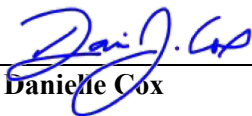




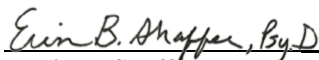


Department Directive

Title: Advanced Education Programs in Correctional Facilities	Directive: OPS.135.0005
Related MD Statute/Regulations: Labor and Employment Article, §11-901-903, Annotated Code of Maryland COMAR 12.14.04.05	Rescinds and replaces: DOC.135.0005, dated June 30, 2002
Related ACA and MCCS Standards: ACA: 5-ACI-7B-01(Ref. 4-4464), 5-ACI-7B-07(Ref. 4-4472), MCCS: .05C	Approved By:  Danielle Cox Director of Education
Related Directives: DOC.135.0001 – Organization of Education DPSCS.170.0001 - Volunteer Program OPS.110.0033 - Entry and Exit Procedure - Correctional Facility OPS.135.0002 - Library Services OPS.135.0004 - Correspondence Courses	Issued Date: January 30, 2024 Effective Date: January 30, 2024
Variance: With the approval of the Commissioner, a facility may issue a facility directive necessary to implement and comply with this directive.	Number of Pages: 8


J. Philip Morgan
 Commissioner of Correction


Cleveland Friday
 Commissioner
 Pretrial and Detention Services


Erin B. Shaffer, Psy.D.
 Director of Patuxent Institution


Carolyn J. Scruggs
 Secretary

.01 Purpose.

The purpose of this directive is to establish and maintain policy and procedures for the operation of advanced educational programs for incarcerated individuals within the Department of Public Safety and Correctional Services (Department).

.02 Scope.

This directive applies to all units of the Department responsible for the custody and security of an incarcerated individual under the authority of the Department and all Maryland Department of Labor (MDL) Correctional Education staff.

.03 Policy.

- A. It is the policy of the Department to facilitate an incarcerated individual’s access to advanced educational programs that are made available by participating education organizations.
- B. Advanced educational programs fosters educational opportunities that may reduce recidivism and provide participants with skills that encourage successful transition into the community and society.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

- (1) “Correctional facility” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: ‘Correctional facility’ means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.
- (2) “Educational organization” means an academic institution providing educational training and instruction services to incarcerated individuals, to include but not limited:
 - (a) Colleges;
 - (b) Universities;
 - (c) Educational trade organization; or
 - (d) Similar educational institution.
- (3) Incarcerated Individual.
 - (a) “Incarcerated individual” has the meaning stated in CSA, §1-101, Annotated Code of Maryland which states, “‘Incarcerated individual’ means an individual who is actually or constructively detained or confined in a correctional facility.”
 - (b) “Incarcerated individual” includes the term “inmate” as stated prior to October 1, 2023 CSA, §1-101, ACM.
 - (c) “Incarcerated individual” includes the term incarcerated person.
- (4) “Managing official” has the meaning stated in the Correctional Services Article, §1-101, Annotated Code of Maryland: ‘Managing official means the administrator, director, warden, superintendent, sheriff, or other individual responsible for the management of a correctional facility.
- (5) “Memorandum of Understanding (MOU)” means an inter-agency agreement with a government agency or contractual understanding between the Department and a non-profit organization.
- (6) “Student” as used in this directive, means an incarcerated individual who is enrolled in an advanced education course.

.05 Responsibilities/Procedures.

A. The Director of Education or designee shall:

- (1) Coordinate with the Maryland Higher Education Commission when implementing advance educational programs provided by educational organizations;
- (2) Negotiate and select appropriate advanced educational programs that best meet the identified needs of students; and
- (3) Review and adhere to provisions established in §.05B and D and provisions outlined in the *Maryland Advisory Committee on Prison Education Program (MACPEP) Standard Operation Procedure* when accessing and approving newly proposed correctional education programs.

B. The Evaluation and Approval Process of an Educational Program Request.

- (1) The Director of Education or the Director's designee shall:
 - (a) Upon the request, conduct an initial meeting with the educational organization to determine if the program is suitable for implementation in the Department; and
 - (b) Contingent upon a determination of suitability, prepare and forward a Conditional Letter of Approval to the educational organization and the Maryland Higher Education Commission (MHEC);
- (2) If MHEC approves the application submitted by the educational organization, the Director or the Director's designee shall:
 - (a) Review the submitted application to verify the completeness and accuracy of the application;
 - (b) Coordinate a virtual or in-person meeting with the requesting educational organization to discuss and review the application;
 - (c) Communicate with the managing official and or designee to determine if the prospective correctional facility can accommodate the educational program;
 - (d) Forward the application to the Maryland Higher Education in Corrections Advisory Committee for approval of the finalized application; and
 - (e) Submit the approved application to the Secretary for review and approval.
- (3) Once the Educational Program Application is approved, the Director of Education shall draft a Memorandum of Understanding (MOU).

C. MOU Development and Authorization.

- (1) The Director of Education shall consult with the educational organization and the managing official or designee to establish information necessary to determine the parameter of the MOU. Parameters may include but are not limited to the following:

- (a) Name of the educational organization;
 - (b) Term;
 - (c) Scope of advanced educational courses;
 - (d) MOU Point of Contact Name and Contact Information;
 - (e) Indemnification; and
 - (f) References for the Code of Federal Regulations, Department of Education: [34 CFR Parts 600, 668, and 690](#).
- (2) The Director of Education shall forward the MOU to the Office of the Attorney General (OAG) for review, evaluation, and approval.
 - (3) Upon the review and approval of the OAG, the Director of Education shall forward the MOU to the Assistant Secretary for Programs, Treatment, and Re-entry Services.
 - (4) Upon review and approval of the MOU, the Director of Education shall forward two (2) original unsigned copies of the MOU to the educational organization for approval and signature.
 - (5) The Director of Education shall receive any changes or modifications to the terms of the MOU from the educational organization and forward them to the OAG for approval, and if the changes are approved by the OAG, return two (2) revised original unsigned copies of the MOUs to the educational organization for signature.
 - (6) Upon receipt of the two (2) signed original MOUs from the educational organization, the Director of Education shall forward the MOUs for signature to the:
 - (a) Office of the Attorney General- Principal Counsel; and
 - (b) The Secretary;
 - (7) The Director of Education shall:
 - (a) Send one (1) original and finalized MOU to the educational organization;
 - (b) Retain one (1) original and finalized MOU in accordance with the retention schedule for the Office of the Secretary; and
 - (c) Forward a copy of the signed MOU to the managing official.
 - (8) The Director of Education and the managing official or designee shall be consulted prior to any change of an approved advanced educational program or service provider.

E. The Director of Education shall ensure the organization's staff meet the educational and experience requirements of the educational organization providing service, as well as all guidelines for working in a correctional facility as set forth in *DPSCS.170.0001 - DPSCS Volunteer Program*.

F. Incarcerated Individual Enrollment Process.

(1) The Director of Education shall:

- (a) Process the educational organization's pre-approval list of incarcerated individuals tentatively approved for admission into the educational program;
- (b) Coordinate with case management to determine if the incarcerated individual who is tentatively accepted into the educational program is eligible to transfer to the correctional facility in which the program is held, if the program is not located at the prospective student's maintaining correctional facility.
- (c) Verify if the incarcerated individual meets the minimum criteria to participate in the program, to include, but not limited:
 - (i) High school diploma or GED; and
 - (ii) Infraction free for at least six (6) months.
- (d) Submit the verified pre-approval list to the managing official at the maintaining correctional facility and, if applicable, transfer facility for approval.

(2) The managing official shall forward the approval list to case management for processing in accordance with .05H of this directive.

(3) The incarcerated individual shall follow the guidelines established on the educational organization's admission application as provided in the correctional facility library.

G. The Managing Official or designee shall:

- (1) Establish a course schedule in coordination with the educational organization;
- (2) Ensure the educational organization staff are vetted in accordance with *DPSCS.170.0001 - Volunteer Program*;
- (3) Notify the Director of Education if the educational organization staff does not meet the requirements established in *DPSCS.170.0001 - Volunteer Program* or is prohibited from entering the correctional facility due to misconduct or violations of the entry and exit guidelines as established in *OPS.110.0033 - Entry and Exit Procedures - Correctional Facilities*;

- (4) Ensure the advanced educational program staff and community participants are issued proper identification badges;
- (5) Ensure students have access to the library in accordance with *OPS.135.0002 - Inmate Library Services*;
- (6) Ensure case management is notified if the student becomes less than full-time (6 credit hours or more per semester) or if the student is placed on probation by the educational organization;
- (7) Coordinate with the Director of Education and educational organization for graduation ceremonies; and
- (8) Ensure educational records provided by the educational organization are maintained in accordance with the Department's retention schedule.

H. Correctional Facility Program Functions.

- (1) Case Management shall:
 - (a) Assign prospective students to advanced educational programs based upon the incarcerated individual's acceptance into the program in accordance with *DOC.100.0002 - Case Management Manual* and §.05F of this directive.
 - (b) File and maintain student education records that are provided by the educational organization, to include, but not limited to:
 - (i) Admission documentation;
 - (ii) Financial documentation;
 - (iii) Course schedule information;
 - (iv) Certificates;
 - (v) Diploma; and
 - (vi) Grade reports; and
 - (c) Assign clerks at the request of the advanced educational program staff.
- (2) As a result of case management assignment, participation in an advanced educational program shall qualify students for paid wages and industrial and/or special project credits. A student may be assigned as a volunteer to advanced educational programs in addition to other assignments; however, institutional pay and diminution of confinement credits are determined by the student's initial assignment.
- (3) Assigned advanced educational students shall not be transferred before the end of a course

unless for disciplinary reasons or emergency transfers.

(4) The MDL principal or designee at each correctional facility shall:

- (a) Coordinate with the managing official to ensure adequate meeting and office space is available;
- (b) Liaison with the Director of Education, educational organization, and correctional staff;
- (c) Ensure copies of the education organization's application for admission is provided in each of the correctional libraries; and
- (d) Make arrangements for graduation exercises in consultation with the Director of Education, educational organization, and the managing official or designee.

I. Correctional officers shall:

- (1) Inspect all materials associated with advanced educational programs in accordance with *OPS.110.0049 - Visitor Search Protocol and OPS.110.0033 - Entry and Exit Procedures - Correctional Facilities*; and
- (2) If within security limitations and with the approval of the managing official, transport students to graduation ceremonies held at a correctional facility outside of the students maintaining facility.

J. Career counseling and re-entry services will be provided by the educational organization to students in coordination with the managing official at each correctional program site.

K. Pamphlets or reference documents on maintaining satisfactory academic progress, academic probation, suspension, dismissal, and withdrawal will be provided to students by the educational organization.

L. Family members and visitors shall be encouraged to attend graduation ceremonies and shall be vetted and approved in accordance with *OPS.195.0003 - Inmate Visits*.

M. Incarcerated individuals are responsible for tuition, materials and other charges related to advance education opportunities.

.06 Appendix.

A. Prison Education Program (PEP) Application - OPS Form # 135-05aR

.07 History.

A. This directive rescinds and replaces DOC.135.0005 dated June 30, 2002 revisions of any other prior existing Department communication with which it may be in conflict.

.08 Distribution.

A

S - MDL Correctional Education Staff

DPSCS Prison Education Program (PEP) Application



The Maryland Department of Public Safety and Correctional Services (DPSCS) requests that all postsecondary institutions wishing to provide a Prison Education Program (PEP) in one or more of Maryland's state prisons complete the following program application.

OVERVIEW: On July 1, 2023, Pell Grants were reinstated for incarcerated individuals. Throughout 2021 and 2022, the U.S. Department of Education (ED) moved through the negotiated rulemaking process (NRMP) that included a public comment period to review regulations for the use of Pell Grants and the process postsecondary institutions must follow to apply for, and be approved, to provide Prison Education Programs (PEP) in Division of Correction (DOC) facilities. The ED released the final regulatory language in November 2022 on Pell Grant reinstatement based on the NRMP outcomes, which was provided to the public to begin preparing for the reinstatement in July. The following application includes the required ED Best Interest Determination (BID) information that DPSCS needs to approve a PEP to operate in our facilities.

PURPOSE: All DOC's are tasked with providing prior approval, including drafting a Matter of Understanding (MOU), to postsecondary institutions who wish to provide programming within a correctional facility and who demonstrate that they will operate in the best interest of the students. The best interest criteria include:

1. the existence of relevant academic and career advising services to students while confined or incarcerated, in advance of reentry, and on release;
2. the transferability of credits to at least one institution of higher education in the state in which the correctional facility is located;
3. the ability for students to be able to continue their education post-release;
4. rates of continuing education post-release;
5. the ability to provide yearly evaluation and reporting information to DPSCS and ED;
6. the experience, credentials, and rates of turnover or departure of instructors; and
7. job placement rates and earnings of released incarcerated students (not mandatory - data will be supplied through MD Labor and MLDS).

APPLICANT CONTACT INFORMATION

POINT OF CONTACT (First and Last Name)	DATE OF APPLICATION
ADDRESS	
CONTACT NUMBER	EMAIL ADDRESS
POST-SECONDARY INSTITUTION NAME	

PEP QUESTIONNAIRE

INTRODUCTION

1. Provide a brief description of the postsecondary institution.

2. Has your postsecondary institution ever offered education programming in a DOC facility before? If yes, explain where, when, and what programs. If no, why does your institution wish to provide postsecondary programming within DPSCS?

STATEMENT OF NEED

1. Briefly explain in detail the need for the proposed program. Identify the target population. Describe the impact of the proposed program on the target population. Provide any economic or labor market data that supports the need for the proposed program.

2. If the proposed education program(s) are new or were already offered within a DOC, what benefits or positive outcomes did/will your program(s) have for students and DPSCS, generally?

PROGRAM DESCRIPTION

1. Detail proposed program components, including the expected amount of time it will take students to complete the program, proposed timeline of program coursework, support services, and individualized education planning. Identify credential or degree pathways that will be offered to program participants. Include information on required courses and course sequence for each pathway.

2. If students complete their sentence before graduation, how will your postsecondary institution support them in continuing their studies? Include post-release scholarship opportunities and how their coursework will continue (e.g., main campus, online only).

3. How many students is your PEP seeking to enroll in its first year and how does that amount differ from the number of "traditional/main-campus" students you serve?

4. Outline the assessment or enrollment process to determine participant suitability for the proposed program. Address appropriateness of the program participants with criminal records.

5. Describe all reentry and support services (academic and non-academic) to be provided to program participants, specifically the academic and career advising services offered to students while incarcerated, in advance of reentry, and after release (such as on-site tutoring, on-site FAFSA completion, disability support, welfare services, career development, job placement services, etc.). Detail the individualized education planning process. Identify the potential transfer pathway for incarcerated individuals upon release.

6. Describe if the determined career pathway(s) for the credential(s) your PEP will offer has a licensing barrier (if applicable) for people with convictions, if career is “in demand” for this region, and if the projected income earned will provide a living wage.

7. Specify target correctional institution(s). A list of correctional institutions is provided (see Appendix 1). Identify any anticipated challenges at the participant and program level, as well as strategies to address them.

8. What instructional modality (e.g., online, face-to-face instruction) is your postsecondary institution proposing for your PEP and how do you intend to solicit feedback from students about the quality of the coursework they received during the semester?

PROGRAMS GOALS, OBJECTIVES, AND OUTCOMES

1. Detail the goals, objectives, and measurable outcomes for the proposed program. Program outcomes should be quantifiable and measurable.
2. Are your current registration and financial aid systems able to record the demographics of students receiving federal Pell grants who are incarcerated or post-incarceration? Do you expect your DPSCS students to have a different demographic profile than your students in other settings? If so, how will this shape your program delivery?

STAFFING PLAN

1. Describe the staffing plan, including the roles, responsibilities, and background of key personnel. Include a biography for the program director that demonstrates he/she has the qualifications necessary to implement the proposed program. Detail expectations of program staff and mentors. Outline the process for identifying and selecting program staff and mentors. Include the rates of turnover or departure of current main-campus instructors who teach the same courses within the program that is proposed.
2. What staff will your institution be utilizing to deliver and administer your education program, such as college administration, advisers, and instructors, and how will students be able to connect with them regularly (please include names, titles, contact information, and credentials of staff, documented communication method between staff and students, and projected frequency of connection between staff and students)?

OPERATIONS PLAN

1. Describe the activities that will achieve the program goals, objectives and outcomes. Describe each activity/strategy and the personnel responsible for each. Detail the appropriateness of program activities/ strategies in achieving program outcomes. Provide a program implementation and activity timeline.

2. What wrap-around services will the postsecondary institution be providing students post-release, either directly or in partnership with community-based organizations, and what quality assurance mechanisms will be in place to ensure a high standard of support?

3. The institution will need policies in place for when a student is placed on segregation, is transferred to another facility, or otherwise cannot complete the program for any reason (i.e. Attendance, Tuition, Refund Policy). Considering the circumstances of students who are incarcerated, what policies and procedures will the institution put in place to address program completion, accommodations, and other support services?

DPSCS ROLE AND RESPONSIBILITIES

1. Describe the expected role and responsibilities for DPSCS in the implementation and sustainability of the proposed program. Include any specific classroom space and technology requirements, such as availability of internet and technology items to be brought into the facilities, that will be requested of DPSCS.

PROGRAM EVALUATION

1. Describe how the overall effectiveness of the program will be assessed. Detail how and what data will be collected and analyzed to determine if program outcomes are achieved. Provide information on how DPSCS will be notified of rates of continuing education post-release. This evaluation plan should link to program goals, objectives, and outcomes. Include what data will be collected for the ED and how and when it will be submitted.

2. What systems do the postsecondary institution have in place to gather the required information for ED, including academic outcomes of students (such as credits attempted and earned), student evaluations (completed after each semester), and continuing education (if applicable) post-incarceration?

3. How does your postsecondary institution intend to collaborate with DPSCS to document findings of best practices about your PEP?

4. What is your postsecondary institution's current accreditation status and has your institution been subject within the last 5 years of this application to any adverse action by your accreditor? Additionally, please articulate the institutions plan for compliance with your accreditor's (MSCHE) approval process.

SUSTAINABILITY

1. Describe short and long-term plans to continue program efforts for at least the next 5 years. Include specific strategies and personnel for the sustainability of the program's activities and partnership with DPSCS. What student support services does your postsecondary institution plan to provide and how accessible will that programming be available to students?

BUDGET NARRATIVE

1. Provide a budget narrative to support all costs required to sustain the PEP for at least 5 years. Explain the rationale for each item. Include what is charged to the students Pell allotment (tuition, fees, etc.) and any grant expenditures and institutional or other contributions to support the program (without financial support from DPSCS or the Incarcerated Individual).

2. Given that students who are incarcerated are prohibited from taking out student loans, explain how you can guarantee that your educational program will be covered 100% by Pell, donations, institutional grants, etc., and that there will be no additional costs to students.

POST-SECONDARY INSTITUTION APPLICANT'S SIGNATURE

I certify that the information contained in this application is accurate and correct. I understand that any omission or erroneous information may be grounds for rejection or re-submission of the application.

PRESIDENT OR DESIGNEE SIGNATURE

DATE

PRINT NAME