	<b>DEPARTMENT OF PUBLIC SAFETY</b>	<b>EFFECTIVE DATE:</b> <b>October 2, 2023</b>	<b>POLICY NO.:</b> <b>COR.14.10</b>
	<b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>SUPERSEDES (Policy No. &amp; Date):</b> <b>COR.14.10 of May 4, 2017</b>	
	<b>SUBJECT:</b> <b>ADMINISTRATION OF INMATE EDUCATION RECORDS</b>	<b>Page 1 of 7</b>	

## 1.0 PURPOSE

To establish practices which govern the establishment and maintenance of inmate education records for academic, career and technical programs, including attendance records and transfer from one PSD facility to another.

## 2.0 SCOPE

This policy applies to all correctional facility education programs in the State of Hawaii.

## 3.0 REFERENCES, DEFINITIONS & FORMS

### .1 References:

- a. Department of Public Safety (PSD), Policy and Procedures (P&P), ADM.05.01, Access Control to Department Confidential Information.
- b. PSD, P&P, ADM.05.02, Public Access to Department Information.
- c. PSD, P&P, COR.02.12, Inmate Trust Accounts.
- d. PSD, P&P, COR.05.02, Sentenced Felon Case Record Management.
- e. Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g, 34 CFR Part 99.
- f. Hawaii Administrative Rules (HAR), Title 8, Department of Education, Subtitle I, Rules of Practice and Procedure, Chapter 6, Confidentiality of Personal Records.
- g. Title I, Part D Program, *The Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent or At Risk*, reauthorized under the Elementary and Secondary Education Act (ESEA), as amended in 2015.
- h. U.S. Department of Education Office of Elementary and Secondary Education Act of 1965, Public Law 89-10, Title 1, Improving the Academic

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Achievement of the Disadvantaged, December 2022.

.2 Definitions:

- a. Attendance Records: Records reflecting the attendance of the individual inmate of his/her education classes.
- b. Educational Records: Academic Records directly related to a student and maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution.
- c. HSE: High School Equivalency.
- d. RAD: Reception, Assessment and Diagnostic unit.
- e. AMS: Academic Management System refers to the Internet-based management information system used to manage student data, including student courses and attendance.
- f. Title I: Title I, Part D Program, *The Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent or At Risk*, for eligible youth under the age of twenty-two without a high school diploma or HSE.
- g. Program/Education Transcript: Programs completed and documented in a classroom or on an inmate tablet while in custody.

.3 Forms:

Student Attendance Form (see attached).

**4.0 POLICY**

Each inmate entering an education program shall have an electronic education record, which shall include attendance reports which are to be submitted to the Corrections Education Services Branch Manager. The records shall be maintained and monitored to ensure compliance with State and Federal Mandates. The Corrections Education Services Branch Manager shall review quarterly the attendance count for the education programs for all facilities.

Should an inmate be transferred from one facility to another, the inmate's educational records shall be available to authorized users of the AMS at the

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receiving facility. When an inmate is released, his/her education records shall be archived in the AMS.

## **5.0 PROCEDURE**

- .1 Establishment of Education Record:
  - a. An inmate's education record shall be established by the education staff at either the RAD unit for sentenced felons, or at individual Community Correctional Centers for pre-trial and sentenced inmates, as follows:
    - 1) An initial evaluation shall be established by means of education testing.
      - a) Sentenced Felons: TABE Full Battery Test
      - b) Pretrial/Other Sentenced Population: Locator Test
    - 2) An orientation process, during which the education staff ascertains the following information:
      - a) Personal information;
      - b) Academic status, including highest academic level achieved and, if possible, academic transcripts;
      - c) Any vocational training and/or job experience; and
      - d) Academic and vocational goals.
- .2 Maintenance of Education Record:
  - a. Each inmate's education record shall be maintained to reflect current information regarding:
    - 1) Attendance record;
    - 2) Periodic evaluations and re-evaluations through education testing;
    - 3) Monitoring of inmate's academic progress in certain classes;
    - 4) Information shall be recorded immediately in the AMS; and

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- 5) A part of an inmate's education record may be made available in the inmate's institution file under "Vocation/Education Training Reports" section in accordance with PSD P&P COR.05.02, Sentenced Felon Inmate Case Record Management.

.3 Attendance shall be reported in one of two ways:

a. Inmates over twenty-one (21) years of age.

- 1) Each class instructor shall have each student sign the attendance roster prior to the opening of class. Attendance information is then submitted to the education supervisor or specialist for recording into the database. Only signed attendance sheets will serve as the official attendance and proof of inmate attendance on the Student Attendance form generated from the AMS.
- 2) This information shall be reported to the Corrections Education Services Branch Manager in the monthly report and as requested.

b. Inmates up to twenty-one (21) years of age.

- 1) Offenders who are 21 years of age or younger may be eligible for special services funded under Title I. Therefore, it is imperative to keep the records current for the under twenty-one population's academic activity.
- 2) The facility education supervisor shall keep accurate attendance records and report to the Corrections Education Services Branch Manager the total number of students enrolled and the daily attendance as prescribed by the federal reporting procedures for the year.
- 3) The Corrections Education Services Branch Manager shall report annually to the Department of Education Office of Special Programs, the under twenty-one count as prescribed by the federal reporting procedures.

.4 Inmate Access to Education Records and Release of Transcripts

- a. In accordance with HAR, Title 8, Department of Education, Subtitle I, Rules of Practice and Procedure, Chapter 6, Confidentiality of Personal

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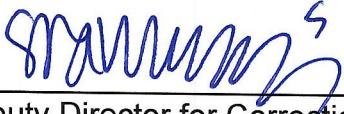
Records and FERPA, inmates may access their education records issued by institutions (Highschool diploma, HSE):

- 1) During periodic evaluations with an education staff member; or
  - 2) By submitting a request to the Education Program Supervisor, or designated Education Specialist at their facility. The written request should ask that an education transcript be released to the inmate.
- b. Program/Education transcripts shall be released to the individual inmate or to a third party upon written authorization by the inmate.
- 1) Release of program/education transcripts shall be processed through AMS.
    - a) The written request for transcripts and/or consent to release transcripts shall include the requesting inmate's full name, last 4-digits of the social security number, SID number, and date of birth to aid in locating the correct record.
    - b) In the case of a written request to release transcripts to an external third party, the request shall also include the name, address and other pertinent information of the third party to ensure delivery of the transcript in a timely manner.
    - c) Program transcripts may include other qualified staff-approved programs and independent study applications on the inmate tablets (if applicable).
  - c. Inmates may be required to pay up to \$20.00 for education transcripts (if there is a fee). Requests for payment from the inmate's account shall be made in accordance with PSD P&P COR.02.12, Inmate Trust Accounts.
- .5 Public Access to Education Records
- a. Any release of an inmate's education record shall be in accordance with PSD Policy P&P ADM.05.01, Access Control to Department Confidential Information, and PSD Policy P&P ADM.05.02, Public Access to Department Information.

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APPROVAL RECOMMENDED:



10/2/2023

Deputy Director for Corrections

Date

APPROVED:



10/2/23

Director

Date

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