



**WINDHAM SCHOOL
DISTRICT**

NUMBER: SD-09.18

DATE: January 14, 2009

PAGE: 1 of 7

SUPERSEDES: None

SUPERINTENDENT DIRECTIVE

SUBJECT: WITHDRAWING OFFENDERS FROM EDUCATION PROGRAMS

AUTHORITY: Sections 19.004 and 19.005, Texas Education Code; Section 508.152, Texas Government Code; TDCJ Administrative Directive (AD)-07.02 (rev. 6), "Offender Participation in Educational Programs and Services"; and AD-07.07 (rev. 1), "Individualized Treatment Plan (ITP) Management"

APPLICABILITY: Windham School District (WSD or District)

POLICY:

The Windham School District shall provide educational opportunities for all eligible offenders, which meet both the mission and goals of the District. Educational requirements are stipulated by the offender's Individualized Treatment Plan, which requires offenders to attend, actively participate and complete educational requirements, if possible.

It is the policy of the District not to discriminate on the basis of race, color, religion, national origin, gender, disability or genetic information in its educational programs, services or activities.

DEFINITIONS:

"Excused Absence" is an authorized student absence (e.g., bereavement, medical lay-in).

"Individualized Treatment Plan" (ITP) is a plan developed for each offender which requires them to attend, actively participate and complete educational requirements, if possible. The ITP prioritizes an individual offender's participation in recommended programs based on such factors as offender's age, needs, projected release date and program availability.

"Intervention Assistance Team" (IAT) is the committee of educational staff that reviews student progress.

"Non-Voluntary Programs" are programs required by the offender's ITP.

“Non-Voluntary Programs after enrollment” are programs that are not required by the offender’s ITP, however, once the offender chooses to enroll, the program becomes non-voluntary.

“Program Refusal” is when an offender refuses to enroll in or attend a non-voluntary program.

“Unexcused Absence” is an unauthorized student absence.

“Unit Classification Committee” (UCC) is the unit staff designated to review offender classification in accordance with the TDCJ *Classification Plan*.

“Voluntary Programs” are programs not required by the offender’s ITP.

“Withdrawal” is the removal of a student from an educational program. This includes the computer processes necessary to formally remove the student from the class enrollment roster.

“Withdrawal Code” is the corresponding numeric code designating the reason for withdrawing a student from educational programs.

PROCEDURES:

Withdrawal from education programs prior to program completion shall never occur without serious consideration of the student’s circumstances to include, but not be limited to, lack of participation and/or progress, medical concerns, age or disciplinary issues. Educational staff, including teachers, counselors and Principals shall encourage participation in educational programs and motivate accordingly. ITP codes shall be updated by the appropriate educational staff to reflect current withdrawal status.

I. Voluntary/Non-Voluntary Programs

- A. Students who voluntarily participate in educational programs shall be held to the same standards of attendance and participation as students whose participation is non-voluntary.
- B. The following shall be considered non-voluntary programs prior to enrollment:
 1. Academic
 - a. All Literacy levels;
 - b. Literacy 1 – Reading; and
 - c. English as a Second Language (ESL);
 2. Changing Habits and Achieving New Goals to Empower Success (CHANGES); and
 3. Cognitive Intervention Program (referral).

C. The following services shall be considered voluntary and are not required by a student's ITP. Consequently, a Program Refusal (PR) Participation Code shall not be entered if an offender does not wish to participate in these specific services. However, participation in Literacy programming as required by the ITP process is still mandatory.

1. Special Education Services; and
2. Title I.

D. The following shall be considered non-voluntary after enrollment. After enrollment, these programs shall follow the guidelines set forth for non-voluntary programs in I.B.

1. Vocational (Career and Technical Education [CTE]);
2. Cognitive Intervention Program (self-referral);
3. Perspectives and Solutions;
4. Parenting; and
5. *LifeMatters*.

II. Program Refusal

A. Offenders shall be counseled by the Principal, counselor or Project Re-Integration of Offenders (RIO) specialist that:

1. Participation refusals might negatively affect parole considerations; and
2. After a student refuses to attend and is withdrawn from a program, educational staff is not obligated to re-enroll the student for six (6) months from the date of removal.

B. A PR Participation Code shall be recorded on the student's ITP after the Unit Classification Committee (UCC) review of any student with respect to non-voluntary programs as identified in Sections I.B and D of this policy.

III. Reasons for Withdrawal

Students may be withdrawn from an educational program(s) for, but not limited to, the following reasons.

A Violation of TDCJ Rules and Regulations

1. If a student violates TDCJ rules or regulations while present in the educational programs, the student may be removed from educational programs at the discretion of the Principal or Warden pending unit disciplinary procedures and the action of the UCC. In such cases, appropriate disciplinary measures shall also be taken.
2. If a student violates TDCJ rules and regulations outside educational programming (e.g., housing areas, recreation yard, dining halls), the student may be removed from educational programs at the discretion of the UCC and/or Warden or as a result of unit disciplinary procedures.

B. Non-attendance

1. Unexcused

- a. Students may be removed from educational programs by the Principal for unexcused absences. In such cases, the following shall determine removal:
 - (1) Three (3) consecutive unexcused absences, pending unit disciplinary procedures and/or UCC action; or
 - (2) Five (5) unexcused absences that occur during a 30 day period, pending unit disciplinary procedures and/or UCC action.
- b. Unexcused absences shall be processed through the disciplinary process.
- c. UCC action shall determine the final disposition of educational program enrollment status.
- d. Withdrawal from educational programs for unexcused absences shall be reflected through the ITP in accordance with disciplinary procedures.
- e. Disciplinary actions shall be documented in order for the removal to occur.

2. Excused

- a. Students may be removed from educational programs by the Principal for excused absences. In such cases, the following shall determine removal:
 - (1) Three (3) consecutive excused absences, pending UCC action; or

(2) Five (5) excused absences that occur during a 30-day period, pending UCC action.

b. Students removed as the result of excused absences may be re-enrolled, as vacancies permit.

C. Medical Reasons

No qualified handicapped student shall, on the basis of handicap, be excluded from participation in or be denied the benefits of educational programs. However, students may be withdrawn from educational programs for medical reasons that significantly limit their participation.

1. The decision to remove a student based on medical reasons shall be made by the Principal.
2. Medical basis for removal shall be verified by unit medical staff.
3. Students removed for medical reasons may be re-enrolled as deemed appropriate by unit medical staff and the Principal as vacancies permit.

D. Violation of Rules for Student Conduct

1. Students may be withdrawn from educational programs for violation of the *Windham Rules for Student Conduct* in accordance with OP-09.11, "Student Conduct."
2. The nature of the violation(s) shall be considered before withdrawal from the educational programs.
3. Prior to withdrawing a student from educational programs, the Principal shall thoroughly review all information related to the violation(s).

E. Low Priority

1. Students with Immigration and Customs Enforcement (ICE) detainers may be withdrawn from educational programs because of a lower ITP priority code.
2. Withdrawal of students who have low priority status shall be reviewed on a case-by-case basis by the Principal.
3. Waivers requesting permission to allow students with ICE detainers access to educational programs shall be submitted to the WSD Division of Operational Support via the online waiver request.

F. Unsatisfactory Progress

1. The Intervention Assistance Team (IAT) shall review students for unsatisfactory progress in accordance with OP-08.01, "Student Enrollment Procedures."
2. The IAT shall conduct an objective annual review of individual students to ensure appropriate intervention and nondiscriminatory practices.
3. The review and intervention process may include, but is not limited to, referral to Special Education services when appropriate.

IV. Withdrawal Process

A. Withdrawal of students for WSD disciplinary violation(s) shall be referred to the UCC.

1. The Offender Refusal to Participate in Treatment Program Notification and all documentation shall be provided to the UCC to make a well-informed decision regarding student withdrawal from educational programs.
2. If the UCC upholds the removal:
 - a. A PR Participation Code shall be recorded on the student's ITP, if the student withdraws from a non-voluntary program as identified in Sections I.B. and D of this policy.
 - b. A Dropped Voluntary (DV) Participation Code shall be recorded on the student's ITP, if the student withdraws from a voluntary program as identified in Section I.C of this policy.
 - c. After a student is removed and officially withdrawn from educational programs, educational staff is not obligated to re-enroll the offender for six (6) months from the date of removal.
 - d. When an offender with a PR Participation Code transfers to another unit, the receiving unit staff shall re-assess the PR status of the offender.
3. If the UCC denies removal and directs the offender to attend/remain enrolled:
 - a. The PR Participation Code shall not be placed on the ITP, and the appropriate participation code shall be entered; and

- b. The offender shall be placed on the waiting list and considered for re-enrollment accordingly.
- B. Refusal to participate in the intake process does not constitute refusal to participate in educational programs.

Debbie Roberts, Superintendent
Windham School District