Correctional Education (OCE)**

OCE funds various programs in correctional facilities under the Improved Reentry Education (IRE) program. The IRE program supports demonstration projects in prisoner reentry education initiatives that have exhibited effectiveness in reducing recidivism and providing opportunity for former inmates in institutional and community settings. In September 2015, the Department of Education awarded IRE grants to nine recipients, including the Pennsylvania Department of Corrections.

### **Individuals with Disabilities Education Act (IDEA)**

Along with the provision of Federal funds, IDEA has specific requirements for the education of students with disabilities through the age of 21. These requirements are organized under six main components: Individualized Education Program; Free and Appropriate Public Education; Least Restrictive Environment; Appropriate Evaluation; Parent and Teacher Participation; and Procedural Safeguards. The six components establish the rights of the student with disabilities and their families to education that meets the specific needs of the student, is provided at the public's expense, meets state educational standards, and maintains access to educational records and Informed Consent for the student and the parents.

### **Every Student Succeeds Act (ESSA)**

Title 1, Part D, of the Every Student Succeeds Act (ESSA) (the successor to No Child Left Behind) provides funding to states that include inmates under the age of 21 in state-operated adult correctional facilities enrolled in a regular program of instruction for at least 15 hours per week for educational services. This section also provides funding to facilitate a successful inmate transition from institutions into further schooling or employment, including a support system for youth returning from correctional facilities to ensure continued education. States are permitted to make sub-grants to local correctional facilities, local schools, and community day programs for delinquent children and youth. Correctional facilities and schools that receive funding under this program are required to coordinate to ensure that inmates are participating in an education program comparable to local schools and provide information on the specific educational and psychological needs of each student.

### **State General State Aid**

Individual states award education funding to local and state prisons for educational services provided to inmates under the age of 21. This is generally not limited to the General State Aid formulas, but often includes Special Education, English Language Learners, and Federal Title 1 funding. Normally, there is a requirement of full time student status (an average instruction time of 5 hours a day). The majority of the state formulas include online instruction from accredited programs.

### **US Department of Veterans Affairs (VA) Veteran Benefits**

While benefits for veterans are affected by incarceration and the nature of an inmate's conviction, many benefits are still accessible to veterans who have been incarcerated. This includes disability compensation, disability pensions, education and training, vocational rehabilitation and employment. Veterans who are incarcerated for convictions other than a felony can receive full monthly benefits, if otherwise entitled. Claimants incarcerated for a felony conviction can be paid the cost of tuition, fees, necessary books, and equipment – including a computer. The VA cannot make payments for these items if another Federal, state or local program pays for these costs. With an estimated 8% of federally incarcerated inmates being veterans, the financial impact cannot be understated. It should be noted that, with the exception of benefits for veterans and perhaps individual state aid, it has not been determined whether the BOP's exclusion from these state correctional funding opportunities and Federal IDEA rights is a product of statute, rules, or lack of pursuit to date.

What remains clear is that Federal inmates are not accessing the educational benefits available in state correctional facilities. Whatever the reason, this issue deserves attention, further discussion with stakeholders, and an initiation of a strategy for change. The BOP should develop an outreach and coordination initiative to communicate with the U.S. Department of Education and identify strategies to expand the BOP's eligibility for and access to federal and state educational programming for inmates.

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## Opportunities for Expanded Funding Sources for Student Inmates

### **Inmate Deposit Fund**

The Inmate Deposit Fund is a vehicle for funds to be made available for individual inmates. There exists the possibility that fund could be used as a vehicle for securing private dollars for inmate associate and baccalaureate general education, extended education and job training initiatives during reentry, and the inmate employment bonding program, which insures placement with employers who hire inmates.

### **Private foundation dollars**

The BOP should pursue funding from foundations and other non-governmental sources to fund pilot projects and even startup costs. To comply with all necessary federal regulations, the BOP would not use this funding for BOP operating purposes or existing federally mandated services. In order to achieve the goals of the Education and Job Training Priority, the BOP must not use these private-sector funds to displace existing program funds. Potential funding opportunities include (but are not limited to):

- Grants to fund specific pilot projects, such as new programs under consideration that provide non-mandated services:
  - a. High school diploma program
  - b. Tablet-based blended learning instructional program
- Funding to support the continuation of education and occupational training services for former inmates during the reentry process
- Financial support for the Local Trade Council initiative to facilitate partnerships between local correctional facilities and local community colleges, private trade schools, and businesses to expand occupational training and employment opportunities during incarceration and reentry
- Funding of a university-based research and development consortium that can develop education strategy, assess programs, and monitor performance for the RSD
- Supporting additional university-based programs designed to support RSD education and occupational training efforts

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## Pilot Projects Approach

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The enhancement and expansion of the Education and Job Training Priority requires significant action from the BOP in several areas of operations, management, and policy. However, with a strategic approach to program development, the BOP can build out the components of the Priority in a manner that facilitates cost-effective deployment of resources and enables BOP to achieve short-term accomplishments that can inform and expedite longer-term initiatives.

The following memo outlines a series of pilot projects that the BOP can implement to develop, deploy, and evaluate components of the Education and Job Training Priority. These activities are organized into three areas based on the timeline associated with the activities: Immediate Tasks, Short-Term Pilots, and Longer-Term Pilots.

### IMMEDIATE TASKS

#### **1. Build RSD Capacity to Expand and Improve Education Programs**

Build the capacity within the Reentry Services Division (RSD)'s Education Office to develop and implement education policies and to ensure accountability. Organization, staffing and policy changes can be made quickly and can equip and empower the Office in the following essential areas:

- Program development, monitoring and R&D;
- Data management and analysis;
- Human resources recruitment and training;
- Financial accountability/strategic partnerships; and,
- Regional Education Improvement Teams assigned to each of the six Regional Offices.

#### **2. Expand Prison Apprenticeship Program**

Expand the current student apprentice program by increasing the 1:1 teacher/foreman ratios for prison apprentice programs. Site visits showed significant variation in teaching loads across institutions. If this variation is addressed, some of the backlog for education programs may be reduced.

#### **3. Utilize AOE to Finance Strategic Partnerships**

Use Advanced Occupational Education (AOE) program to fund certified occupational training pilots with community colleges and private technical training schools. This will incentivize the local correctional institutions to seek out potential strategic partners.

#### **4. Upgrade Software, Organizational Structure, and Staff Scheduling Models**

There are software improvements, scheduling and staffing changes that could immediately improve existing programs. There are also initiatives under consideration that could immediately improve programs, like adding ACT WorkKeys to the GED program.

## SHORT-TERM PILOTS

### 1. Tablet Pilot

Begin a pilot program to demonstrate the viability of a safe and secure connected tablet-based solution to increase the depth and breadth of educational programs offered to inmates. This pilot will rely on a blended learning model, in which content is delivered on the tablet while support and augmentation is provided by the teacher and tutor. Content will include education and literacy development, life skills teaching, and reentry preparation.

### 2. State Collaboration Pilot

Develop an outreach and planning initiative to identify and create collaborative agreements with select state prison systems to provide educational opportunities not currently offered by the BOP. Examples include:

- North Carolina's partnership between the Department of Corrections and the North Carolina community college system (including linkages with the public university system);
- Ohio Penal Education Consortium; and,
- Minnesota Department of Corrections and the Correctional Education Commission.

### 3. Differentiated Intervention Pilot

Prepare a Request for Information (RFI) to identify promising education interventions in reading and math for students with varying low achievement levels. This will help students to receive instruction in basic level reading and/or math skills and increase their achievement in an expedited manner and help teacher to differentiate content area instruction for students. A differentiated intervention program can also provide the students with alternative pathways to earn secondary education and/or occupational course credits.

### 4. Community College Pilot

Establish a plan to evaluate programs that could increase the number of training programs and augment employment demand. There are many programs that currently serve prison populations through distance learning and online course offerings in a more cost-effective manner. Examples include:

- The Milwaukee Area Technical Colleges (both online and through distance learning) provides courses for prisoners in Wisconsin, Alaska, Hawaii, Louisiana, Maine, Minnesota, Tennessee, and Virginia. They offer both occupational training and Associate degrees that do not require time on campus. Recently, they have piloted release/parole occupational training.
- Coastline Community College serves 3,000 inmates in 57 California correctional institutions. The college catalogs list over 16 different programs.

#### **5. Training Opportunity Pilot**

Develop a data and communication system that identifies companies that offer training programs to inmates, determines skills these companies value, and uses that information to identify and define training program content and structure. Over 200 major corporations hire inmates, including (but not limited to) Blue Cross/Blue Shield, AON, and Apple.

### **LONGER-TERM PROGRAMS AND INITIATIVES**

#### **1. Comprehensive Student Inmate Information System**

Construct a comprehensive student inmate information system that maintains and evaluates students' education levels and social, emotional, and physical health needs. That data will facilitate the development of individual student inmate education and support plans and student progress monitoring systems.

#### **2. High School Diploma Program**

Develop a blended learning high school diploma program that can be offered along with the existing and improved GED program. This program can be developed and deployed in tandem with the Tablet Pilot, and can begin in Florida institutions through the state-owned Florida Virtual School (FLVS). Offering the program to federal institutions in Florida will test the concept and leverage the low cost of the FLVS program.

#### **3. Program Standardization**

Develop a plan to develop program standards and expand standardization of programs (where possible) to ensure consistency of education programs across BOP facilities. Where possible, the Program Standardization plan should leverage contracting vehicles and strategic sourcing initiatives that allow vendors to standardize program content and materials across facilities.

#### **4. Reentry Services Continuum**

Develop a model to provide and finance a continuum of education and occupational training services for former inmates during the reentry phase. The expansion of the education and support network through the reentry phase will increase the likelihood

that inmates are able to secure meaningful and steady employment and reduce the probability of recidivism.

**5. Inmate Teacher Program (ITP)**

Establish, expand, and standardize an Inmate Teacher Program using the Windham School District model in Texas to increase the number of teacher support aids. Inmate teachers, instructors, and/or tutors can increase human resources available for staffing education programs. Under the ITP, qualified inmates who complete the required training will receive a Prison Teaching Certificate and will be assigned to classrooms based on skillset to provide teaching support services under the direct supervision of a teacher.

**6. Strengthening the Local Trade Commissions**

Expand the mission of Local Trade Commissions and broaden their composition to enable them to help local correctional facilities identify, recruit, and support strategic partnerships with community colleges, private training programs, and businesses.

**7. Veterans "Pell Grant"**

Identify inmates who are veterans and, with the support of Veteran Education Benefits, create expanded continuing education program opportunities for veterans while in prison and a "continuation" of education services during reentry. These programs can serve as a comparable "Pell Grant" program for veterans funded from the education benefits to which they are entitled.

## **Proposed Statement of Work for Correctional Education Technology Systems (RFP)**

### **IV. Scope of Work**

Because higher levels of vocational and educational credentialing are directly correlated with lower levels of recidivism, the United States Department of Justice Bureau of Prisons (BOP) intends to extend and increase access to high quality educational and vocational offerings, including accredited, certified, and credentialed programs to meet the diverse needs of inmates across the system. BOP seeks to improve the continuum of education and job training and provide a personalized learning system to enable inmates to more easily establish and successfully follow a 21<sup>st</sup> century path for education and job training during incarceration and beyond.

BOP believes that mobile devices in correctional institutions have a high potential to safely and broadly convey programming more effectively to a greater number of inmates and for longer periods of time than can live instruction alone. Thus, BOP seeks a contractor to establish a pilot program of mobile devices and content that delivers a full spectrum of accredited educational, job training, and life skills. BOP requests an initial package of educational offerings that addresses each part of the continuum of education and that ensures the capabilities of the devices allow content to be easily adapted to changing needs and instructional technologies. The devices should enable staff, teachers, and other BOP administrators to gather data and monitor course progress on the students, individually and collectively, as well as provide data on staff and program effectiveness. BOP intends to use this pilot program to inform a scalable solution for the use of mobile devices and some mix of curricula which addresses individual and correctional institution needs across the system.

The contractor will be responsible for providing a web-based zero-client integrated educational platform/mobile device/network solution. The contractor shall provide access to a continuum of educational services including, but not limited to: basic adult education, GED, accredited high school diploma, college degree program and certificated vocational program. The initial “proof of concept” will be deployed in two BOP correctional facilities and, if successful, could be scaled up to all BOP correctional facilities.

It is important that the integration of the various components of the proposed solution have been successfully proven (as a complete package) in a correctional institution and that the contractor have experience with real-world education service delivery within a correctional environment.

This Statement of Work includes six major categories that cover the scope of services to be provided by the contractor. It identifies a mobile content delivery system on a secure network and also provides flexibility in instructional content. It calls for an integrated WAN/LAN/device platform that is accessed by mobile devices and provides expanded (compared to current) access to content and a menu of courses and options. It also requires the delivery of a continuum of educational content: curriculum, courses and job training. The vendor response to the Instructional Program content category should reflect ongoing flexibility in the sourcing of content, modifications to that content, and options for new content under prospective renewal(s) and/or extension to engagement contract.

**Only proposals that include all elements of the Statement of Work will be considered. There must be a single point of accountability for the entire integrated package, including all connectivity, hardware, content, support and training.**

### **Category 1 – System Requirements and Integration**

The contractor shall assure that a cloud-based, end-to-end solution provides connection between mobile devices, secure network connectivity, LMS/SIS platform, and educational content. The deliverable must be an application that integrates into BOP's existing IT infrastructure and meets the security demands of a federal correctional institution. In addition, the deliverable must meet United States Access Board Section 508 standards for web-based Intranet and Internet Information and Applications at 34 CFR Part 1194 ([See https://section508.gov/summary-section508-standards](https://section508.gov/summary-section508-standards)). The contractor must identify where the entire system has undergone a proven deployment in a correctional institution.

#### **Category 1 Deliverables**

- System can import data from an external source, for example, BOP's inmate management system (IMS), which uses IBM's DB2 database
- System can create a unique identifier or uniquely identify inmates with audit capabilities to identify duplicates
  - Alternatively, the system can integrate with BOP's unique identifier system

- System must ensure unique user authentication enforced for each authorized user (i.e., the same user cannot be concurrently logged into the system multiple times)
- System security configuration includes user audit trail capabilities
- Vendor remote access for application maintenance that shall comply with DOJ IT security requirements (see: <https://www.justice.gov/jmd/file/706776/download>)
- List of which browsers are compatible with any web-based course offerings (e.g. Chrome, Firefox, Internet Explorer – include version supported)
- Demonstration of the application in a Test environment
- Documentation and training to inmates and BOP staff at the facility, regional, and central levels, as well as train-the-trainer options

### **Category 2 – Mobile devices to fully access the instructional platform**

The contractor shall provide a ruggedized mobile device that has a hardened case for corrections use. The device must include Mobile Device Management tools such as: remote device wipe, factory reset, application installation and removal, controlled network access and reassignment of devices to new users. The contractor must be able to provide a scalable number of devices to maintain 1:1 access for instructors and inmates.

#### **Category 2 Deliverables**

- Devices can support multiple users
- Devices can preserve seamless program continuity for each student if they use different devices on different days
- Devices have disabled tablet bootloader and system configuration features
- Devices support accessible features for Students with Disability (DHH, Blind, etc.) such as TTS/text reader, STT, tool tips etc.
- Device software includes tutorial/help screens to assist student in navigation
- Administrative Portal to manage devices and users
- Tiered privileges to distinguish between users and administrators
- Customizable interface
- Long battery life
- Proven durability

### **Category 3 - Scalable secure wireless infrastructure**

The contractor shall implement a scalable secure wireless network capable of providing inmates and instructional staff with 1:1 access to devices. The network shall ensure security controls so that only approved and authorized devices can connect to the wireless or cellular network and that the devices can only connect to the defined network and to no other network or Internet source.

#### **Category 3 Deliverables**

- System includes a firewall to control network traffic and device access and support IPv6 network configuration
- If cellular-based, the primary telecommunications provider ensures:
  - Cellular solution includes access control and auditing capabilities to determine which devices are connected
  - Cellular solution includes a secondary telecommunications provider to service those locations where service by the provider is weak or non-existent
  - Minimum communication speed provided by the solution (e.g. 4G LTE)
- If Wi-Fi based, system ensures that:
  - Security and encryption protocols are utilized (e.g. WPA2-PSK AES)
  - Wi-Fi solution includes auditing capabilities to determine which devices are connected
  - Wi-Fi solution includes repeaters or signal boosters to ensure connectivity in those locations where the signal would otherwise be weak or non-existent

### **Category 4 – Learning Management/Student Information System**

The contractor shall provide a system to manage educational content, administrative reporting, and a secure digital environment for instructors, inmates, administration, and support staff. The system will also be available in a secure private cloud or Software-as-a-Service (SaaS) environment.

#### **Category 4 Deliverables**

- System allows teachers, students and staff to receive information and make individualized content or curriculum changes and adjustments based on student progress, time on task, course completion, test results, etc.

- System provides processes for adding and/or changing educational content in a timely manner
- System can track student progress and provide diagnostic information for the instructor to make specific remedial instructional modifications
- System can compare student performance to peer performance at other correctional institutions and/or public school systems
- System allows inmates to track their academic progress
- System provides enrollment, withdrawal and completion data, by student, instructor, and/or location/facility and the ability to imported data to database systems for further analysis
- System provides storage capacity to retain historical student performance data for longitudinal review
- System allows the creation of customized reports at the teacher, instructional program, facility, regional, and central levels
- System utilizes industry–standard protocols for communication and/or record exchange with equivalent School Information Systems (SIS) used by school districts, postsecondary institutions, and state departments of educations

### **Category 5 – Instructional Program**

The contractor shall provide comprehensive content for basic adult education, GED, accredited high school diploma, college, and certified/ credentialed vocational occupational training that is capable of delivering a personalized learning model with proven success for incarcerated individuals.

#### **Category 5 Deliverables**

- Basic Reading (decoding, vocabulary, fluency, and comprehension)
- Basic Language (reading, listening, speaking, and writing)
- Numeracy
- Basic Writing Instruction
- Computer Literacy
- GED Preparation
- High School Diploma
- Life Skills (e.g. Job Search, Interview Skills, Workplace Skills, and Basic Financial Literacy)
- Vocational/Occupational Training

- Career and Employment Readiness
- College/ Postsecondary Education that meets standards for transfer of credits to other institutions of higher education
- Content alignment with learning standards (e.g. Common Core)
- Content in support of English Language Learners
- Content and delivery systems in support of individuals with disabilities (e.g. sequence, pacing, and complexity of content; text-to-speech and/or video visual learning methods)

### **Category 6 – Implementation and training**

The initial pilot will be conducted at two BOP correctional institutions. If the BOP determines that the pilot is successful, the infrastructure (network, device, and educational platform) will be scaled up to meet the demand of up to 122 BOP facilities.

#### **Category 6 Deliverables**

- An online user's guide detailing all aspects of system operation.
- Training opportunities for BOP personnel via telephone conference or video conference
  - Other asynchronous training resources should include: web-based training which may include videos, tutorials, and/or other training resources
- Limited On-site training upon activation of the software
  - Training dates will be mutually agreed upon between the Contractor and BOP. All travel cost will be borne by the Contractor and subject to Federal Travel regulations for reimbursement.
- Table of required training programs for each user type (BOP Central Office staff, BOP Regional Office staff, BOP facility staff, BOP inmates), training model, and amount of time for the training
  - If a train-the-trainer model is used, the vendor shall indicate what BOP resources and what devices, contents, systems, and pedagogies are required to achieve training for all levels
- Ongoing support and periodic check-ins regarding continuing training and Professional Development as well as counseling on individualized education plans

## Consortium on Corrections Education Memo

### Best Practice Profile: University of Chicago Consortium on School Research

#### Introduction

While the Bureau of Prisons (BOP) currently utilizes research and analysis from research institutes to inform its programming, the complexities of education and workforce development programming indicate the need for a dedicated research consortium that focuses on these areas.

Under current practice, the BOP benefits from the work of the National Institute of Corrections (NIC). The NIC exists to provide training, technical assistance, information services, and policy/program development assistance to federal, state, and local corrections agencies. The Institute also provides leadership to influence correctional policies, practices, and operations nationwide in areas of emerging interest and concern to correctional executives and practitioners as well as public policymakers. However, there is an opportunity to create a Consortium on Corrections Education (CCE) that focuses specifically on research and development to more directly inform and support BOP's policies and procedures for the Education and Occupational Training Program. This organization could complement the NIC work or possibly be partnered with the work already being accomplished.

As the BOP formulates its plan, this memo presents an overview of the University of Chicago Consortium on School Research (UChicago Consortium) as an example of a high-level, top-ranking model of an independent research consortium. The purpose of this organization is to study, reflect and present best practices and recommendations to advance the mission at hand. In the case of the BOP, this model could provide the BOP with research-based advice and counsel on the educational goals of the institutions in its purview.

The UChicago Consortium builds capacity for school reform by conducting research that identifies significant determinants for student success and school improvement. The organization's four main areas of research strongly align with the BOP's interests and can parallel the correctional facility's environment and systems in its approach. Per the organization's mission, the UChicago Consortium works on:

- Long-term studies of particular institutional policies or practices;
- Statistical indicators and reporting of long-term trends;
- Reports on key conditions and attitudes at individual schools (which can be applied to local correctional facilities); and,
- Short-term evaluations and research assistance/consultation.

#### Genesis

The UChicago Consortium was created in 1990 after the passage of the Chicago School Reform Act that decentralized governance of the city's public schools and the recognition that third parties can play a beneficial role in public education reform. Researchers at the University of Chicago joined with researchers from the Chicago Public Schools system and other organizations to form the UChicago Consortium with the imperative to study this landmark restructuring and its long-term effects. Since then, the Consortium has conducted research on many of Chicago's school reform efforts, some of which have also been embraced by other cities. These studies are intended to inform reforms and changes within schools and school districts, as well as shape broader national movements in public education.

## Organizational Principles

A number of features distinguish the UChicago Consortium from more typical research organizations: a comprehensive data archive, a focus on one place (Chicago), engagement with a diverse group of stakeholders, a wide range of methods and multiple investigators, and a commitment to sharing research findings with diverse stakeholder groups.

The Consortium is also distinguished by the value it places on partnerships. It is a national model for undertaking research to track the progress of urban school systems, partnering closely with district leaders, creating and administering longitudinal surveys of schools, and creating indicators and methods to deepen understanding of school reform and improve educational practice. Over the last 10 years, at least 13 cities have replicated the Consortium's model for place-based research partnerships: Boston, New York, Philadelphia, Baltimore, Washington, D.C., New Orleans, Houston, Kansas City, San Diego, Los Angeles, Oakland, and San Francisco. As the BOP considers establishing a comparable organization, the Education Office should explore these replications of the model which have been customized to fit differing circumstances.

The UChicago Consortium conducts high-quality technical analysis that can inform and assess policy and practice in the Chicago Public Schools. The Consortium seeks to expand communication among researchers, policymakers, and practitioners as it supports the search for solutions to the problems of school reform. The UChicago Consortium encourages the use of research in policy action and improvement of practice, but does not argue for particular policies or programs. Rather, it helps to build capacity for school reform by identifying what matters for student success and school improvement, creating critical indicators to chart progress, and conducting theory-driven evaluation to identify and assess the impacts of programs and policies.

Making research findings accessible to a broad audience is central to the UChicago Consortium's mission. The organization's researchers play an active role in the national conversation on school reform by regularly presenting findings around the country and around the world at conferences, universities, and to groups of practitioners and policymakers. To help make their research accessible to stakeholders, they host events for local practitioners, policymakers, and media representatives to discuss findings and their implications.

## Collaboration

Through the UChicago Consortium Institutes, Consortium researchers collaborate with other education research consortia across the country to share best practices and develop shared research projects. Locally, UChicago Consortium Institutes bring together groups of district administrators and practitioners for in-depth conversations about the research and its implications at the school and district levels.

To disseminate its findings and recommendations, the Consortium also:

- Produces podcasts;
- Participates in live interviews;
- Gives presentations to practitioners, policymakers and media (See: <http://consortium.uchicago.edu/page/presentations>); and,
- Tweets, and has a news feed and press releases: <http://consortium.uchicago.edu/news>.

## Governance

The UChicago Consortium is a unit of the University of Chicago Urban Education Institute. It is led by a Director and is governed by the Board of Trustees of the University of Chicago. The Consortium has a staff of approximately 35 as well as groups of Affiliated Researchers and Research Assistants. The organization also relies on a multi-partisan Steering Committee to ensure that researchers consistently address a wide spectrum

of education-related questions. The Committee works regularly with Consortium staff to develop a research agenda and review research in progress. Institutional members of the Steering Committee represent the Illinois State Board of Education; the Chicago Public Schools; and the city's Board of Education, Teachers Union, and Principals and Administrators Association. Individual members include civic leaders; education researchers; and members of education-reform, advocacy, and service organizations.

### Funding

Funding is and has been provided by regional and national foundations as well as individual donors.

### Contact

For further information on the UChicago Consortium, it is recommended that the BOP contact Bronwyn McDaniel, Director of Outreach and Communications, via the following methods:

- E-mail: [bmcdaniel@uchicago.edu](mailto:bmcdaniel@uchicago.edu)
- Telephone: (773) 834-0168

### Conclusion

The UChicago Consortium demonstrates the value of a dedicated research consortium for education and occupational training within the BOP. The Consortium's focus on high-quality, place-based analysis of educational program design and impacts and its dedication to driving on-going improvement in education through policy reform represents an effective model for the BOP to adopt. The existence of a collaborative and accessible research center within the BOP will facilitate nationwide identification of successful case studies and rapid dissemination and learning of best practices in local BOP institutions.

## BOP Educational Services Regulatory Review Memo

### Rehabilitation Act of 1973 (Section 504) and its Application to BOP Educational Services

The Rehabilitation Act of 1973 (Section 504) states that "No otherwise qualified individual with a disability in the United States...shall solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any programs or activity receiving Federal financial assistance." Thus, the Bureau of Prison's (BOP)'s educational services are subject to this provision. As the BOP implements the recommended changes to its educational and occupational training programming, it is critical that the BOP maintain compliance with all federal regulations and ensure that its programming is accessible to all inmates.

To enable compliance with this Act, Bronner Group, LLC (BRONNER) conducted a review of the BOP's educational policies and procedures. BRONNER then compared these components to policies and procedures in effect at the U.S. Department of Education.<sup>1</sup> This exercise was used to recommend policies that would improve BOP compliance. To make implementation easier, each policy area contains recommended procedures that make the policies viable.<sup>2</sup>

Policy areas requiring revision or affirmation are as follows:

1. Nondiscrimination
2. Definition of Disability
3. Inmate Evaluation Process
4. Personalized Learning Plans
5. Initiation and Continuation of Educational Programs
6. Removal from Education because of Misconduct
7. Education Program and Special Learning Needs (SLN) Staffing
8. SLN Teacher Professional Development
9. Education Program Evaluation
10. Data and Use of Technology
11. Development of Accountability System
12. Work Assignments, Rates of Pay, and Promotion

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<sup>1</sup> Department of Education policies prohibiting discrimination and Individuals with Disabilities Education Act (IDEA) contributed to policy development. It should be noted that BOP is not subject to IDEA as no funding is authorized. However, as IDEA is up for re-authorization, the BOP should carefully consider whether BOP education could be improved if inclusion would be possible.

<sup>2</sup> To review recommended procedures, see Bureau of Prisons Education Program Assessment Report Appendix 4: Proposed Policies and Procedures for the Education of Inmates with Disabilities.

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## The Department of Justice Bureau of Prisons Education Transformation Project

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### The Objective

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BOP will have in place a fully equipped and empowered **Education Office (EO)** within the **Reentry Services Division (RSD)**, which has the capacity and authority to develop and manage education policy and programs and to develop a prototype **Instructional Delivery System (IDS)** that can be scaled to provide the infrastructure necessary to deliver expanded, improved, and more accessible education and occupational programs in BOP correctional facilities nation-wide.

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### Components

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- 1) The EO will be equipped and empowered to operate much like a semi-autonomous school district within the RSD. As such, the EO will have the capacity to produce comprehensive education and occupational training strategies, select and manage programs to implement those strategies, and, working in collaboration with BOP staff and management, develop educational and occupational training policies.
- 2) There will be a comprehensive plan to provide the EO with an IDS that will provide the infrastructure necessary for expanded and improved programs and to increase inmate access. The plan is embodied in the "**Prototype.**"

The Prototype is comprehensive. It not only provides the instructional delivery system necessary to deliver expanded and higher quality programs and to increase inmate access, but also offers inmates an education continuum of programming. This continuum allows student inmates to continually improve their education and occupational training levels, better equipping them to successfully return to society and effectively reducing recidivism

The education continuum will offer the following.

- 1) Basic Skills including SPED, ESL, Behavioral Support
- 2) Enhanced GED with a "Work Skills" component
- 3) Certified High School Diploma Program
- 4) Continuing Education (2-4 year degrees)
- 5) Certificated Occupational Training
- 6) A continuation of program offerings during the reentry phase

The solicitation that produces the Prototype will include provisions allowing for the IDS, as well as the expanded education programs and services that can be brought to scale.

Success of the Prototype will largely revolve around the IDS' ability to offer programs and to deliver and support instruction, rather than the immediate success of the expanded programs themselves. Individual programs will be changed or replaced based on the results. The importance of the Prototype is to select the IDS that can deliver quality instruction and support any programming that BOP selects while expanding inmate access, and can be brought to scale over time within existing BOP budget constraints.

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## Highlights

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- These are not the first efforts to improve education and occupational training services. The administration's reform efforts began three years ago with the decision to create a separate RSD, taking those services out of the very broad Inmate Support Services. The intent was to ensure that reentry was prioritized. Other efforts to expand education opportunities for inmates, such as the Pell Grant initiative, were also undertaken.
- Reform efforts were continued with the recent transfer of education and occupational training to the RSD, efforts to expand access to the GED programs, and initiatives to improve critical support programs including drug treatment and intervention.
- Prison reform initiatives have helped reduce the three-year recidivism rates and contributed to a slight decline in inmate population after years of increases.
- Providing the EO with the capacity and authority to develop more effective education and occupational training strategies and policies and to implement research-supported programs will ensure that education services continually improve, evolve, and remain cost-effective.
- The creation of the Consortium on Correctional Facility Education will provide for the independent monitoring of correctional facilities programs and analysis of their effectiveness while providing BOP with the research needed to continually improve the quality of education and occupational training services.
- The expansion of the Local Trade Councils' participants and scope will provide the majority of prisons with a vehicle for improving education, job training, and job placement opportunities through local and regional partnerships with community colleges, private training institutions, and area businesses.
- The creation of the IDS will allow for the affordable expansion of programs, improvement of program quality, and expanded inmate access. This will help both reduce the recidivism rates and improve correctional facility climate and security by keeping more inmates productively engaged.
- For the first time, there will be an education continuum within the correctional facilities, extending through the reentry phase, allowing inmates to continue their education and

occupational training to enhance employment opportunities and improving their chances of successful and productive reentry into society.

- A national **Inmate Instructor Program (IIP)** will be created to standardize and significantly expand the use of qualified inmates to support education programs, substantially expanding education staffing resources without increasing costs, while keeping more inmates constructively engaged. This model will be useful in implementing differentiated learning and blended instruction. The IIP will also provide a vehicle for engaging better educated inmates in constructive activities that will benefit the institutions over the long run.
- Building the capacity and empowering the EO to improve education and occupational training requires no new "education" funding. It can be accomplished by reprogramming and reprioritizing existing education financial and human resources. The costs of building the IDS and adding and expanding programs will occur over time, allowing the costs to be easily offset through savings resulting from reduced recidivism.

The above synopsis addresses ultimate goals. Simultaneously with IDS implementation, BOP can also increase access to and deliver improvements to occupational training by:

1. Developing teacher staffing models that set teacher-student ratios. This would include changes in the way classes are set up in facilities where teachers are subject to four day weeks.
2. The Advanced Occupational Education programs could be broadened to offer more 21<sup>st</sup> century training. This could be provided (certainly at sites with excess classroom space) through computer-based learning or through offering evening training.

Closing Memo: Next Steps, Outstanding Issues, and Action Items

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**The Overarching Accomplishment:**

Upon the completion of its engagement with Bronner Group LLC (BRONNER), the Bureau of Prisons (BOP) will have effectively created a “school district” within the BOP. This new organization, known as the Education Office (EO), will be positioned to wield the autonomy and possess the capacity needed to develop vastly improved education and occupational training strategies. The EO will also have the authority to select and support the programs and policies necessary to implement those strategies. This will ensure that education and occupational training programs and policies are determined by data-proven best practices, and that there is a command and control structure in place to ensure implementation and accountability for results. The establishment of such an organization will create a vehicle for ensuring that the BOP prioritizes inmate education going forward, that strategies and programs are a product of data and research, and that they are constantly evolving and improving.

This memo presents an overview of next steps for program planning, outstanding issues for program establishment, and action items for program implementation. BRONNER recommends that the Department of Justice review these components and integrate them into a Strategic Implementation Plan to facilitate program planning and development following engagement close-out.

**Additional Specific EO Goals:**

- Development and implementation of a pilot project to develop a prototype "Instructional Delivery System" with the capability of scaling to nationwide deployment, over time. This will provide the necessary infrastructure to deliver expanded and more accessible education and occupational training programs.
- Development of policies and strategies to deliver the specific educational services that inmates with functional disabilities need and to which they are entitled by law. These policies and strategies also extend to inmates who may not be disabled, but who are functioning at extremely low educational levels.
- Identification of model programs that can offer expanded affordable education services in local BOP institutions, including basic literacy and numeracy development, a high school diploma program, and additional certificated occupational training programs.
- Delivery of a model and a strategy for creating a Consortium on Corrections Education (CCE) that can enable the EO to access the research, diagnostic services and support it needs to guide decision-making for programs and strategies.
- Delivery of a model for creating Local Trade Councils (LTCs) at local BOP institutions. Each LTC would be comprised of representatives from business, labor, higher education, and government to augment the education and occupational

training resources available to inmates, including programs delivered by the BOP and through outside institutions. Each LTC would support its institution to expand education and training opportunities for individuals during incarceration and reentry, and to communicate the breadth of the education efforts to the community.

- Delivery of a model to create an Inmate Instructor Program (IIP) that can assist instructors in providing education, occupational training, and cognitive training to inmates.
- Research and Development (R&D) necessary to assist the EO's efforts to develop and implement its future long-term strategic plan for improving and expanding education and occupational training programs, increasing inmate access to these programs and extending services during Reentry.
- Development of a model that can be shared with state and local correctional facilities and school districts to improve correctional facility-based education and occupational training and support services, and to expand alternative school and support services to accommodate state and local Diversion and Reentry programs.

#### **Issues to Address within the Short-Term (0 to 3 months):**

1. The BOP's Mission Statement should affirm that the Bureau will provide a broader spectrum of educational and occupational training programming to support successful inmate re-entry.
2. The installation of the Chief Education Administrator (CEA) should be expedited to ensure enough time to coordinate with the DOJ/BOP and establish support for full organizational implementation.
3. The new leadership team in the USDOJ needs to be informed of the project and briefed, as should key legislative members, in order to ensure continued support.
4. The CEA should develop a long-term Strategic Plan for program implementation. (Details below).
5. Human Resources documentation should be amended to provide that all EO personnel and resources are henceforth are under the command and control of the CEA, with the understanding that the CEA will work collaboratively with the Regional Administrators and Wardens, on issues of budget, selection and retention of personnel, and evaluation of personnel. HR documentation should also indicate that Education Office personnel are to be limited to providing educational services.
6. The CEA should receive the clear authority to recruit and approve all future EO administrative hires, including Regional Education Administrators (REAs) and Local Education Administrators (LEAs).

7. Policy should be amended to reflect that the CEA controls all EO personnel and resources, except during times of emergency (e.g., lock down, etc.). In such events, control of education resources returns to the CEA when the emergency is over.
8. The EO should be finalized, subject to the input and approval of the new CEA, provided that the changes align with these recommendations and the EO budget. This finalization includes providing the requested staffing resources.
9. BOP education policies should be amended to provide for technology-based delivery of educational programming. The implementation of technology-based educational delivery should also serve as a catalyst for the BOP to provide a broader range of educational and occupational training programming going forward.
10. BOP should amend its policies to provide for thorough educational assessment of each inmate during the intake process, with the assessment forming the basis of educational programming for the inmate.
11. Establishment of new policies regarding inmates with functional disabilities should be finalized and implemented.
12. The CCE should be created and university partner(s) should be identified.
13. The CEA should be charged with development of a system-wide model for inmate-to-inmate mentoring.

### **Strategic Plan for Education and Occupational Training Program Implementation**

The Strategic Plan should be considered in two timeframes: “the first 100 days” and “long term,” representing a period of three to five years. The Strategic Plan outlines a series of actions that the BOP should complete in the two timeframes to ensure the successful implementation of the EO and the sustainable management of expanded education and occupational training programming.

#### **(1) The First 100 Days:**

- Implement new EO organizational structure.
- Clarify core policies governing command and control over EO personnel and resources disseminated throughout the BOP.
- Formulate initial revisions to BOP education policies and procedures.
- Develop initial strategy for increased program compliance with regulations for individuals with functional disabilities.
- Monitor the Regional Pilot and the Instructional Learning System Pilots (2).
- Select and deploy the EO senior administrative staff.
- Develop hiring plan and implement staffing process model for filling all critical vacancies.
- Revise Trade Advisory Committees as LTCs under Regulation-PS5300.21 (p.16) to expand local education, job training, and job placement opportunities.

- Take control of the Advanced Occupational Education funds to foster and support innovation within the EO.
- Clarify the IIP model and distribute the model and guidelines to all local facilities.
- Establish schedule of meetings between the CEA, the Regional Directors, and the Regional Education Administrators to explain the purpose of the EO and its impact on day-to-day operations.
- Establish schedule of meetings between the CEA, Wardens, Local Education Administrators, and Supervisors of Recreation to explain the purpose of the EO and its impact on day-to-day operations.
- Identify occupational opportunities in demand nationally and locally and communicate with the top 100 companies that have a policy and practice of hiring current and former inmates.

**(2) Long-Term Plan (3-5years):**

- Develop an Instructional Delivery System with mobile devices, in which local BOP institutions can participate, to provide more education and occupational training programs, expand inmate access and increase available learning time.
- Create an inmate Student Information System that will secure information and provide the evaluation and analysis needed to develop more individualized inmate student education and support plans.
- Establish or adopt an accredited high school diploma program and encourage this program for inmates capable of earning diploma.
- Standardize and scale nationally the IIP to expand classroom instructional and mentoring supports.
- Implement an Education Continuum that enables inmates to progress through education and occupational training programs and provides opportunities to complete the programs during the reentry process.
- Build the capacity to offer accelerated education and certificated occupational training services to those inmates who have short sentences.
- Establish an LTC at each local BOP institution that is comprised of representatives from business, labor, government, and higher education.