

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

General Order JAIL BUREAU	Date of Issue June 13, 2022	Effective Date June 13, 2022	No. 41-22
SUBJECT: GENERAL ORDER Educational Services for Youth		DISTRIBUTION Jail Bureau Personnel	AMENDS
REFERENCE: Part 7070 of Title 9 of the Official Compilation of Codes, Rules & Regulations of the State of New York (9NYCRR Part 7070). Section 3202 (7) of the New York State Education Law.			Rescinds 41-11

Purpose: To familiarize members and employees of the Monroe County Sheriff's Office with the educational opportunities that are provided for incarcerated youth within the Monroe County Jail and the MSA.

Policy: The Monroe County Sheriff's Office in conjunction with the local school district will provide an educational program that will allow incarcerated youth to receive and/or continue their education during incarceration, as well as provide transitional assistance after they are released from custody.

Definitions

- A. Eligible Youth is defined as an Incarcerated Individual who:
1. Is less than 21 years of age.
 2. Has not yet received a high school diploma. Incarcerated Individuals who have received a G.E.D. are still eligible to take high school level course work.
 3. Has been incarcerated in a local jail for 10 or more calendar days or who, in the judgment of the chief administrative officer, can reasonably be expected to be incarcerated for a period of 10 or more calendar days.
- B. Educational Services are defined as services that are made available to eligible youth (Incarcerated Individuals) by the local school district pursuant to **Section 3202 (7)** of the **New York State Education Law** and **8 NYCRR 118.3** and **118.4**. Such services will include, but not be limited to:
1. Diagnostic tests on each eligible youth (Incarcerated Individual) to determine the individual educational needs.
 2. Individual or small group instruction to address the identified educational need(s) of each youth (Incarcerated Individual).
 3. Provide special assistance in learning, speaking and writing the English language where necessary.
 4. Provide transitional assistance and counseling to enable youth (Incarcerated Individuals) to continue their education upon custody release.

I. Instructor Orientation

- A. The Monroe County Sheriff's Office Director of Rehabilitation will be assigned as the staff liaison to work with the education personnel. The Rehabilitation director will be responsible for coordination and delivery of educational services to eligible youth (Incarcerated Individuals) within the MCJ and MSA facilities.
- B. An orientation will be provided for all prospective (jail) education instructors by the rehabilitation department in conjunction with the Jail Intel Unit. The orientation will include, but not be limited to:
 - 1. Information regarding the rules, regulations and security procedures that must be followed by the education staff while they are in the MCJ or MSA.
 - 2. Establishing an institutional staff liaison that will discuss and resolve problems related to the program.
 - 3. Review the Incarcerated Individual rules and regulations handbook.
 - 4. Review the procedure to be followed in the event of an emergency.

II. Program Participation

- A. Jail education staff will receive a report daily of all youth (Incarcerated Individuals) who have entered the facility.
- B. In accordance with **9 NYCRR Part 7070.4**, a member of the education staff will interview all prospective students (Incarcerated Individuals) to determine whether or not they meet the requirements for education services. The education staff member will provide the Incarcerated Individual(s) with the following information should they choose to participate in the program. The education instructor will:
 - 1. Inform the Incarcerated Individual(s) of the need to make their educational request in writing to the designated school district and the facility.

Note: A copy of the completed request will be placed in the Incarcerated Individuals facility file as well as one copy forwarded to the New York State Education Department.
 - 2. Inform the Incarcerated Individual(s) that he/she may attend the program as long as they meet the requirements of an eligible youth and abide by facility rules.
 - 3. Inform the Incarcerated Individual(s) about the education program, explaining that it consists of small group and individual instruction, designed to prepare students to take the high school equivalency exam, or complete regular high school course work.
 - 4. Inform the Incarcerated Individual(s) that they are able to enter the program at any time during incarceration, but full cooperation and participation will be required.

III. Security and Educational Staff Roles and Responsibilities

- A. Security Staff will be responsible for:

1. Ensuring that all enrolled students who are not restricted from participation in the program are called out for school and allowed to travel to and from the classroom, under the direction of security staff.
 2. Communicating with educational staff as to student changes in the instructional environment (removals for safety and security reasons, non-contacts, etc).
 3. Cooperating with educational staff to maintain a safe and secure instructional environment.
- B. Educational Staff will be responsible for:
1. Observing all rules and regulations of the facility.
 2. Providing student information and instruction in accordance with the provisions of this order and any other pertinent education regulations.
 3. Working with security staff by reporting problems in the classroom that interfere with the maintenance of a safe and secure instructional environment.

IV. Instructional Setting

- A. All classrooms within the Monroe County Jail and the MSA will be organized and maintained to promote a safe and effective learning environment, which would accommodate the needs of the education staff as well as the Incarcerated Individual. MCJ and MSA will provide a secure storage area for all educational materials, equipment and records.
- B. While Incarcerated Individuals are receiving their educational instruction, the classrooms will be monitored by facility staff, as deemed necessary by the chief administrative officer to ensure the safety and security of civilian staff and participating Incarcerated Individuals.
- C. Educational services at MCJ/MSA will be conducted similar to that of regular public schools, keeping with an equivalent curriculum. Established school days are defined as the days of the year that school is in session, excluding legal holidays as determined by the local school district. The educational program is authorized to run during the summer as determined by the Rochester City School District and the Monroe County Sheriff's Office.
- D. As participants in the education program eligible youth (Incarcerated Individuals) will be required to attend school each day school is in session, for a minimum of three (3) hours of instructional time per day. The education staff will schedule such time to meet the needs of the institution and the Incarcerated Individuals involved in the program.
- E. The instruction time will be scheduled as such not to deny the Incarcerated Individual of recreation, legal services, religious services, health services and/or personal visitation. Eligible youth (Incarcerated Individuals) may be absent from school **only** under the following other circumstances:
 1. Institutional emergencies.
 2. Poor institutional behavior.

V. Restrictions from Educational Services

- A. An eligible youth's participation in educational services will not be restricted or denied as a result of such youth's involvement in a disciplinary matter unrelated to the youth's participation in the facility's educational program. The exception to this will be when such involvement demonstrates that the youth's presence in the program presents a clear threat to him/herself, others, or jeopardizes the safety, security and good order of the facility.
- B. An emergency situation exists within the facility that temporarily prevents or significantly interferes with the delivery of such services.
- C. Facility staff will notify the educational staff as soon as possible, within reason, when a youth is restricted from educational services.

VI. Procedures to Restrict from Educational Services

- A. If an eligible youth (Incarcerated Individual) experiences problems in the education program, a determination may be made to restrict or deny him or her from participating. Before making such determinations the following procedures will be followed:
 - 1. The facility staff and the jail education instructor will discuss the problem.
 - 2. Attempts will be made to resolve problem.
- B. If a determination is made to restrict or deny an Incarcerated Individual from participating in educational services, as previously stated in Section V, an incident and infraction will be generated. The hearing officer will make a notification in writing on the infraction disposition form with a copy forwarded to the local school district and the Incarcerated Individual. The written determination will include, but not be limited to:
 - 1. Date of the determination.
 - 2. Name of the eligible youth effected.
 - 3. Dates when services are to be suspended and/or denied and the date when services may be resumed, if applicable.
 - 4. The nature of and/or time period for any restriction of services.
 - 5. Specific facts and reasons underlying the decision.
 - 6. Comments and/or recommendations made by the instructor.
 - 7. The signature of the chief administrative officer.
- C. After a determination has been made to restrict or deny an Incarcerated Individual from participating in the program, jail education staff will consult with security staff as to continuing independent study within the Incarcerated Individual's housing area.
- D. Whenever a determination is made to restrict or deny an eligible youth's participation in educational services, the chief administrative officer shall review such determination in writing within 14 days and at least every 14 days thereafter while such restriction or denial is in effect. These written reviews shall include, but not be limited to the following:

1. Date of review.
 2. Comments submitted by the eligible youth, if available.
 3. Comments made by the instructor.
 4. Justification for either continuing the denial or restriction of such services or for permitting the youth to resume participation in the program.
 5. Recommendations as appropriate.
 6. Signature of the chief administrative officer.
- E. Copies of each determination and review made pursuant to this section shall be distributed as follows by the end of the next school day following the date of the determination or review;
1. Placement and retention in the youth's Incarcerated Individual file.
 2. Forwarded to both the affected Incarcerated Individual and the Incarcerated Individual's instructor.

VII. Education Records

The jail education staff will maintain written records of all information concerning any participation in the education program. Such records will include, but not be limited to:

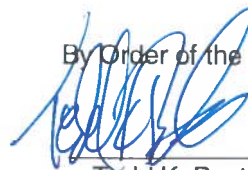
1. Dates and times education services were provided.
2. A list of all youths (Incarcerated Individuals) participating in the program, on a daily basis.
3. Dates and times educational services were restricted or denied due to an emergency situation and/or behavior problems, including information explaining why such action was necessary.

VIII. Custody Release

As an attempt to continue to facilitate the educational program for eligible youth (Incarcerated Individuals) following their transfer/release from the Monroe County Jail/MSA, educational staff (teachers and counselors) will do the following:

- A. Contact the appropriate school district to schedule readmission or obtain information relative to GED preparation classes or examinations.
- B. Counsel the student about the services available in the community and encourage him/her to continue to pursue their education.
- C. Assist the student with making appointments with educational providers in the community.
- D. Upon request, forward all educational paperwork to the student's next destination.

By Order of the Sheriff,



Todd K. Baxter