

A CASE STUDY OF ONE OF NORTH CAROLINA'S CORRECTIONAL YOUTH  
FACILITY'S IMPLEMENTATION OF THE INDIVIDUAL WITH  
DISABILITIES EDUCATION ACT (IDEA)

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A dissertation submitted to the faculty of the University of North Carolina at Chapel Hill in partial fulfillment of the requirements for the degree of Doctor of Education in the Department of Education.

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## ABSTRACT

### BOBBIE RICHARDSON: A Case Study of One of North Carolina's Correctional Facility's Implementation of the Individuals with Disabilities Education Act (IDEA) (Under the direction of Dr. William Malloy)

Federal law mandates that inmates in the correctional system under the age of 22 be provided a Free Appropriate Public Education (FAPE) and that the correctional system be held accountable for ensuring that parent(s) of inmates under the age of 18 and inmates receive their due process rights (Leone, Rutherford, & Nelson, 1991). Given the differing attitudes of policy makers, citizens, prison workers, and prison administration toward education of incarcerated adults, the researcher believes this study is justified in that it adds to the discourse concerning special education of inmates under the age of 22, and it shows the successful efforts of the exceptional students program in the correctional system. This is a case study of one of North Carolina's correctional facility's implementation of the Individuals with Disabilities Education Act (IDEA). Additionally, the case study demonstrates how the Bronfenbrenner's Ecology of Human Development System, mesosystem, exosystem, and the macrosystem influence the implementation of the IDEA and the provision of a FAPE to inmates with disabilities.

The research questions that guided the study are as follows: (a) Do correctional educational personnel have adequate resources to implement the provisions of the Individual with Disabilities Education Act (IDEA)?; and (b) How do teachers [correctional educators] ensure that inmates with disabilities are provided a free appropriate public education?

This study is limited to four educational administrators and six teachers who work in one of North Carolina's correctional facility's secondary school program. The correctional

system is situated in the western part of the state in the foothills of North Carolina's mountains. The study's findings of the Individuals with Disabilities Education Act (IDEA) of incarcerated youth in one North Carolina's correctional facility are based on this particular facility; its findings should not be generalized to this or any other correctional system's special education program.

The data collection methods of this study are limited to interviews, classroom observations, and existing data. Content analysis procedures were the theoretical lens through which the data and the findings of this study were analyzed.

Finally, the findings of this research study are as follows:

- Correctional education staff do have adequate resources to implement the IDEA;
- The utilization of resources are influenced by the ecological system, policies, procedures and practices of the prison environment;
- Teachers are providing a free appropriate public education to inmates with disabilities to the degree possible in a prison environment, and
- The areas of concern are with the ninety-day timeline, the graduation rates, dropout rates, IEP's that are compliant with regulations, and discipline which is in line with reportedly from *North Carolina Annual Performance Report* (NCDPI), 2007 North Carolina's overall implementation of the Individuals with Disabilities Education Act (IDEA).

For my mother, Mrs. Pattie Richardson, and belated father, Bob Richardson, who did not have the opportunity to get an education. In addition, to my deceased brothers, Linwood, Harvey, and Frank Richardson, I dedicate this study in their memory.

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## CHAPTER 1

### INTRODUCTION

Overall, adults in correctional institutions have an astonishingly low level of functioning with respect to basic skills. About one-third of prisoners are unable to perform job-related tasks as simple as entering basic information on a job application. Another one-third of these individuals are unable to perform slightly more difficult tasks such as writing an explanation of a billing error (*Juvenile Justice Bulletin*, 2000). Prisoners with disabilities are least likely to have the skills they need in order to function outside of the correctional institution and to maintain a job upon release (*Juvenile Justice Bulletin*, 2000). According to The National Center on Education (1999), more than one in three youths who entered correctional facilities had previously received special education services. Data from the U. S. Department of Education, Office of Special Education Programs (OSEP) in 1996 indicated that as of December 1, 1996, there were 15,930 students-with-disabilities serving in correctional facilities (The National Center on Education, 1999).

This study explores and reports the findings from a case study of one of North Carolina's correctional youth institution's implementation of the Individuals with Disabilities Education Act (IDEA). The case study examined the following components: (a) the adequacy of resources for programs and services to inmates-with-disabilities, and (b) the instructional delivery model implemented by teachers.

As reported by the Bureau of Justice Statistics (1993), nearly 80% of inmates in prison have not completed high school. Less than ten years later in 2006, research indicates that about 75% of Americans in State prisons inmates, almost 59% of federal inmates and 69% of jail inmates did not complete high school (IDEAs that work: US Office of Special Education Programs, Office of Juvenile Justice and Delinquency, Office of Justice Programs, U. S. Department of Justice) . Crime statistics indicate that the level of academic achievement, school attendance and graduation rates play an important role in the involvement of youth in criminal justice system (Winters, 1997). Approximately 84,000 juveniles were incarcerated in detention centers and correctional facilities in the U. S. in 1991 (Leone, Rutherford, & Nelson, 1991). “Bureau of Justice Statistics figures for 2005 indicate that there were nearly 2.2 million inmates in the nation’s prisons and jails” (The Sentencing Project, 2006, para. 1). “Between 1999 and 2005, the number of adults ages 18 to 29 in prison or jail rose from 745,200 to 843,228, an increase of 13 percent. In the last year alone, numbers rose by nearly 20,000” (Child Trends Data Bank, 2003, para. 1).

According to Shrum (2004), 80% of these inmates may have learning disabilities. Due to the high prevalence of inmates in prison who lack a high school degree, and the high percentage of inmates who may have a disability, there is a strong need to provide inmates with academic and vocational programs and to prepare them for re-entry into the community (Klein, Tolbert, Burgarin, Cataldi, & Tauschek, 2004).

The federal law known as the Individuals with Disabilities Education Act (IDEA), mandates that correctional facilities provide a free appropriate public education (FAPE) to inmates with disabilities. The comprehensive and complex demands are a daunting task for correctional facilities’ educational personnel to provide a FAPE systematically. Sentencing of



youths with disabilities to correctional facilities is done without regard to disability or the inmate's educational needs but is based on the seriousness of the offense.

### **Background of the Study**

Doren, Bullis, and Benz (1996) explored factors predicting arrest of students-with disabilities. They found that while holding variable constant, the arrest rates of inmates-with disabilities was 2.4 times more likely than females-with-disabilities during their school career.

Students with an emotional disturbance were 13.3 times more likely to be arrested than other students with disabilities while in school. The arrest likelihood of students with learning disabilities to other students was 3.9 times higher for students with disabilities.

Drop out status and personal social achievement also contributed to the likelihood of arrest. Youths-with-disabilities who dropped out of school were 5.9 times more likely to be arrested than other students were and the arrest rate of youth with disabilities who score low on personal/social achievement skills were 2.3 times more likely. Furthermore, youth-with disabilities arrested once were far more likely for repeat arrest.

The IDEA ensures that students-with-disabilities receive a FAPE. In the landmark case *Green v. Johnson* (1981), the U. S. District Court of Massachusetts ruled that students-with disabilities do not forfeit their rights to a FAPE because of incarceration (Grande & Oseroff, 1991). However, the provisions of FAPE were developed with public school settings in mind. This can make the implementation of the IDEA in correctional facilities particularly challenging.

### **Statement of the Problem**

This study tells the story of a particular North Carolina correctional youth facility's implementation of the IDEA. The study describes the "process" implemented by the chosen

North Carolina youth correctional facility to ensure that inmates-with-disabilities receive a FAPE. The study examined the following components of the youth facility's special education program: (a) the adequacy of resources for programs and services to inmates-with-disabilities, and (b) the instructional delivery model implemented by teachers.

Historically, more than one in three youths who enter correctional facilities has previously received special education services, a considerably higher percentage of youth that are found in public elementary or secondary schools (Leone & Meisel, 1997). Youths-with-disabilities in correctional facilities are entitled to the substantive and due process rights under P.L. 94-142, currently known as the Individuals with Disabilities Education Act (IDEA) of 2004.

In reviewing the literature concerning the implementation of the Individuals with Disabilities Education Act (IDEA), it is astounding to read about the barriers in place that present overwhelming challenges to providing special education to inmates. Factors to deal with include the length of stay of the inmate, the facility's layout, and the need for heightened security (*Juvenile Justice Bulletin*, 2000). Additionally, other issues surrounding youth-with-disabilities in correctional institutions and the provision of FAPE are: (a) the number and characteristics of incarcerated youth-with-disabilities; (b) the types of special education services in correctional institutions; and (c) the challenges associated with providing special education to youth in correctional facilities (The Alliance Project, 2000).

The review of the literature cites dozens of decisions, rulings, and consent decrees that address a range of issues, including evaluation of youth suspected of having a disability, Individualized Education Program (IEP) development, service delivery, staff qualification, and timeline for compliance with required component of special education program (Puritz & Scali,

1998, Youth Law Center, 1999). Over the years, court and administrative decisions have applied IDEA's protection to youth in juvenile detention centers, training schools and those in jails or prisons (Youth Law Center, 1999).

### **The Study**

The study is a case study of one of North Carolina's correctional youth institution's implementation of the Individuals with Disabilities Education Act (IDEA). The case study examined the following question (a) Do correctional education personnel have adequate resources to implement the provisions of IDEA?, and (b) How do teachers ensure that inmates-with-disabilities are provided a free appropriate public education (FAPE)?

### **Significance of the Study**

There are a limited number of studies documenting the implementation of the Individuals with Disabilities Education Act (IDEA) for youth-with-disabilities in the correctional institutions. The uniqueness of this study can be found in its attempt to portray the actual process of how one facility ensures the provision of FAPE to incarcerated youth-with disabilities within the North Carolina Department of Correction, Division of Prisons. After a careful review of the literature, it was determined that no study has used Bronfenbrenner's Ecology of Human Development framework to describe the implementation of the IDEA with incarcerated youth-with-disabilities. The investigation will offer some understanding of the teaching and service delivery model used by correctional educators to ensure the provision of a FAPE to incarcerated youth-with-disabilities. The advantage of this study will aid correctional educators, custody staff, and society to gain a better understanding of the need to provide FAPE to youth-with-disabilities incarcerated in the correctional facilities across the country.

The lack of effort to provide incarcerated youth-with-disabilities with a free appropriate public education (FAPE) as mandated by the Individuals with Disabilities Education Act (IDEA) and the limited creativity in promoting special education in the correctional setting is a little disheartening. There is limited attention devoted to the development of policies and practices of creating a culture of awareness of the need to improve the educational status of youth-with-disabilities in correctional facilities. The finding of this study served as a guidepost for future educational theories surrounding the provision of FAPE to incarcerated youth-with-disabilities. The researcher desires that practitioners in the educational arena and in the custody field will use this study as a tool to promote best practices and policies that will enhance the service delivery to youth-with-disabilities in correctional institutions.

Recent trends in policy developments on ex-offenders' re-entry into society have created a cultural awareness that education is the key to break the chain of crime that has established the twenty-first century, as a period of rehabilitation of inmates is good business for all society (National Poverty Center, 2007; Phillips, 2007; Volunteers of America, 2004). Due to the number of youth incarcerated in the correctional institutions in America, the need to educate society about the advantages of improving the educational levels of inmates is necessary to continue to keep a productive work force and a thriving economy. It is the aim of this study to illustrate the ecological framework as this framework contributes to the educational delivery to youth-with-disabilities in a North Carolina correctional institution.

#### Limitations of the Research

This study is limited to ten correctional educators at one of North Carolina's correctional youth facility. The correctional youth facility is located in the western part of the state in the foothills of the North Carolina mountains. Although the study involved only one of

the correctional youth facilities, the findings should not be generalized to all correctional youth facilities in any location.

The data collection methods of this study included interviews, classroom observations, and review of documents of existing data. As with all data collection methods, there are challenges to the validity and reliability. The data collection of this study relied heavily on the participants and their personal knowledge and understanding of the implementation of the IDEA and their teaching methodologies.

The limitations of interviews and observations are that they rely on opinions and supplemented by other artifacts. The findings and results presented are subject to the respondent's professional knowledge. Content analysis was used to analyze the collected data to identify specific character of message. The role of the researcher as the director for the special education program can lead to suspect on the part of the respondents and offers additional restraints on the participants response to the interviewer. However, even in light of the disadvantages, the information collection techniques provided rich data. Review of existing data and documentations of observations contributed greatly to the validity and authenticity of the study.

### **Conceptual Framework**

Ecological models are sensitive to contextual factors in the environment and family structures and residential patterns (Arditti, 2005). This approach holds theoretical promise in terms of informing education professionals' understanding of the experience of incarceration and how it impacts inmates-with-disabilities' access to FAPE.

Ecological theory typically focuses on four nested systems that broadly compose the ecological environment: the microsystem, the mesosystem, the exosystem, and the macrosystem (Bronfenbrenner, 1979).

The basic ecology of human development framework is applicable to the study of inmates-with-disabilities and their ability to receive a FAPE while incarcerated. The researcher selected Bronfenbrenner's theory (Ecology of Human Development) because it describes the nested setting in which a person develops over time through life and throughout life course, and embraces adulthood (Lang, 2004). Bronfenbrenner's model of human development acknowledges that humans do not develop in isolation, but in relation to their family, home, school, community, and society. Each of these ever-changing and multilevel environments as well as interactions among these environments is a key to development (Lang, 2004).

Environments surrounding the individual human being and environments with which the individual is in constant interaction play a major role in development (Bridge, Judd, & Moock, 1979; Bronfenbrenner, 1970, 1977, 1979, 1989).

Thus, ecological theories conceptualize human development in relation to context and the interdependent nature of multiple levels of systems of organization (Arditti, 2005).

Bronfenbrenner (1977) describes this approach to understanding development as the scientific study of the dynamic interrelationships between the changing person and the changing environmental contexts within which a person lives. Bronfenbrenner's (1977) theory has the following four levels: microsystem, mesosystem, exosystem, and the macrosystem.

### Microsystem

This level has the immediate and earliest influences and includes the family, along with local neighborhood or community institutions (such as school, religious institutions, and peer groups), as well as the specific culture with which the family identifies.

### Mesosystem

This level has an immediate level of influence, such as social institutions involved in activities like transportation, news organizations, and entertainment. The mesosystem involves relationships between contexts containing the developing person and is a system of microsystem.

### Exosystem

An exosystem is an extension of the mesosystem in that it embraces other contexts and community factors that influence development; however, these settings do not necessarily contain the developing person. This systematic level is particularly important in considering the implication for the incarcerated individual-with-a-disability to receive a FAPE, whereas the exosystem can interfere with access to education.

### Macrosystem

The macrosystem refers to the overarching institution patterns and cultural prototypes such as economic, social, educational, legal, and political systems. Macrosystems are ideological blueprints influencing development made manifest through other system levels. Such macrosystemic influence is of special importance in considering the impact of incarceration on the inmates' ability to receive a FAPE as mandated by federal status.

Thus, ecological perspective is useful to understanding multiple level of organization involving positive development of children and adolescents derived from the integrated

contributions of variables and processes associated with multiple levels of organization comprising the ecology of human development such as schools, faith based organizations, government, and social service agencies.

### Research Questions

The purpose of the study was to find and report the findings from a descriptive case study of one of North Carolina's correctional youth facility's implementation of the Individuals with Disabilities Education Act (IDEA). The qualitative research method will frame the examination of the youth facility's implementation of the IDEA around the following two questions:

1. Do correctional education personnel have adequate resources to implement the provision of the IDEA?
2. How do teachers ensure that inmates with disabilities are provided a free appropriate public education?

### Research Study Definitions, Abbreviations, and Definitions of Terms

**Adequate resources** for the purpose of the study are defined as supplies and materials such as textbooks, paper, pencils, computers, and classroom furniture. Additionally, adequate resources include personnel, funds for staff development for teachers, and access to central office staff for support and guidance on instructional delivery issues that teachers encounter. The researcher defines adequate resources to be equal to supplies and materials that public school teachers have access to for instructional delivery.

**Adjudicated** Judicial determination (judgment) of whether a youth is a delinquent-status offender or an adult offender



<b>BED</b>	Behaviorally Emotionally Disabled
<b>Committed</b>	A court decision to place an adjudicated child in a juvenile justice program or an adult correctional system
<b>Correction</b>	An organized system for administering punishment to convicted offenders
<b>Department</b>	Department of Correction
<b>Disability</b>	A physical or mental impairment that substantially limits one or more major life activities, a recorded impairment, or a regarded impairment (see U. S. EEOC, 1997a, p. 1)
<b>Due Process</b>	A specific process for which exact boundaries are indefinable, and for which content varies according to specific factual contexts. A particular right obtains in a specific proceeding depending upon a complexity of factors; the nature of the alleged right involved, the nature of the proceeding, and the possible burden on that proceeding are all considerations that must be taken into account ( <i>Hannah v. Larche</i> , 1969; Hehir & Latus, 1992).
<b>EMD</b>	Educable Mentally Disabled.
<b>Felony</b>	Any of various offenses, as murder or burglary, a graver character than a misdemeanor.
<b>Felon</b>	One who commits a felony.
<b>Free Appropriate Public Education (FAPE)</b>	Special education and related services that: (a) are provided at public expense, under public supervision and direction, and without charge, (b) meet standards of the state education agency, (c) include an appropriate education at the preschool, elementary, and secondary school levels, and (d) are delivered in conformity with the student's IEP.

**Individualized Education Plan (IEP)** Educational blueprint mandated by law (*Individuals with Disabilities Education Act* (IDEA) Amendments of 1997 [PL 105-17]) that states the goals, objectives, and timeline of activities necessary for educational program implementation

**Individuals with Disabilities Education Act (IDEA)** A comprehensive scheme set up by Congress to aid the states in complying with their constitutional obligations to provide public education for handicapped children

**Inmates** Individuals who, because of criminal acts of behavior, have been incarcerated under the Department of Corrections, Division of Prisons, and Department of Juvenile Justice.

**Isolation** One of seven philosophical responses to crime for which it is believed that the offender should be separated from the rest of the prison community.

**Juvenile** For the purpose of this study as a youth between the ages of 13-21 who is incarcerated in an adult correctional facility due to the seriousness of the crime committed.

**HCON** High Security Control is the isolation of close custody felon inmates that pose, or continue to pose, an imminent threat to the life or health of other inmates or staff or the isolation of inmates that otherwise pose a serious threat to the security and integrity of a prison facility.

**ICON** Intensive Control is a long-term removal of close custody felon or minimum custody, Level I misdemeanor inmates from the general inmate population to confinement in a secure area.

**LD** Learning Disabled

**MCON** Maximum Control is the isolation of close custody felon or minimum Level I misdemeanor inmate that pose an imminent threat to life of health of others inmates or staff or to isolate inmate that otherwise pose a most serious threat to the security and integrity of a prison facility.

**Least Restrictive Environment (LRE)** Least restrictive environment; the educational setting closest to the regular classroom in which FAPE can be delivered to a special education student.

**Misdemeanant** A person who has been convicted of a misdemeanor.

**Misdemeanor** A criminal offense defined as less serious than a felony.

**Offender** An adult convicted of a criminal offense.

**OHI** Other Health Impaired

**Reduction in Sentence** Includes changing a sentence of incarceration or to grant probation.

**Segregation:** The act of separating inmates from the rest of the prison community

**Special Education** Specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

**VI** Visually Impaired

## CHAPTER 2

### LITERATURE REVIEW

#### Introduction

This literature review examined the literature concerning the state of inmates-with-disabilities' ability to access a free appropriate public education (FAPE) within the correctional facilities. This Literature Review presents in five major sections: (a) Bronfenbrenner's "Ecology of Human Development" Theory, 1979; (b) A Historic Review of the Individuals with Disabilities Education Act (IDEA) and the Free Appropriate Public Education (FAPE) Legislation; (c) A Historic Review of U.S. Prisons; and (d) An Overview of Youth in U. S. Prisons.

#### Bronfenbrenner's Ecology of Human Development (1979) Framework

This section of the literature review discusses Bronfenbrenner's conceptual framework, the *Ecology of Human Development* model, which includes the following systems: (a) microsystems, (b) mesosystems, (c) exosystem, and (d) the macrosystem (Bronfenbrenner, 1977). The review will conclude with its relationship to corrections.

#### Microsystem

The microsystem is defined as the immediate and complex setting of relations between the developing people, the home of the child, or for the purpose of this study, non-incarcerated family members, or children in time.

## Mesosystem

The mesosystem involves interrelationships between the contexts containing the developing person (who would be the incarcerated person). In short, a mesosystem is a system of microsystems. The mesosystem is the set of microsystems constituting the individual's developmental niche within a given period of development; it is "the interrelations among major settings containing the developing person at a particular point in his or her life" (Bronfenbrenner, 1977, p. 515). Thus links between home and contexts containing the developing person that are unique to the person, such as the visiting areas, are salient. The initiative of the developing person and the parents' involvement in linking the home and the learning environment (in most cases, this would be the school) directly relates to the quality of the mesosystem. For an incarcerated person, the mesosystem is the prison community and the way in which the prison community allows inmates to have access to education.

## Exosystem

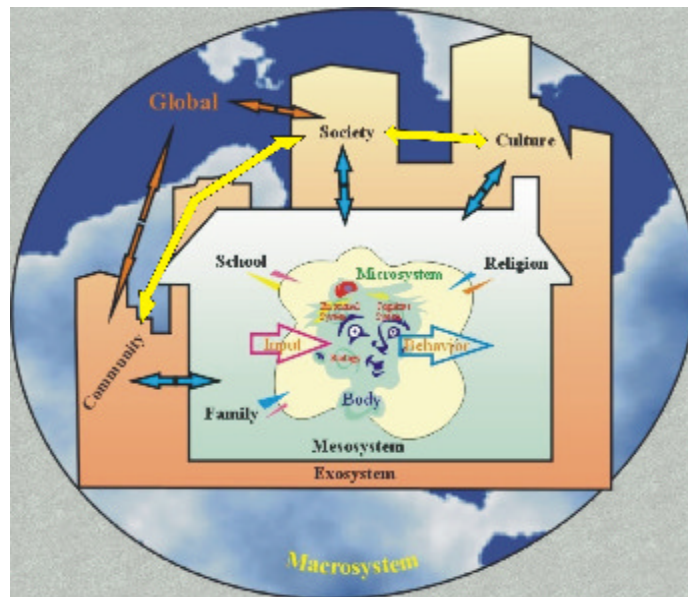
The exosystem is an extension of the mesosystem in that it embraces other contexts in the interactions of a developing person and the family. The quality of the interrelationship among setting influenced by forces that the developing person does not participate, and has direct bearing on parents and other adults who interact with the developing person. Other contexts may be the workplace of the adults of the developing person, social service agencies, and planning commissions. For the purpose of the study, the exosystem will be the organizations and agencies that influence the goals of correctional institutions (for example, punishment versus rehabilitation). Such organizations are either advocates of one or the other organizational goal.

In addition, the exosystem, composed of contexts that, while not directly involving the developing person (for example, the workplace of the child's parent), have influence on the person's behavior and development (for example, as may occur when the parent has had a stressful day at work and as a result is less able to provide quality care to the child).

### Macrosystem

The macrosystem is the "blueprint" for interlocking social forces at the micro-level and their relationship in shaping human development. The macrosystem provides that broad ideological and organizational patterns within which the mesosystem and ecosystems reflect the ecology of human development. Macrosystems are not static but change through evolution and revolution. For example, economic recession, war, and technological changes are examples of evolution and revolution changes that influence the macrosystem

(<http://www.edu/unpress/unupbook/uu13se/uu13se06> accessed 3/14/2006). (See Bronfenbrenner's Ecology of Human Development Diagram 11a).



**Figure 1. Bronfenbrenner's Ecology of Human Development Diagram (Retrieved March 14, 2006 from <http://pt3.nl.edu/paquetteryanwebquest.pdf>)**

In Bronfenbrenner's arguments (1977), he purported that contemporary developmental psychology is the science of the strange behavior of children in strange situations with strange adults for the briefest possible period. Accordingly, he asserted that only "experiments created as real are real in their consequences," and he stressed that research should begin to focus on how children develop in settings representative of their actual world (for example, in ecological valid settings) (Lerner 2002). Anderson and Mohr (2003) support the ecological framework as a useful tool to examine complex problems such as human development. According to Bronfenbrenner (1979), the ecological model of human development is sensitive to contextual factors in the environment and diverse family structure and residential patterns.

#### Ecology System and Corrections

Since the beginning of correctional policies, restraint, rehabilitation, reform, and reintegration have presented a complex meaning and scope to the political context of the treatment of inmates. Bronfenbrenner's *Ecology of Human Development* (1979) conceptual framework described how three of the four ecology systems influence the life of the inmate. The research on his *Ecology of Human Development* clearly demonstrated that the mesosystem, the exosystem, and the macrosystem influence the provision of a free, appropriate public education to inmates-with-disabilities. By the time a person is adjudicated and sentenced to an adult correctional facility, a clear experience of the microsystem exists. Subsequently, removal from their microsystem environment occurs; therefore, this proposal will not focus on the microsystem as an area that influences the ability of inmates to receive a FAPE in correctional facilities. Bronfenbrenner's focus on characteristics such as lifestyles, values, expectations, resources, and opportunity are structures that distinguish his ecology from more traditional ecology systems.

For the purpose of this study, the mesosystem is the setting that the inmate is remanded upon sentencing. The mesosystem is the level at which the interrelationships among settings, the prison community, and the social organization now determines the inmates' ability to access healthcare, food, services, housing, and education. The mesosystem links the inmates' family through routine visitation and verbal communication.

The exosystem of inmates is the interrelationship among setting factors, influenced by forces in which the inmates do not participate, but which have direct bearing on their access to services such as education, healthcare, and the prison living conditions. This level of the ecological system consists of the advocates for prison reform and advocates for punitive actions against offenders.

The generative power of the macrosystem is in illuminating the sources and operation of forces affecting the pace and content of psychological growth (Bronfenbrenner, 2005). The theoretical macrosystem permits the analysis of particular contextual elements and personal attributes and social-belief-system characteristics of the correctional system. The macrosystem is the super-ordinate level of the ecology of human development—the level involving culture, macro-institutions (such as the federal government), and public policy. The macrosystem influences the nature of interaction within all levels of the ecology system of human development. Bronfenbrenner believed that all levels of the organization involved in human life link interactively in the constitution of the course of individual ontogeny.

The macrosystem is the level at which the macrosystem (federal government) and policy-making body determine the behavior of persons. The macrosystem reflects the power of social forces to enact legislation to provide FAPE to youth with disabilities regardless of incarceration. The ecology system in correctional institutions influences inmates and their



continued development. Individuals-with-disabilities (including incarcerated youths under the age of 22) have access to a FAPE, as mandated by the IDEA. Based on Bronfenbrenner's 1979 theory, the ecological system from the macrosystem level influences inmates-with-disabilities. According to Bronfenbrenner, the macrosystem explains the threats to humanity, and at the same time reminds the stakeholders of their capacity to remain humane, just, and democratic. Based on Bronfenbrenner's theory of 1977, scholars and policymakers have the capacity to promote human development individually and collectively within the prison. In general, his theory alerts those who work within the prison system to advocate for making humans humane.

IDEA mandates that inmates receive a free appropriate public education, whereas the correctional systems in which the principals work believe the mandates from the state are to punish inmates for their criminal acts. Taxpayers have mixed opinions on what is the responsibility of the correctional institution. Conversely, because of incarceration, there are family members and friends of inmates that believe inmates deserve the opportunity for rehabilitation. These communities make up the inmates' ecological system of human development from the time they enter into the correctional system until they re-enter society.

#### Summary of Bronfenbrenner's Theory

Lang (2004), a writer for the *Cornell Chronicle*, summarizes Bronfenbrenner's *Ecology of Human Development* theory of 1979 as nested settings in which a person develops, over time, throughout the life course, and which embrace for childhood and adulthood. Lang believes the theory led to new directions in basic research and to applications in the design of programs and policies affecting the well-being of children and families.

While examining the ecological perspective of this theory, the proposed focus was on providing services to the inmate from the mesosystem, exosystem, and the macrosystem level.

Thus, the major emphasis will be to understand how these three levels of the ecology system deliver services to inmates-with-disabilities from the resources perspective, instruction perspective, and within the conflicting organization goals of security and rehabilitation.

The *Ecology of Human Development* sets out a series of propositions and hypotheses about interactive influences on human development. If scholars want to understand human development, they should engage directly with programs and policies aimed at promoting development. Similarly, if scholars want to understand the macrosystem of correctional systems, they must engage in understanding the programs and policies that control the lives of inmates during the prison sentence and after inmates re-enter into the community.

#### A Historic Review of the Individuals with Disabilities Act and the Free Appropriate Public Education Legislation

“We can all agree that all handicapped children should be receiving an education. We can all agree that education should be equivalent; at least, to the one of those children who are not handicapped receive. The fact is our agreeing on it does not make it the case. There are millions of children with handicapping conditions who receive no services at all.” (Stafford, 1975, Senate debate, S, 6).

In 1970, the Senate and House passed a law to provide grants for regional resource centers, deaf-blind children, experimental early education programs and personnel training, and established research and demonstration projects. In 1972 and 1973, the House and the Senate extended the provisions of Education for Handicapped Act (EHA) and created a new Part B of the Act that would be permanent, an entitlement program with no need for reauthorization. According to Hehir and Latus (1992), those bills failed to pass into law.

In September of 1973, the enactment of the Rehabilitation Act, including Section 504, a major civil rights statute to protect the rights of the handicapped, passed. Section 504 states:

“No otherwise qualified handicapped individuals in the United States... shall solely by reason of his handicap be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance” (Goldberg, 1982, p. 58).

According to Huefner (2000), the research recognized three major actions in the federal courts that helped push Congress into action to pass laws protecting the educational rights of individuals-with-disabilities. “The first case that gave a precedent for P.L. 94-142 was *Brown v. Board of Education*, the landmark desegregation case” (Huefner, 2000, p. 3). In *Brown v. Board of Education* (1954), the U. S. Supreme Court ruled: “It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms” (as cited in Howard & Orlansky, 1988, p. 37).

Two other major cases were the 1972 *Pennsylvania Association of Retarded Citizen v. Pennsylvania* and the 1972 *Mills v. Board of Education of the District of Columbia*. Both cases established the right of handicapped children to receive a FAPE (Huefner, 2000; Turnbull, 1994; Vaughan, Bos, & Schrum, 2003; Merrill, 1995).

The Education for All Handicapped Children Act was reauthorized in 1986 as the Education for All Handicapped Children Act Amendments (P. L. 99-457), requiring states to include children-with-disabilities (ages 3-5) and establish early intervention programs for infant and toddlers-with-disabilities (birth-2) (Vaughan et al., 2003). The IDEA reauthorized in 1990 and 1997, would further define the protections for students-with-disabilities and their parents. The 1990 (P. L. 104-476) reauthorized the law that established the “people first” language for referring to people-with-disabilities. The reauthorizing included the following: (a)

extension of special education services to include social workers, assistive technology, and rehabilitation service; (b) extension of provisions for due process and confidentiality for students and parents; (c) addition of two new disabilities—autism and traumatic brain injury; and (d) incorporation of the transition component to the Individual Education Program (IEP) for students-with-disabilities by the time they reached the age of 16 (Rothstein, 1990, 1995, p. 36; Vaughan et al., 2003, p. 3).

The 1997 reauthorization of the IDEA (P. L.105-17) expanded the provisions of services to students-with-disabilities to include: (a) continuing to receive services, even if they have been expelled from school; (b) extending the age for preschool developmental delay category through age 9; (c) having greater access to the general curriculum; (d) allowing special education teachers and general education teachers to co-teach; (e) requiring a regular education teacher to be a member of the IEP Team; (f) taking part in state-wide and district-wide assessment; (g) requiring a proactive behavior management plan to be included in the student's IEP if the student with disability had a behavior problem; (h) requiring states to offer medication as a voluntary option to parents and educators to resolve differences; and (i) limiting the conditions under which attorneys can collect fees under the IDEA (Thurlow, Elliott, & Ysseldyke, 1998).

The IDEA was reauthorized in 2004 to include an alignment of the *No Child Left Behind Act* with the provisions of IDEA. This included the establishment of requirements for highly qualified teachers, parental involvement, accountability, performance goals, indicators (adequate yearly progress), participation in assessments, reporting requirements, and professional development (Norlin, 2005; Weatherly, 2005).

The IDEA is a “comprehensive scheme, set up by Congress, to aid the States in complying with their constitutional obligations to provide public education for handicapped children” (Terman, Lerner, Stevenson, & Behrman, 1996, p. 30). Both the provisions of the statute and its legislative history indicate that Congress intended handicapped children with constitutional claims to have access to a free appropriate public education to pursue those claims through the carefully tailored administrative and judicial mechanism set out in the statute. The IDEA was an attempt to relieve the fiscal burden placed on states and localities by their responsibility to provide education for all handicapped (20 U.S.C. Sec. 1400c). At the same time, however, Congress made clear that the IDEA is not simply a funding statute. The responsibility for providing the required education remains on the states (20 U.S.C. Sec. 1400c). “The IDEA establishes and enforces a substantive right to a free, appropriate public education” (National Council on Disability, 1995, p. 5; Norlin, 2005).

#### Free Appropriate Public Education (FAPE)

This subsection will encompass a review of FAPE in general education system and FAPE in the correctional system. The most important right given to students-with-disabilities is the right to a FAPE. Under IDEA, a FAPE is not just a privilege bestowed at the convenience of school districts but rather a right that must be made available to all eligible students (Rothstein, 1995; Smith, 1998; Wersenstein & Pelz, 1986). According to IDEA, a FAPE is “special education and related services” that (a) are provided at public expense, under public supervision and direction, and without charge, and (b) meet standards of the state educational agency, that includes appropriate education in preschool, elementary, and secondary school levels and are delivered in conformity with the child’s IEP.

Since the definition of FAPE does not establish any particular level of educational quality, its meaning has been subject to dispute. In 1982, the U.S. Supreme Court provided a definitive interpretation of the statutory language. Its decision remains the Court's most important pronouncement on the IDEA, and its interpretation has been the binding precedent for all FAPE cases in all the courts in the country (Huefner, 2000; Yesseldyke, Algozzine, & Thurlow, 1992).

Several cases heard in the U.S. Supreme Court gave clarity to FAPE. One such case is *McEuen v. Missouri State Board of Education* (2003) that defines the FAPE as not requiring the school district to maximize a student's capabilities, but to provide a "free appropriate public education consistent with the provisions set forth in state and federal regulations implementing IDEA" (Norlin, 2005). There has been a plethora of cases litigated under the IDEA in an attempt to answer the questions about what is required of schools in providing special education. Many questions remain unanswered, and expanding statutory, regulatory, and judicial law continues to bring up new questions. The U.S. Supreme Court defined the remedy for failure to calculate a reasonable IEP for a student to enable him to receive a meaningful education on the ground that the district did not conduct a proper functional behavior assessment or prepare an appropriate behavior intervention plan (*Larson v. Independent Sch. Dist. No. 361*, 2004).

An individualized education program for each eligible student with a disability is the heart of the IDEA. It is the primary tool for individualizing services for each eligible student, and it establishes resources on behalf of the student. It is the key mechanism for gaining participation by parents in the development of the student's specially designed instruction and provides an important opportunity for solving disagreements between home and school.

Additionally, it provides a means both to monitor the delivery of special education and to evaluate its effectiveness (National Dissemination Center for Children with Disabilities, 2002).

#### Provision of FAPE in the Correctional System

The IDEA regulations specify that IDEA applies to education in state correctional facilities (34 C. F. R. § 300.2(b)(1)(iv)). This provision has been applied in several juvenile court cases, including one in which the court ordered an evaluation of a juvenile for special education eligibility and possible placement (*Matter of Jackson*, 1987; Forbes, 1991). Another application of this legislation resulted in a ruling that pretrial detainees could not be denied access to regular and special education during detention (*Donnell C. v. Illinois State Bd. of Educ.*, 1993).

Under the IDEA 1997, a state may choose not to provide special education to students from ages 18 through 22 if, in the student's educational placement prior to incarceration in an adult correctional facility, the student was not identified as having a disability or did not have an IEP (20 U. S. C. S. § 1412 (a) (1) (B) (ii)). The federal regulations changed the "or" to "and" (34 C. F. R. § 300.311). The difference clarified that a student is not eligible for services simply by virtue of having an IEP under Section 504. However, IDEA 34 C. F. R. § 300.122 (a) (2)(ii) added that an identified student-with-disabilities has a right to special education in a correctional facility if the IEP has not been developed or has lapsed because the student left school.

The governor of the state, if permitted to do so under state law, may assign an agency other than the State Education Agency the responsibility for meeting IDEA requirements for children convicted as adults under state law and incarcerated in adult prisons (Id. § 1412 (a) (II) (C)). This citation does not apply to convictions under federal law because the state has no

obligation to individuals assigned to federal correctional facilities for a federal offense (Huefner, 2000; Nelson, Rutherford, Jr., & Wolford, 1987, p. 81).

If a student with a disability is convicted as an adult under state law and placed in an adult prison, the basic FAPE requirement continues – namely, meaningful access to special education and related services designed to provide some educational benefit (Huefner, 2000). However, Huefner also points out that the student no longer must participate in state or district-wide assessments of achievement. In addition, if a student “ages out” of IDEA eligibility before release from prison, then the transition planning and transition services portions of the IEP no longer are required. Lastly, the IEP team may modify the student’s IEP or placement, “if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated” (34 C. F. R. § 300.311 (b) and (c)). In other words, safety concerns and other overriding prison interests take precedence over IDEA placement preferences and some of the IEP content requirements.

There are two recent significant cases where inmates have filed a claim against a state agency for discrimination due to their disability. In *Pennsylvania Department of Correction v. Yeskey*, 524 U.S. 206 (1998), the Supreme Court held that discrimination requirements of Title II of ADA apply to state prisons. An earlier case in federal district court concluded that Section 504 services for inmates applied to educational services for inmates in N. C. state prisons because the Department of Correction was a local education agency, and therefore covered under Section 504, *Anthony v. Freeman*, 1996 (Huefner, 2000). In 1985 through 1990, there were a dozen class action suits brought against correctional facilities as cited earlier in the research paper. These class action suits included *D.B. v. Casey* (1994), *W.C. v. DeBruyn* (1990), *Horton v. Williams* (1994), *Andre H. v. Sobol* (1984), and *Smith v. Wheaton* (1987).



## Overview of the Individualized Education Program (IEP)

An IEP is a written statement for a child with a disability that has been developed, reviewed, and revised in a meeting in accordance with certain requirements of law and regulations. Two general purposes of the IEP are (1) to establish measurable annual goals, including benchmarks or short-term objectives, for the child; and (2) to state the special education and related services and supplementary aids and services that the public agency will provide to, on behalf of the child, the child News Digest ND21, 2<sup>nd</sup> Edition, January 2000, National Information Center for Children and Youth with Disabilities. Washington, DC. and (20 U.S.C. §1414 (d))

An IEP must be developed before special education and related services can be provided (34 C.F.R. § 300.342 (a)(1)(i)). An IEP is developed at a meeting that includes a representative of the school board qualified to provide or supervise special education, a regular education teacher, a special education teacher, the parents (and student if appropriate) Osborne, Jr. & Russo p 74.

The overriding theme of the IDEA is that IEPs and educational programs for students with disabilities must be individualized, according to Osborne, Jr. & Russo, p75. There have been many cases where courts have indicated that IEPs are not individualized. Two such cases are: (1) *Chris D. v Montgomery County Board of Education*, 1990; and *Gerstmyer v. Howard County Public School*, 1994 Osborne, Jr., & Russo, p75.

The literature Osborne, Jr., & Russo, 2003 books gives various accounts of how the court system has dealt with public school districts when parents file a due process complaint with allegations that their child is not being provided a free appropriate public education due to the lack of or an inappropriate IEP (2003).

## Overview of Adequacy of Resources to Implement IDEA

With the passage of the Public Law 94-142 in 1975, programs and related services for students-with-disabilities have become a major component of education in the United States (Parrish, 2001, p. 1). According to Parrish, the fiscal centerpiece of the Act is a state grant-in-aid program, permanently authorized under Part B, which requires participating states to make available to all children with disabilities determine eligible under the Act a free appropriate public education (FAPE) in the least restrictive environment (LRE).

Parrish continues with this discussion and examines “why is special education finance a hot topic?” (p. 1). He discovered that the estimated national annual expenditure of \$32 billion is spent on special education programs and services. Parrish cites other sources such as the New York Times editorial “Special Education Soaks up New York School Resources” (1994), and the Phi Delta Kappa/Gallup Poll of the Public Attitudes Toward the Public Schools, that 47% of adults said that America is spending too little of its total education budget on students-with-disabilities (such as physical and mental disabilities), while 41% said that the right amount is being spent (p. 1).

Besides the demands of the IDEA, public schools are wrestling with the demands of a nationwide accountability system; not funding this system of accountability has strong implications for special education teachers and students, alike.

Senator Edward Kennedy (2004) described these goals best when he addressed Congress in support of the reauthorization of the No Child Left Behind legislation in 2007. He stated:

In order to move forward and meet the commitments that every child-Black or White, Latino, Asian, or Native American, English speaker or English language learner, disabled or non-disabled would be a part of an accountability system that holds schools responsible for the progress of all students, and to improve instruction; we must

continue to infuse federal resources because the cost of reform is obviously too great for the state and local government to bear. . . . Our first step should be to fully fund the act (NCBL, 2002); we need to invest in our schools. . . . Teachers deserve all the resources they need to help students achieve at a high level. . . . We should create incentives to increase the concentration of higher-quality educators in low-performing schools, by raising teacher salary and creating career advancement systems in which highly effective teachers serve as instructional leaders. . . . To help teachers improve their teaching, we need to train them to use data to improve instruction. (<http://www.hepg.org/her/abstract/188>, accessed October 5, 2007)

Research cites *Pontiac School District v. Spelling*, where the plaintiffs claim the federal government is violating a provision of No Child Left Behind, which states that no state or school district will be required to spend its own funds to fulfill the federal law's mandate (Licker, 2005), as a testimony to the financial stress states and school districts face to ensure all students receive a quality education in the twenty-first century.

According to Mears and Aron (2003), funding issues may be affecting decisions to serve, place, or refer children with disabilities, and current funding mechanisms may be creating incentives that undermine or hinder the goals of ensuring that children with disabilities receive a high-quality education.

#### Historic Review of U. S. Prisons

Characterizations of prisons in the U. S. during the late 1700s and early 1800s were primarily places of labor, and secondarily as places for study and contemplation. Many believed that hard work and penitence would reform criminals. An outgrowth of this through the 19<sup>th</sup> and into the 20<sup>th</sup> century was a desire to make the penal system as self-supporting as possible. In some states the prisoner was “rented” to a landowner or factory manager who paid the warden or jailer for the labor performed (Reagen & Stoughton, 1976; Roberts, 1997; Stinchcomb, 2005).

## The Republic's Prison System

The birth of the American Republic and the birth of an organized prison system in this country occurred practically simultaneously (Lewis, 1927). Corporal and capital punishment marked the colonial period of American history with medieval prison methods.

The first American prison was established in Philadelphia in 1776 (Mays & Winifree, Jr., 2002). The period was symbolized by the influence of Quakers who believed in clemency for offenders and rehabilitation (Seashore, Haberfeld, Irwin, & Baker, 1976). Even during this time, there were those who rejected the prison reform ideals, solitude, and mediation purported by the Quakers.

The Colonists believed there was a separation system of punishment. The affluent would be redeemed, but the poor needed criminal law to terrify them into respect for others' property (McEleneey & McEleneey, 2005).

Over time, social and political leaders realized that barbarous and debasing physical punishment failed to check crime or solve the problem of its reduction. Throughout the history of penal treatment, the pendulum swings from extremes of opinion on treatment (Lewis, 1992).

Philadelphia was the site of the first American penitentiary two centuries ago. John Howard (1726-1790) and Benjamin Rush (1747-1813), were two of the early advocates for penal reform. Howard and Rush believed reformation through penance for offenders and that punishment should not be a public event. Under the leadership of Rush and the influence of Howard, the Friends of Society or Quakers of Pennsylvania formed the Society for the "Alleviating the Miseries of Public Prisons" in 1787 (Gehring, 2005, as cited in Deaton, 2005, p. 1; Newman, Lewis, & Beverstock, 1993, p. 23).

## The Quaker v. Auburn Prison Systems

Throughout the first half of the 19th century, two prison systems vied for the attention of penal reformers in the nation and in the world—the Auburn Prison System in New York and the Walnut Prison System in Philadelphia (Mays & Winifree, Jr., 2002). The Quaker influence was profound in the Pennsylvania Prison System but the Colonists influenced the Auburn Prison System (McEleney & McEleney, 2005). The Quakers protested both capital punishment and excessive displays of harsh public reprisal, maintaining that they only served to harden criminals (Stinchcomb, 2005). The Colonists believed all men were tainted with original sin but were predestined to being saved or to eternal damnation (Kene, 1981).

The Auburn system philosophy included where prisoners should perform congregated work, solitary confinement, stern discipline, and degrading practices; all of which were essential for maintaining discipline (Roberts, 1997). The Auburn system influenced the rise of the penitentiary in U.S. Prisons, and maximum-security penal institution: with the highest walls, the strongest locks, the tightest restrictions, and toughest inmates (Roberts, 1997).

### Prisons in the 1800s

By the 1800s, “prisons were terribly overcrowded, and prison riots and uprisings were on the rise” (*Perspective on Correctional Manpower*, 1970, p. 8). Newgate Prison in New York housed adults, juveniles, men, women, and minor offenders. According to Mays and Winifree, Jr. (2002), the prisons instituted “good time credit” and fines, and they used jails to reduce the prison population.

Construction of new prisons in New York emerged during the 1800’s. The prison system abandoned the practice of prison isolation and began to allow prisoners to work in groups during the day. Other prisoners ate in congregated dining halls, but remained in their

own cells for the remainder of the day. Bible reading was strongly encouraged. The “lock-step shuffle” and black-and-white striped uniforms and caps were instituted (Johnson, Dobrazanka, & Palla, 2005, p. 13).

Adoption of the classifications system for inmates occurred in 1817 and included the following: (a) individual cell- block architecture was used to create an environment to rehabilitate and reform; (b) separation of criminals for varying degrees of corruption was used to teach them moral habits; and (c) ordering and regulating was obtained by means of severe punishment (Seashore et al., 1976).

The Auburn contract labor system influenced the emergency of reform schools and workhouses in the 1820s. The prison system established houses of refuge for juveniles, and Blackwell’s Island became home to vagrants, drunks, and misdemeanants.

Around 1825, contracts for prison labor became a common practice. It resolved the problems of taxpayers paying for the cost of prisons, but at the same time, it created the most inhumane living conditions in the history of American prison experiences (Kene, 1981; Roberts, 1997). The inhumane conditions of prisoners were of concern, but of greater concern was the shoddy work and the gross over-pricing for the work products under the *Contract for Prison Labor* system.

In 1861, just after the Civil War began, Zebulon Brockway became superintendent of the New Detroit House of Correction (Lewis, 1992). Known as this country’s greatest practical administrator of the reformatory-type institutions, Brockway was responsible for classifying and segregating types of prisons. In addition, Brockway provided for the individualized treatment of prisoners, including vocational training. He also instituted a reward system for good behavior, a parole system, and the introduction of indeterminate sentences (Gehring,

2005, as cited in Deaton, 2005). Brockway's focus was on the treatment and education of inmates. Beginning in 1878, educated inmates taught elementary classes and Elmira Women's College professors taught courses at the prison. The prison taught such classes as philosophy, history, geometry, bookkeeping, and psychology.

Congress and the U. S. authorized the first military prison in 1874. Disciplinary barracks were constructed at Fort Leavenworth, Kansas. The Army still operates the military prison, although it also accepts long-term prisoners from the Marine Corps and the Air Force (Kene, 1981). Notable among military prison administrators was Thomas Mott Osborne, who headed Sing Sing prison (Osborne, 1913). The U. S. Army, Navy, Air Force, and Marine Corps maintain correctional facilities for some 2,377 military personnel (Stinchcomb, 2005).

Inmates in the U. S. lose certain rights and freedom possessed by ordinary citizens. This was predicated on the 1871 decision in *Ruffin v. Commonwealth of Virginia*, in which a judge declared that a prisoner has no Constitutional rights and is "the slave of the state" while incarcerated. This position was held in most states for 70 years (Newman et al., 1993; Tonry & Petersilia, 1999, p. 3).

The belief that prisoners are "slaves of the state" continues to exist in the current prison system. Many of today's legislators believe, as did earlier champions that prisoners should work and pay for their keep (Kene, 1981), but should not compete with private industry. Self-supporting prisons were, and continue to be the goal of most state correctional facilities. However, policymakers and prison administrators soon learned that having a self-supporting prison system was and continue to be difficult to achieve.

## Correction System 1929-Present

In 1929, New Jersey's Youth Correctional Institute was built in Annandale. The Annandale facility represented a move away from the fortress style institutions to more of an open campus-like facility with modest pretension to security. The New Jersey institution operated a dairy farm, and engaged in training in welding, service station attendance work, building maintenance, carpentry, plumbing, and small engine repair (Kene, 1981).

In 1930, the Federal Bureau of Prisons was founded to oversee federal prisons (Mays & Winifree, Jr., 2002; Stinchcomb 2005). The Great Depression of the 1920s and 30s was the root of a severe crime surge and gave rise to a new era of organized crime (<http://history.sandiego.edu/gen/soc/prison.html>, accessed 11/11/2006). The gangster era was in full swing, and the nation was witness to violent crime-waves brought on by Prohibition and by those driven by desperate need. The gangster era highlighted famous prisons built like fortresses. Notables such as Sanford Bates, the head of the federal prison system, Attorney General Hamer Cummings and Robert Burge, one of the nation's foremost security experts, saw their mission as designing buildings that were escape-proof, would serve a dual purpose of condemning public enemies and serving as cons, and a warning to would-be criminals.

In 1941 another significant decision in *Ex Parte Hull*, the U. S. Supreme Court ruled that prisoners do have certain rights. Among those rights are the prisoners' access to federal court, and assurance that they "have not been wholly stripped" of Constitutional protection because of their incarceration. However, courts repeatedly approved judicial deference to the judgment of prison administrators when they reviewed complaints about prison practices.

The federal government in the mid-1960s constructed the first federal prison (Travis, 2002, p. 14). The goal of the federal government was to construct a prison system that would:



(a) create a functional unit design with direct inmate supervision style that would encourage informal and positive interaction between inmates and staff; (b) reduce tension and encourage staff to assist inmates through counseling; (c) give inmates more privacy; (d) create an environment with a sense of caring and pride that would reduce aggressive and destructive behaviors; and (e) give inmates a sense of less separation anxiety from the community by using windows (Zupan, 1991). In the past twenty years due to the skyrocketing of inmate population, the U.S. has had an inmate litigation explosion. Inmates have filed lawsuits under the federal Civil Rights Act of 1964, Equal Protections of the Fifth and Fourteenth Amendments, and the Federal Forfeiture Act of 1976. The most frequent avenue for inmate lawsuits was the Habeas Corpus action. Writs of Habeas Corpus challenged three things: (a) the fact of confinement, (b) length of confinement, and (c) nature of condition of confinement.

*Bell v. Wolfish* in 1976 involved overcrowding in the N.Y. federal prisons. The court ruled in favor of the inmates. However, the success of the inmates' victory was short-lived. The U. S. Supreme Court overturned the decision and ruled that overcrowding did not necessarily involve the "unwanton and unnecessary infliction of pain" that was characterized as cruel and unusual punishment for inmates who were incarcerated (<http://Encarta.msn.com/encyclopedia-761573080-9/Prison.htm>, accessed 12/8/05).

In 1970, prisons were showing a tendency toward criminals' rehabilitation as the basic aim of imprisonment, rather than a tendency toward punishment, or protection of society. However, more recently, the trend has been reversed; the length of sentences has been extended and the number of inmates increased substantially (Klein et al., 2004).

From 1980 to 1990, the nations' federal and state prison population increased by 134%. By 2000, that number rose from 771,234 persons to 1,381,892 persons, a 79% increase from

1990. The prison population from 1970 to 2000 increased by 500% (Department of Justice, 2000).

In 1998, the U. S. Supreme Court ruled that the Americans with Disabilities Law applied to prisoners. The decision was a result of the over 120,000 lawsuits filed by inmates who had acquired some degree of legal expertise while they were in jail.

### A Historic Review of Education in U. S. Prisons

Two renowned reformers of prison education were Mary Carpenter, 19<sup>th</sup> century English correctional educator, and Johann Heinrich Pestalozzi, 18<sup>th</sup> century Swiss educator and correctional reformer. Carpenter and Pestalozzi believed that every man has a right to an education and that it is society's responsibility to provide that education (Bowers & Gehring, 2004). This section presents a review of the historical perspective of education in U. S. prisons including a general perspective of the correctional education movement, types of educational programs, review of special education for youth prisons, and a summary of the section.

### General Perspective of the Education Movement

“The correctional education movement began in 1789 when clergyman William Rogers first offered instruction at Philadelphia’s Walnut Street Jail” (Correctional Education Association, 2007, para. 2). At that time, the warden sent two prison guards to attend a meeting with a loaded cannon aimed directly at inmates. This incident was indicative of the struggle that characterized teaching within prison walls from that day forward. Nevertheless, adult and juvenile correctional education has been on the “cutting edge” of publicly funded education for nearly 200 years (Gehring, 2005, as cited in Deaton, 2005). Originally, the primary function of education in prison was salvation and moral regeneration (Seashore et al., 1976). For example, the Quakers built the prison system in the U. S. around the goal of reforming the criminal

through penitence. Initially, penitence consisted of Bible study and reflection in solitude (Seashore et al., 1976). The equation of education with religious and moral training was a dominant orientation of the original colonies (Seashore et al., 1976).

The first legal recognition of academic education occurred with the passage in 1847 of a “N. Y. State law providing for the appointment of secular teachers, supervised by chaplains, in the state’s prisons” (Pollock, 1997, p. 140). In 1870, a Comprehensive Prison Act, prepared by a committee of the Prison Association, passed by the legislature of N.Y. One of the provisions was that common school teachers be appointed to all the state prisons, proportionate in number to the size of each prison (Reagan & Stoughton, 1976). This was the first law ever enacted in the U. S. that created a distinct class of officers whose duty would be to impart instruction during the week.

There were two major developments in the U.S. that had great impact on education—the *Morrill Land Grant Act of 1862*, and the movement to social reform and humanitarianism, advocated by Eugene Debs (1855-1926) and Upton Sinclair (1878-1968), notable U.S. political-philosophers. There was a growing concern with the common-man (Reagan & Stoughton, 1976). The decade of the 1870’s marked the culmination of the gradual transition in correctional education from basic reading and writing to an organized system of formal academic, vocational, and social education with solid underlying principles (Reagan & Stoughton, 1976; Allen & Simonsen, 1995, pp. 51-52).

The vision was that having prisoners work while in custody would lead them toward positive lifestyle upon release. This viewpoint was that prisoners would recognize the negative impact that their criminal activities had had upon their victims and their families, and thus would minimize the likelihood of the prisoners’ repeated offenses. There was a fundamental

belief that “inmates who entered prison functionally illiterate were more successfully reintegrated into society if they participated in literacy or educational intervention programs during incarceration” (Haigler, O’Connor, Harlow, & Campbell, 1994; McKee & Clements, 2000).

In the last half of the 19<sup>th</sup> century, an extensive reform movement occurred, questioning some of the basic tenants of contemporary penal philosophy. The conception of the criminal as immoral shifted to more of a complex view, in which he was not simply a sinner, but deficient in additional ways: intellectually, psychologically, and vocationally (Seashore et al., 1976). According to Seashore et al. (1976), the new penal philosophy had an impact on the function of the educational enterprise within prisons to the extent that educational and vocational training programs became more formalized and available to larger numbers of inmates (Roberts, 1997; Seashore et al., 1976; Stinchcomb, 2005).

Reagan and Stoughton (1976) claimed that John Dewey had made the greatest mark on educational philosophy in the early 20<sup>th</sup> century. According to Regan and Stoughton, Dewey viewed the school as the origin of social change and progress. It was his philosophy that the individual and the society meet to reconcile their differing goals and participate in creating tomorrows out of yesterdays (Reagan & Stoughton, 1976). The philosophers of social change focused on education as the vehicle to change.

In 1907, Snedden wrote the book, *Administration and Educational Work of American Juvenile Reform Schools*. The book offered a correctional model for vocational (especially trade and industrial), physical, and military education. It also offered summaries about what public school educators could learn from correctional education. This model was replicated and became the antecedent of contemporary education practices (Steuer, 1998).

In 1919, prison wardens were renamed “prison officers.” In 1922 abolishment of the separate confinement of prisoners occurred, and soon after, more than 400 voluntary teachers started work in prisons.

At the turn into the 20<sup>th</sup> century, as urban industrialization gave rise to the need for universal secondary education, prisons began to recognize the utility of vocational education (Roberts, 1997). Columbia University offered the first correspondence course in the 1920’s, followed by other, primarily land-grant colleges (Williford, 1994). Thomas Mott Osborne, chair of the National Society of Penal Information, led a team of researchers that evaluated state and federal prisons across the country on several criteria, including education. The Society reported that Sing Sing Prison, built between 1825 and 1828, and once known for extreme discipline, offered the first correspondence college course to inmates in 1924, through Columbia University. Additionally, it was reported that 200 inmates were enrolled in correspondence courses at the Ohio Penitentiary (Williford, 1994).

Around 1929, educational programs for adults started through the adoption of a scientific treatment regimen by the Federal Bureau of Prisons (Mays & Winfree, Jr., 2002). After World War II, rehabilitation, or the process of returning an offender to an orderly or acceptable manner of behaving, became the primary goal of the nation’s correctional system (Roberts, 1997).

In the N.Y. State Reformatory at Elmira, education up to the 8<sup>th</sup> grade was required, and both academic and trade classes were held in 30 classrooms throughout the day (Allen & Simonsen, 1995).

The 1938 edition of *The Handbook*, written during the Great Depression, cited a modest advancement in the development of prison education. The Plain states served inmates

with extension courses, whereas the southern states offered little or no education programs, with the exception of some isolated literacy programs (Williford, 1994). Also in 1938, the American Association of School Administration conference convened, with 2,000 people attending the sessions on “Reduction in Crime through Improved Educational Programs and the Educational Rehabilitation of Prison Inmates.” Atlantic City’s school districts replicated correctional educational models based on the gained information of these sessions.

As a result and due to the action of the American Prison Association, the Correctional Education Association formed in 1945. Four years later, the *Journal of Correctional Education* was founded (Pollock, 1997).

After World War II, with the G. I. Bill, higher education in America took an unprecedented turn (Mettler, 2005). In the late 1940s, Southern Illinois University in Carbondale, at the Merand State Prison, offered the first degree-program for inmates. Other agencies funded educational programs for inmates: (a) Law Enforcement Assistance Administration, (b) the Ford Foundation, and (c) the Lilly Foundation, to experiment with prisoner rehabilitation (Williford, 1994). In 1965, Congress passed *Title IV of the Higher Education Act*, Pell Grant program entitling student-prisoners who met certain criteria to receive financial aid for college-level studies. With the implementation of this funding, the Post Secondary Correctional Education flourished (Frolander-Ulf, 2001; Williams, 1989).

In the 1970’s reintegration, a concept popularized to provide the bridge between the prison and the community was established. The advocate of reintegration recognized the difficulty inmates encountered when they moved from the restrictive lifestyle as an inmate to a free society (Stinchcomb, 2005).

According to Mentor (2004), research indicates that prison college programs are among the best tools for reducing recidivism. Mentor goes on to state that individuals who take college courses while in prison improve their chance to obtain and keep employment and are less likely to commit additional crimes that would lead them to return to prison. This gives added emphasis to the words of former Chief Justice Warren Berger: “We must accept the reality that to confine offenders behind walls without trying to change them is an expensive folly with short-term benefits—winning the battle while losing the war” (Open Society Institute, 1997, p. 1).

Congress passed Title IV of the Higher Education Act (1985 and 1992), a major part of which was the Basic Education Opportunity Grant, later known as the Pell Grant (Open Society Institute, 1997). The most ambitious of the college prison programs was *Project Newgate*, the Office of Economic Opportunity, which funded five college programs. The object of Project Newgate was to establish as nearly as possible a campus experienced within the prison walls (Davidson, 1995; Williford, 1994).

On July 30, 1991, N. C. Senator Jesse Helms introduced Amendment 938, which eliminated Pell Grants to persons incarcerated in a federal or state penal institution (Saphier, 2005). In 1992, Representatives Thomas Coleman and Bart Gordon presented a joint amendment that prohibited “any individual who was incarcerated in any federal or state penal institution” from qualifying for the Pell Grant (McNeil, 2005, p. 1; Frolander-Ulf, 2001). Universities and other organizations such as Educators for Social Responsibility, the Fortune Society, Literacy Volunteers, Minorities in Corrections, National University of Continuing Education Association, NAACP, the N. Y. State Correctional Association, the Coalition for Criminal Justice, PEN, the Urban League, and Wilmington College joined the fight (along with

the Correctional Education Association) to oppose the amendment (Williford, 1994, p. 169). The movement taught prisoners that they were not powerless; they could lobby Washington politicians just like any other special-interest group. The Coleman-Gordon Amendment was defeated.

In the *Higher Education Reauthorization Act of 1992*, Pell Grants for prisoners were retained, with some changes. The most important of these changes included grants that were available only for tuition and fees and for which prisoners on death row or sentenced to life without parole were ineligible (Karpowitz & Kenner, 1995).

With the loss of the federal Pell Grant assistance, and the passage of the Pell Grant exclusionary legislation, many states also withdrew public funding for correctional education programs (Taylor, 2005). Foundation grants, business foundations, and volunteer teaching services provided much of the funding for correctional education.

#### Overview of Education for Youths in Correctional Environments

In the U. S., education for youths in correctional environments has undergone a metamorphosis for over the past 360 years. This transformation began from a foster-care placement in 1642 to an evolution of punitive and treatment-oriented institutions documented the metamorphosis of correctional education from the Refuge House and Reform Era of the 19<sup>th</sup> century with a focus on basic and practical skills, through the Professional and Political Patronage Era of the 20th century. Through the work of special interest groups since World War II who advocated for free and appropriate education for all youth (Keeley, 2004), correctional education continues to receive support from prisoner reformers.

It has long been recognized that both adult and juvenile offenders are “educationally poor,” both in academic skills and jobs skills (*Perspective of Correctional Manpower*, 1970).



Research consistently illustrates that poor academic achievement is a major factor to crime and delinquency (Winters, 1997). According to Winters, typical inmates of a correctional institution are school dropouts. They generally have maladjusted passive learning styles and attribute their lack of academic success to extraordinary factors. Nationally, youth and adults confined in institutions have astonishingly low levels of functioning with respect to basic skills needed for living in the community:

About one-third of prisoners are unable to perform such simple job-related tasks as locating an intersection on a street map, or identifying and entering basic information on an application. Another one-third are unable to perform slightly more difficult tasks such as writing an explanation of a billing error or entering information on an automobile maintenance form. Only about one in twenty can do things such as use a schedule to determine which bus to take. Young prisoners with disabilities are among the least likely to have the skills they need for a job. For them education is probably the only opportunity they have to become productive members of society. (*Juvenile Justice Bulletin*, 2000, p. 1)

The research documents indicate that correctional education aims to transform individuals and bring about change through alternative approaches and programs. The underlying assumption of most correctional education programs addresses specific “deficits” of the offenders, such as vocational skills, basic education needs, General Education Degree (GED), Adult Basic Education (ABE), drug, and alcohol abuse. The delivery of these programs provided a basis on the following underlying assumption: “This is what you need to succeed in society. You don’t have it. Here’s the solution if you want to turn your life around” (Deaton, 2005, p. 46). Currently, correctional education is program-based (correctional education is an institutional program), situational (education taking place inside correctional institutions) or inherent (emphasizing the correctional dimension and the teaching of confined offenders who have human needs) (Gehring, 2004, as cited in Deaton, 2005).

Correctional education is that part of the total correctional process of changing behaviors of offenders through purposefully contrived learning experiences and learning environment. Similarly, correctional education seeks to develop or enhance knowledge, skills, attitudes, and values of offenders. Correctional education is a comprehensive and intensive approach to educating prisoners. Additionally, correctional education not only provides basic skills; it also places equal emphasis on creating a more positive self-image; thus entailing a unified treatment effort (Ryan, 1982).

#### An Overview of Special Education for Youth in Correctional Environments

During the 1880's and 1890's, Elmira (NY) Reformatory superintendent Zebulon Brockway implemented educational programs for handicapped learners of every description (Correctional Education Association, 2000, p. 41). According to Gehring (2000a, 2000b), the special education staff included physicians, artisans, professors, and teachers. The program had the following features: (a) systematic linkage between academic, social, and vocational learning experiences; (b) early morning individually-tutored remedial instruction (students were more receptive during the early hours); (c) individualized diets and calisthenics, prescribed by the institutional physician; (d) completely individualized student education files, including 53 body measurements that were recorded monthly, and (e) special hot and cold baths and "the new scientific Swedish massage techniques," implemented by Swedish people hired specifically for that purpose.

By the mid-1900's, an important shift occurred. People began to recognize the worth and dignity of children-with-disabilities that led to the goal of teaching self-reliance. At that time, vocal leaders in education recognized that separation, or segregation, in the educational process was inherently negative.

As the 1950's began, the field of special education went through changes that would have notable effects for years to come. At the forefront of these changes was a new national policy concerned with the problems of special people. Prior to 1954, and the U. S. Supreme Court's *Brown v. Board of Education* school desegregation decision, there was a limited body of general school law (Huefner, 2000).

The U. S. Supreme Court paved the road for future cases involving handicapped students. The decision, based on the federal Constitutional principle of the 14<sup>th</sup> amendment, which provides that the states may not deprive anyone of "life, liberty, or property, without due process of law," nor deny anyone "equal protection of the laws" (Rothstein, 1995, p. 12). *Brown* illustrates the principle that the federal Constitution, as interpreted by the U. S. Supreme Court, is the supreme law of the land, is binding on all federal, state, and local governments, and is the precedent that must be followed by all federal and state courts in subsequent similar cases (Turnbull, 1994).

The application of the principles set forth in the *Brown v. Board of Education*, *PARC*, and *Mills v. Board of Education* extended to inmates with disabilities in prisons. These court cases and many other court cases heard on behalf of children with disabilities expanded Congress decree to incorporate the concept of a right to a free appropriate public educational opportunity to inmates with disabilities, as well. When Congress mandated that "all" children with disabilities receive a free appropriate public education, they meant "all."

More than one-in-three youths who enter correctional facilities have previously received special education services, a considerably higher percentage of youth than found in public elementary or secondary schools (Leone & Meisel, 1997). Youths-with-disabilities in correctional facilities are entitled to the substantive and due process rights of P. L. 94-142.

Under the IDEA, youths-with-disabilities in correctional facilities are entitled to special education and related services. However, the provision of these services for these students can be very challenging.

Through administrative proceedings, individual lawsuits, or class-action civil rights, litigation continues to provide methods for challenge for the failure to comply with IDEA. Over the years, court and administrative decisions have applied IDEA protections to youth in juvenile detention centers and training schools and those in jails or prisons (Youth Law Center, 1999). Dozens of decisions, rulings, and consent decrees address a range of issues, including evaluation, IEP development, service delivery, staff qualifications, and timelines for compliance with required components of special education programs (Puritz & Scali, 1998; Youth Law Center, 1999).

Providing special education services to youth in custody presents many challenges. Factors to deal with include length of stay, the facilities physical layout, and the need for heightened security (*Juvenile Justice Bulletin*, 2000). The issues surrounding youth-with-disabilities in correctional facilities and the provision of a FAPE are: (a) the number and characteristics of incarcerated youths-with-disabilities, (b) the types of special education services in correctional facilities, and (c) the challenges associated with providing special education to youth in correctional facilities (The Alliance Project, 2000).

According to the U. S. Department of Education, Office of Special Education Programs (OSEP), there were 15,930 students-with-disabilities served in correctional facilities on December 1, 1996. Youths with emotional disturbance and learning disabilities made up the majority of those incarcerated—42% and 45% respectively. Other disabilities categories are as follow: speech or language impairment, 3%; mental retardation, 7%; visual impairment,

hearing impairment, other health impairment, orthopedic impairment, autism, traumatic brain injury, multiple disabilities, and deaf-blindness, 3% (as cited in The National Center on Education, Disability, and Juvenile Justice, 1999).

According to the Office of Special Education Programs, it is difficult to pinpoint the number and percentages of students-with-disabilities in correctional facilities because of the wide range and varying jurisdictions of correctional facilities across the country. Incarcerated youths-with-disabilities may be housed in jails, detention facilities, group homes for young offenders, adult or juvenile prisons, ranches, private programs, or treatment centers (The National Center on Education, Disability, and Juvenile Justice, 1999).

Doren et al. (1996) explored factors predicting arrest of students-with-disabilities. They found that while holding variables constant, the arrest rates of males-with-disabilities was 2.4 times more likely than females-with-disabilities during their school careers. Students with emotional disturbance were 13.3 times more likely than other students with disabilities arrested while in school. The arrest likelihood of students with learning disabilities to other students was 3.9 times higher for students-with-disabilities.

Dropout status and personal social achievement also contributed to the likelihood of arrest. Youths-with-disabilities who dropped out of school were 5.9 times more likely to be arrested than other students were and the arrest rate of youths-with-disabilities who scored low on personal/social achievement skills were 2.3 times more likely. Furthermore, youths-with-disabilities arrested once were far more likely for repeat arrests.

The IDEA ensures that students-with-disabilities receive a FAPE. In the landmark case *Green v. Johnson* (1981), the U. S. District Court of Massachusetts ruled that students-with-disabilities do not forfeit their rights to FAPE because of incarceration (Grande & Oseroff,

1991). However, the provisions of the FAPE developed with school settings in mind. This can make the implementation of IDEA in correctional facilities particularly challenging. The IDEA Amendments of 1997 limited states' obligations somewhat in providing special education in correctional facilities. The IDEA Amendments of 1997 revised the eligibility provisions so that states may choose not to provide special education services to youths-with-disabilities, ages 18 through 21 who, in the educational placement prior to their incarceration in an adult correctional facility: (a) were not actually identified as being a child-with-a-disability under IDEA or (b) did not have an IEP under IDEA. The new Act provides that youths-with-disabilities who are convicted as adults and in adult prisons "need not participate in general educational assessment programs conducted by the state, and that transition planning and services provisions of an IDEA do not apply to these individuals if their eligibility under IDEA will end before they will be released from prison because of their age" (U. S. Department of Education, 1996).

Youths-with-disabilities in correctional facilities may have received special education services in their previous school, or may have a disability not previously identified. According to Lewis, Schwartz, and Ianacone (1998), access to previous special education records of youthful offenders may be problematic. According to Leone (1994), correctional staff reported that some school districts refused to release students' records without parental permission, thereby delaying the identification of students-with-disabilities and the provision of special education services.

More than a dozen class action suits brought against correctional facilities since 1990 have addressed the issue of identification and assessment (for example, *D. B. v. Casey*, 1991; *John A. v. Castle*, 1990; *W. C. v. DeBruyn*, 1990; and *Horton v. Williams*, 1994). In *Andre H. v.*

*Sobol* (1984), the plaintiffs claimed that the detention center did not conduct any screening or child-find activities, did not convene any multidisciplinary team meetings, and did not attempt to get records from the youths' previous schools. The case settled out of court a year after initiation (Leone & Meisel, 1997). In *Smith v. Wheaton* (1987), a correctional facility accused of failing to meet timelines for evaluating youths for special education eligibility or developing IEPs. Additionally, the plaintiffs asserted that major components of IDEA such as providing related services (for example, counseling, occupational therapy), were not being followed.

After an 11-year legal battle, the courts ruled that juvenile detention centers must provide a broad array of educational and rehabilitative services (Becker, 1999). Furthermore, at incarceration, school districts must promptly release school records to facilities, and ensure appropriate special education placements upon the child's release (Becker, 1999).

The curriculum used in juvenile facilities often parallels that used in local school districts; curricula in adult facilities typically modeled on adult education programs, with the adult basic education, the GED, or high school equivalency as the credential earned. Camps, ranches, and specialized treatment facilities are smaller and remotely located; they generally confine youths for longer periods, and they typically involve youth in work related to the operation of the facility. They provide a distributive-type education in which the students spend half of their time in school and the other half working (Leone, Rutherford, & Nelson, 1991).

IDEA regulations require that qualified personnel provide the FAPE services, and that states must have a comprehensive system of personnel development designed to ensure an adequate supply of qualified special education, general education, and related services personnel. Due to the provision of special education for juveniles and adult correctional facilities being relatively new, many corrections administrators may not have experience or

expertise in this area (Schrag, 1995). Litigation against juvenile and adult correctional facilities for the lack of adequately qualified educational personnel has been the mechanism that youths in correctional facilities have employed to ensure that they have highly qualified teachers. There have been 10 such cases since 1990. *T. I. v. Delia* (1990) was a case where the plaintiffs alleged that King County Detention Center in Washington was overcrowded, understaffed, and unsafe, and that the Center failed to provide adequate education, treatment, and recreation. As part of the consent decree, the Seattle school district hired adequately qualified staff to teach youths-with-disabilities in correctional facilities.

Several administrative factors are significant to ensuring that the provision of a FAPE is provided to incarcerated youth-with disabilities, including the following:

- Removing barriers that restrict the access of students-with-disabilities to the general education programs, classrooms, and activities
- Ensuring that the facilities and/or programs are in full compliance with federal and state laws, including procedural safeguards
- Ensuring that corrections educational programs have written philosophies and clear goals developed in coordination with all staff, and communicated to students, legislators, community agencies, public schools, and the community at large
- Ensuring that administrators have adequate education credentials and the authority to make budgetary, personnel, and programmatic decisions
- Using teacher recruitment practices that attract highly qualified staff
- Providing school staff with access to the ongoing professional development in the areas of legal developments, research, and evaluation (Schrag, 1995).



## Summary of the Literature Review

The literature review took a step back in time to see how corrections have evolved. Many people would probably find it hard to imagine a world without prisons, but the literature review reveals it is a relative recent invention. The review shows vivid details of the harshness of past punishment practices to more humanitarian forces eventually resulting with the evolution of correctional institutions.

The review of *The Ecology of Human Development* (Bronfenbrenner, 1979) demonstrated to the reader how programs and policies control the lives of inmates during their incarceration.

As a result, of examining the literature on prison education, it revealed the different models, and presented the differences of opinions of society when it relates to the education of people incarcerated.

Finally, the review uncovered the alarming statistical reality of the illiteracy of prisoners in the American correctional system. Even more troublesome is the fact that youth-with-disabilities illiteracy rate is more prevalent in prison than their non-disabled counterparts.

## **CHAPTER 3**

### **METHODOLOGY**

The study shares the story of one of North Carolina's correctional youth facility's efforts to implement the IDEA. The research questions that guide the study are: (a) Do correctional education personnel have adequate resources to implement the provision of IDEA?, and (b) How do teachers ensure that inmates with disabilities are provided a free appropriate public education? The study employs the Bronfenbrenner's *Ecology of Human Development System*: mesosystem, exosystem, and the macrosystem frames the research to demonstrate how the influences of the ecology system influence the implementation of the IDEA and the provision of FAPE in the prison environment.

To capture the picture of how the implementation of the IDEA is implemented in a correctional facility, a qualitative research designed was employed. Qualitative research allows for an in depth description and interpretation is a suitable for content analysis. Berelson (1952) holds that content analysis is a "systematic, replicable technique for compressing many words into few content categories based on explicit rules or coding." Holsti (1969) offers a broad definition of content analysis as "any technique for making inferences objectively and systematically identifying specific character of messages" (p. 14). A qualitative research design is appropriate for analyzing the active experience.

As a theoretical lens, content analysis, assigns meaning to a phenomenon through critically evaluating and analyze data independently of the desirable results. Krippendorff

(2000) proposes that content analysis enables the researcher to plan, execute, communicate, reproduce, and critically evaluate an analysis independently of the desirable results. He holds that content analysis gives qualitative researcher the support they need to use multiple interpretation by considering diverse voices, (reading), alternate perspectives (from different ideological positions), oppositional readings (critiques), or varied uses of the texts examined (by different groups). "It affords content analysts' ability to use more than one context to justifying multiple inferences from text" (pp. 88-89). Krippendorff comments that content analysis provides new insights, increases a researcher understands of particular phenomena, or informs practical actions. Contents analysis according to him is a scientific tool.

Merriam (1998) defines a qualitative study as an intensive holistic description and analysis of an experience. She argues qualitative researchers are concerned primarily with process rather than outcomes or products. Qualitative researchers are concerned with how people may sense of their lives and their experiences. She also purports the researcher is the primary instrument for data collection and data analysis.

According to Yin (1993), case-study research continues to be an essential form of social science inquiry. Yin recommends this method when the investigator desires to define topics broadly, cover contextual conditions and not just the phenomenon of study, and rely on multiple and not singular sources of evidence. According to Yin, a major part of a case study will likely have more variables than data points. The case study will be employed to gain an in-depth understanding of situation and meaning for those involved (Merriam, 1998). The case study interest, as defined by Merriam (1998) is in the process rather than outcomes, in context rather than specific variables, in discovery rather than confirmations. Becker (1968), as quoted by Merriam (1998, p. 29) defines a case study as two fold, "that is, to arrive at a comprehensive

understanding of the groups under study” and “to develop general theoretical statements about regularities in social structure and process.”

A descriptive case study can illustrate the complexities of a situation. The fact that not one but many factors contribute to the complexities have the advantage of hind sight yet can be relevant in the present; show the influence of personality on the issues; and show the influence of the passage of time on the issue-deadlines, change of legislators, and cessation of funds. Descriptive case studies spells out, is vivid, differences of opinion on issues, and suggest these differences have influenced the result, and present information in a variety of ways (Merriam, 1998).

#### Research Context

This study took place in one of North Carolina’s correctional youth facilities. The North Carolina Western Youth Institution (NC WYI) is located in the western part of the state. Its unique architecture has led prison officials to call this the “Highrise.” Built in 1972, the facility is a narrow 16-story building on a 90-acre tract of land (see Figure 2).



(Courtesy of NCDOC Public Affairs)

Figure 2. *North Carolina Western Youth Institution*

WYI is the only North Carolina prison facility that houses male inmates under the age of 18. It is a multi-custody prison that houses close, medium, and minimum custody inmates. This prison functions as the diagnostics, reception, and housing facility for males ages 13-22. The 460 cells on floors 5 to 14 house the inmates, with an additional 33 cells on the 16<sup>th</sup> floor for segregation. The 15<sup>th</sup> floor comprised of a ten-bed infirmary and dental and mental health treatment offices. The lower designated four floors provide areas for administration, education, programs, and kitchen, recreation, and inmate canteens. There are four dormitories located on the prison compound designated as a minimum custody unit (<http://www.doc.state.nc.us/DOP/prisons/western.htm>, accessed October 3, 2006).

There are 423 staff members at this facility, of which 18 are licensed educators by the North Carolina Department of Public Instructions. The Education Director and the Assistant Education Director hold the Doctorate of Education Degree; of the other 16 teachers and support staff, nine hold Masters Degrees. The average years of experience for teachers and support staff are 17 years. Prison education is a twelve-month program and all education staff are paid on the State Public School salary pay scale.

The inmate racial population at NC WYI comprises the following: 166 white inmates, 457 African American Inmates, 7 Native American Indians, 1 Asian, 31 other, and 10 unknown. The current age range of inmates at NC WYI is between the ages of 15-22 and one age 41 and one-aged 49. The special education population of NC WYI based on the September 1, 2007, Headcount is as follows: 10 EMD; 18 BED; 19 LD; 7 OHI and 1 VI.

This facility is one of five correctional facilities that offer a post-secondary education for inmates under the age of 22 who have not obtained their high school diploma or GED prior to their incarceration. Because of the high volume of inmates incarcerated at this facility, the

school operates a morning school from 7:30 am to 11:30 am, and an afternoon school from 12:30 pm to 4:30 pm. All classes are suspended from 11:30 am to 12:30 pm for lunch. Additionally, all classes end at 4:30 pm for dinner. Inmates at the facility have a common “meal time” for custody reasons.

WYI houses the youngest male inmates in the state correctional institution; the turnover rate of inmates is extremely high; and many of the inmates in this age range are eligible to continue their education with the public school upon release. Federal and state laws, North Carolina Mandatory School Attendance Policy, and the IDEA govern the education of inmates at NC WYI. Inmates at this facility who are under the age of sixteen must adhere to the North Carolina Mandatory School Attendance Policy and if they have a disability, they are entitled to a FAPE until they reach the age of 22. Additionally, the Department of Correction education policy mandates that all inmates under their supervision will attend school for at least six months if they do not have their high school diploma when they are remanded to custody.

Upon arrival, inmates undergo a series of diagnostics evaluations that will determine their eligibility for education, work, and housing arrangements. An inmate is screened to determine if he has special education history or if he meets the criteria to be referred to the School Assistant Team (SAT) for further individualized testing to determine his eligibility for special education services. According to the December 2006 Headcount there were 65 special education students at this facility. The chart below shows a breakdown of exceptional students and non-exceptional students by age, race, and gender. The age ranges of the inmates in Table 1 are as follows: two (15 yr. old); 23 (16 yr. old); 156 (17 yr. old); 284 (18 yr. old); 139 (19 yr. old); 41 (20 yr. old); 21 (21 yr. old); and four (22 yr. old).

Table 1

*Breakdown of Exceptional Students and Non-Exceptional Students*

Subgroup	Number	Race	Gender	Total Population	
Regular Education Students	672	African American	457	M	671
		White	166		
		Latino	1		
		Native American	7		
		Other	40		
Special Classes		African American	60	M	70
		White	9		
		Latino	1		

According to the Department of Correction research (2001), education plays an important role at the NC WYI facility. With the help of the community college in the county, the prison's largest school offers the General Education Degree (GED) program to inmates. Through the community college, vocational classes are offered. Due to the age of the prison's inmates, the education program also provides an Exceptional Students program for youth-with- disabilities.

*Research Participants*

Federal and state law mandates that students between the ages of 3-22 are entitled to receive a free appropriate public education (FAPE) under the IDEA if they have a disability. These laws are applicable to incarcerated youth with disability, as well. Ten educators, all of which are employees of the North Carolina Department of Correction, Division of Prisons were asked to participate in this study.

The youth facility has a controlled list of administrators who serve in identified capacities: Assistant Superintendent of Programs, principal (Education Director), psychologists,

counselors, and movement officers. The N. C. Department of Public Instruction licenses regular and special educators who work at the facility. Table 2 shows the selected categories of the participants in the following manner: job assignment, experience, educational level, and certifications.

Table 2

*Participants' Categories*

Position	Experience	Ed.D.	M-Certification	A-Certification
Principal	16-17	1.5		
Psychologist			1	
Counselor	14		1	
Teachers	1-8		0	1
Teachers	9-15		1	5
Teachers	16-30		7	5
Total		1.5	10	9

Purposive sampling was the primary sampling method used in this study. The richness of the information collected in this study may have some limitations because of the time, money, location, availability, respondents, and the sensitivity of the investigator. Bernard (1998) cautions that in a purposive sampling it is necessary to decide the purpose you want the informants to serve and then determine a set of criteria for selection of appropriate participants before identifying and soliciting their participation.

The intent of the study is to identify the resources available for teachers to provide a free appropriate public education to inmates with disabilities, and to describe the educators'



efforts in implementing the provision of the IDEA. All of the participants of this study are certified public school educators. The participants are identified by a coding system to protect their identity.

### *Instrumentation and Data Collection*

Content analysis searches for multiple interpretations by considering diverse voice, (reader), alternative perspective (from different ideological positions) oppositional readings (critiques) or varied uses of the texts examined (by different groups). Content analysis is a systematic, replicable technique for compressing many words into few. To tell the story to which educators within the Department of Correction, Division of Prisons are capable of implementing the IDEA, the researcher utilized the voices of the selected correctional educators. Content analysis is well suited to describe the story of participants because it systematically identifies specific character of message by engaging in triangulation and by elaborating on any metaphor, they can identify. A combination of observations, interviews, and document reviews were used to gather data for this qualitative study.

### *Observation*

The participants of this study were observed in their given subject area classrooms once for a ninety minute class period. The observations were employed to help the researcher identify the instructional techniques used by the teacher to facilitate students' learning. Another function of the observation was to identify the available resources within the classroom that enhanced students' learning. Additionally, classroom observations were used to identify the dynamics of the human ecological system specifically the mesosystem that involves the interrelationship between inmates and the teachers in the classroom setting and the custody staff that monitors the inmates' behavior outside of the inmate cell. The correctional educators

and the correctional officers that monitor the inmate movement when they are in school are the immediate members of the inmates' mesosystem.

### *Interviews*

All ten participants took part in an hour and fifteen minutes interview. The education administrators were interviewed with a set of questions relating to the general supervision of the IDEA. Teachers were interviewed with questions relating to the operational and implementation of the IDEA (see appendix). The purpose of the interviews were to gain meaningful insight into the practice of implementation of the IDEA for inmates with disabilities. The interview questions were written to determine the facility's effort in the following areas: general supervision, free appropriate public education in the least restrictive environment, and knowledge of the IEP process. The foundation of the interviews of the participants is in their ability to articulate the policies, procedures, and practices and to identify the adequacy of resources required to ensure the provision of the FAPE in a prison environment. Participants' interviews are also helpful in providing insight in to the strengths, needs, and challenges of implementing IDEA in a human ecological system defined by the correctional institution policy and procedures.

### *Review of Documents*

The Continuous Improvement Performance Plan of the Exceptional Student Programs within the Department of Correction, Division of Prisons was reviewed to extract data to enhance the researcher's ability to tell the story of the Department of Correction implementation of the IDEA (IDEA) for inmates with disabilities. A compliance analysis sheet was constructed to record all vital information. All documents were destroyed after they were used. The compliance analysis sheet included the following information: graduation rates,

dropout rates, assessment, suspension/expulsion, least restrictive environment, parent involvement, disproportionally, 90-day timeline, transition component, IEP development, referral, screenings/evaluation, reevaluation, IEP implementation, procedural safeguards, student-teacher ratio, and free appropriate public education (FAPE)/ least restrictive environment (LRE) over a five-year period.

### Study Procedures

This study was conducted in fourteen days during the spring and summer session of school. This study included interviewing and observing teachers and education administrators at one of North Carolina correctional youth facility. The researcher met with each participant one on one and asked them to volunteer to participate in the study. The participants signed consent to participate forms. The researcher interviewed ten correctional educators; four administrators and six teachers, for one hour and recorded responses by audio and transcript. The researcher compiled the list of questions from the Federal NICHCY News Digest (2000).

Observations were conducted over a four-day period for a ninety-minute class period, and were used to supplement the interviews, and exiting data. All interviews were fully transcribed. Interviews were conducted on a formal basis and were asked as written in the appendices as closely as possible. A tape recorder was used to preserve the conversation for analysis with the permission of the participants.

The researcher employed the following techniques to ensure that certain biases were not incorporated into the analysis and interpretation of the data that could damage the validity and reliability of the research, the research used the following strategies: (a) the word program compliance was never used when the researcher interviewed or observed the teachers; (b) the researcher asked the participants to describe their interpretation of each of the questions asked,

and (c) she told the participants, I am here because I need your help to complete this project. To ensure reliability, the researcher took on the investigative position when explaining the assumption and theories of the study. Additionally, multiple methods or triangulation of data collection and analysis were incorporated. The investigative position is a way of explaining the assumptions and theories of the study.

### Data Analysis

The inductive content analysis of data was applied to this study. This is the process used to condense raw data into categories based on valid inference and interpretation. It allows for an interpretation of the content of text data through a systematic classification process of coding and identifying themes or patterns (Hsieh & Shannon, 2005). The procedures used to analyze the data were (a) open-coding, (b) inductive coding, (c) purposively coding and (d) produced descriptions or typologies. Open coding allowed the research to identify themes within collected data and to align the categories with the principles of the IDEA regulations. The specific attributes of these themes are analyzed for common characteristics. Inductive coding allowed the researcher to make valid inferences and interpretation of the collected data based on the open-coding results.

Purposively coding allowed the research the opportunity to identify themes in compliance with federal and state regulation that governs students with disabilities. The IDEA status has predetermined the themes that must be adhered to for program compliance. Finally, typologies coding allowed the researcher to identify the common characteristics of the collected data, and describe the facility's compliance with the federal law.

## *Findings*

The results of the observations, interviews and document reviews are summarized according to the two research question(s), collectively addressing the goals and objectives of the dissertation. The broad based findings and conclusions are reported in chapter V of the research paper.

## *Reporting the Findings*

Lofland (1974, p. 205) suggest that although data collection and analysis strategies are similar across qualitative methods, the findings are reported is diverse. For the purpose of this study, the findings are reported in narrative text. Because this is a descriptive study, the findings are reported and presented in descriptive narrative. Source: Creswell, John W. *Research Design Qualitative, Quantitative, and Mixed Methods Approaches*, 2<sup>nd</sup> ed. sage publication, Thousand Oaks, Cal. 2003.

### Questions Relating to Adequacy of Resources from the Research

The researcher employed the observation techniques to take a fiscal account of the teacher's room to determine the adequacy of resources available to them. Additionally, document reviews were utilized to answer the first research question on adequacy of resources. Lastly, several of the questions were designed to capture that information. These questions are listed below:

1. What does it take for you to do your job?
2. How do you provide teachers with support?
3. Is accompanying your job dependent upon other personnel? Tell me about how you receive or do not receive necessary support from them.
4. How does your work environment help you do your job?

The chart below is a breakdown of the protocol questions from Appendix A and Appendix B relating to Administrators and Teachers and grouped according to the research question #1.

Research Question I:				
Teachers Interview Questions	Administrators Interview Questions	Classroom Observations	Document Reviews	Budget Reviews
2, 17	8, 9, 10, 11, & 12	X	X	X

Figure 3. *Questions for Administrators and Teachers relating to research question #1*

### Questions Relating to Research Question #2 (FAPE)

#### Questionnaire for Teachers

Questions taken from News Digest, ND 21, 2<sup>nd</sup> Edition, (January 2000) A publication of the National Information Center for Children and Youth with Disabilities, NICHCY.

1. What are the purposes of Individuals with Disabilities Education Act (IDEA)?
2. What is a free appropriate public education (FAPE)?
3. Who is eligible for services under the IDEA?
4. What is special education?
5. Where is special education instruction provided?
6. What are related services?
7. What is the first step in obtaining special education and related services?
8. How does a child get considered for evaluation for special education? Who can refer a child?
9. What does the evaluation process involve? How often are students evaluated?
10. Can a child be referred for special education again if he does not qualify the first time he was referred? Describe how that may happen?

11. What is an Individualized Education Program (IEP)?
12. Who develops the IEP? How are team members notified of the IEP meetings?
13. How do you involve parents in the IEP progress? How is the student involved in the IEP process?
14. What happens during an IEP meeting?
15. What is included in the IEP?
16. What is required in the terms of transition planning?
17. What are assistive technology devices and services?
18. How does the IEP determined placement of a student?
19. How often is the IEP revised?
20. When is a student reevaluated for continued placement in special education?
21. Describe how students' records are kept confidential?
22. What are Procedural Safeguards under the IDEA?
23. What happens to a student if he is placed in segregation?
24. Describe how the students participate in the regular education curriculum.
25. Describe a typical school day for a student at this facility.

**The following questions are designed for the non-academic staff interviews:**

1. How does the facility handle suspensions of inmates with disabilities? Can you describe how the IEP is implemented?
2. Please describe the Child Find Process here at your facility?
3. Discuss the pre-referrals process, the referral process, evaluation process, and the eligibility determination process.

4. Do you have a Student Assistance Team (SAT) at your facility? What is the role of the Student Assistant Team for students suspected of having a disability?
5. Custody staff consults with education staff before they remove a student from class. Can you give me an example of this consultation process?
6. What do you believe is the goal of the ESP at WYI? To what extend do you believe this goal is accomplished?
7. What role do you play to ensure that students-with disabilities receive a free appropriate public education (FAPE)?
8. Are you a member of the IEP Team? Describe your role in that process.
9. Are there times when students are not available for education? Can you give me an example? How do you provide educational services to those students?
10. Describe who serves on the SAT team and the IEP Team.
11. Describe the school day at this institution.
12. How does your SAT and IEP Team involve parents in the IEP process?

The chart below is a breakdown of the protocol questions from Appendix A and Appendix B relating to Administrators and Teachers and grouped according to the research questions.

Topic	Questions for Administrators	Questions for Teachers
Implementing IEP	1, 6, 11, 13, 16, 17	17, 23, 24, 25, 26, 27, 28
Child Find	2, 3, 4	7, 8, 9, 10
IEP Development	11, 13, 14	11, 12, 13, 14, 15, 16, 17, 18, 19, 20
Procedural Safeguards	1, 6, 7, 16, 17	22, 23, 24, 25, 26, 27, 28

Figure 4. *Questions for Administrators and Teachers relating to research question #2*



## **CHAPTER 4**

### **REPORTS OF THE STUDY'S FINDINGS**

Chapter 4 reports the study's findings to answer the two research questions: (a) Do correctional educators have adequate resources to implement the Individuals with Disabilities Education Act (IDEA)? and (b) How does correctional education staff ensure the provision of a free appropriate public education (FAPE)? Drawing from interviews, observations, and documents, the organization of this paper includes the research questions, with subsections devoted to each facet of the ecological system: the mesosystem, the exosystem, and the macrosystem.

For the purpose of this study, the researcher applied Bronfenbrenner's ecology system from the perspectives of the mesosystem, exosystem, and macrosystem. The researcher is interested in revealing the impact, if any, of the ecological system on the access of inmates with disabilities to a free, appropriate public education as mandated by IDEA. The mesosystem in this study refers to the school's environment and its impact on educating inmates with disabilities. The exosystem comprises the prison community and its impact on the access of inmates with disabilities a free appropriate public education. The macrosystem of the study encompasses the policy-making body of the prison system and reflects the prison administration's influence on a free appropriate public education for inmates with disabilities.

This chapter is a review of the research data whereas, the first section of this chapter deals with the issues surrounding the adequacy of resources to implement the provisions of the

IDEA. It draws from observations of the classrooms, from interviews<sup>1</sup> and from administrative documents to determine what resources are available to teachers. The second section of the Chapter will focus on to what degree teachers provide a free appropriate public education to inmates with disabilities.

The researcher conducted interviews with ten correctional educators at one of North Carolina correctional youth facilities that included six teachers and four administrators. The researcher used two interview protocols with forty-three questions on the special education process. Over a period of two-weeks, interviews averaged approximately one hour and fifteen minutes. Additionally, the researcher observed six teachers, three special educators, and three regular educators. The classroom observation occurred over a period of approximately two weeks for a period of ninety minutes each. The study included review of a variety of DOC/DOP documents in addition to the interviews and observations to gather data.

#### Question I: Adequacy of Resources

For the purpose of this study, the definition of “adequacy of resources” provides for supplies and materials (such as textbooks, paper, pencils, computers, and classroom furniture). Additionally, resources include teachers and support staff, funds for staff development, and access to central office staff for support and guidance on issues relating to instructional delivery and FAPE. The researcher defines adequate resources to be equal to the supplies and materials available to public school teachers. To determine the adequacy of resource, the researcher examined the data in each area of the ecological system. The analytic process for the mesosystem included three areas: (a) classroom equipment, supplies, and materials; (b) technology; and (c) budget requests. The adequacy of the exosystem’s resources was determined through analyzing (a) access to technology and (b) the budget process. Finally, the

data analysis at the macrosystem level focuses on (1) determining sources of funding, (2) the results of special education audit to determine the priority for budget utilization, and (3) the percentage of the approved budget requests.

### *Mesosystems*

*Classroom supplies, materials, and resources.* To determine the adequacy of resources at the mesosystem level the researcher noted the presence of supplies, material, and resources during the observation and conducted a document review of the educational staffing pattern for this facility.

The researcher observed six classrooms and found a wealth of supplies, materials, and resources to enhance the students' learning environment. Each of the six observed classrooms had enough desks for students that were present and some extra-unoccupied desks. Each room had large whiteboards for instructional use, a wall-mounted television (at least 25 inches), and an audiovisual cart equipped with a VCR, a DVD player, and a CD player. Two classrooms had a large collection of videos on different curriculum content; one classroom included four maps mounted on the wall. The six classrooms had bookshelves fully stocked with paperbacks about different areas of the GED. The students' workbooks were stacked on the shelf for their use when they entered the room. The teachers appeared to be pleased with their resources.

Two teachers stated, "We are fortunate here at the prison because we have plenty of supplies and equipment to work with our students." Another teacher commented, "When I was in public school, we did not have the amount of supplies and equipment that we have here." The school is located on the fifth floor of the facility; however, as is often the case in public schools, a module at the facility's rear housed several classrooms to accommodate overcrowding. The six observed classrooms had sufficient storage space, including several

filing cabinets, bookshelves, and storage cabinets. Only one of the six classrooms seemed too small to accommodate any additional students.

In the introduction, the researcher defined resources that included personnel; therefore, the data was reviewed to determine the number of education personnel employed by the Department of Correction, Division of Prisons, to provide services to inmates with disabilities. The review of the personnel database revealed that the facility employs 16 highly qualified teachers, of which six are the focus of the study. The facility employs a full-time and a half-time education director, a psychologist, counselor, and one speech pathologist. Support staff for special education that is located at the central office consists of a director, a compliance specialist, and a transition teacher.

*Technology.* Present day students and society are operating in a world where technology influences all aspects of our life. We live in a world where the influence of technology controls what we do and how we function in society. We pay bills on line; our telephone system is automated; we drive and access high tech transportation; the job market is highly automated; when we go the doctors we see the use of technology; if we go to the gym for a work out, we see the presence of technology; and, we can have quick access to information with the click of a button. Ultimately, most of the inmates who enter prison will re-enter society at some point. Therefore, the researcher believed it is important to identify whether inmates in prison have technology available to them to prepare them for the present and future job market.

The researcher observed in the classroom to determine the amount of technology that was available to students and teachers to satisfy the research question relating to adequacy of resources. Analysis of the data revealed that the classrooms were well equipped with

technology. Each of the six classrooms observed had two to seven computers and at least one printer for the students. Each classroom also had a computer and a printer for the teacher, and the participants were proud to share that they all were given the Qwizdom program with a laptop and an LCD to use in their classrooms to enhance instruction. There were televisions in every classroom, overhead projectors, and CD players. Each classroom had carts to hold materials, or mounted them upon the wall, and the computers were all equipped with printer access.

*Budget requests.* The final area of the investigation was a review of the various budget requests for the last three years to determine the level of funding made available to educational staff for the purpose of purchasing supplies, materials, technology and staff development opportunities. The researcher was interested in demonstrating whether teachers have funds available to them to support the instructional delivery practices in the classroom.

The research reviewed three years of budget requests submitted by the facility for educational supplies and materials and revealed that this facility has received approximately \$20,000.00 over the last three budget years for supplies, materials, equipment, and technology needs. The review disclosed that this facility received an additional \$5,000.00 for the 2006-07 school year to purchase additional supplies, materials, and technology for the special education program. Furthermore, a review of requests over the last three years for staff development revealed that one hundred percent of requests to attend state conferences such as the Conference on Exceptional Children, the North Carolina Learning Disabilities Conference, and various reading and math conferences were approved. In addition, the review revealed that approved requests for national conferences (LRP Conference, American Correctional Education Conference, Learning Disabilities Association Conference, and

National Conference on Exceptional Children) for selected staff members in the central office, for the transition teacher, and education directors.

### *Exosystems*

*Access to Technology.* The researcher was not investigating for this particular topic but believed it to have merit to telling the true story of the participants and their efforts to ensure they prepare students to be successful wherever they reside. The researcher learned that there may be adequate supplies and material, but there are limits the use how these resources.

One deduction that evolved from the observation of teachers in their classroom was to determine whether they have adequate technology to provide instruction to the students. Yes, we have adequate technology resources, but we are very limited in how we can utilize those resources. One teacher pointed out that, “Students do not have internet access on their computers; they are used for curriculum content purposed, only, [neither] do teachers have access to the internet on our classrooms computers [because] access to the internet is prohibited by custody due to penological and safety reasons.” Questions included asking the other participants about internet access and they said the same thing, we are limited in that we cannot use the internet in class with students or on our personal computers.

When asked to explain these penological and safety concerns about the inmates’ access to the internet, the participants responded similarly, stating, for example, that an inmate could look up his victim and have access to them and that inmates would have access to the staff ‘s personal information and that could create a breach of security. Another concern was that the inmates could learn how to become more deviant; they could learn to make a bomb; or order items inmates are not permitted to have in the prison. One participant said, “There is no limit to

how an inmate could abuse security if he could get on the internet, because the internet is an open storehouse.”

Similarly, the research revealed that inmates do not have access to school supplies outside of the school environment, for example, pencils, items with sharp edges, and hardback cover books. One participant said, “We do not offer the standard course of study in the facility because students cannot have access to the various lab supplies that are needed to complete the course.” Another comment along that line was given by an administrator who stated, “We do not order books with hardback covers because they could easily be used as conduits for harmful substance or devices to be smuggled into prison and into an individual inmate’s environment.”

*Budget request process.* If teachers have adequate supplies, materials, technology and training opportunities, the next question for the researcher was, “How do these supplies and materials enter prison for use in the classrooms?” Examination of the prison policies and procedures showed how the exosystem controls the flow of supplies and materials into the educational environment of the prison facility. Each facility has its own accounting office to process the fiscal aspects of the facility.

The primary source for DOC/DOP for purchasing goods includes the State E-procurement system; vendors register with the state of N.C. if they want to be suppliers of goods or services to the correctional system. A teacher’s request for any supplies, materials, technology, or furniture travels through several layers before it reaches the central office for approval. This request then goes to the Education Director, from whom it is transferred to the Superintendent of Programs, and then to the regional director for that particular facility. The

request then goes to the accounting technician, who posts it into the E-procurement System to await its approval.

The central offices' Director of Exceptional Students ultimately makes the final approval for all requests. While most of the requests for goods and services process through the E-Procurement System, some requests do find their way through hard-copy requisition forms.

### *Macrosystem*

*Source of funding.* From the researcher's observation in the classroom, informal interviews, and document review, it was revealed that the Department of Correction has a comprehensive Policy and Procedural Manual that outlines policies and accepted practices for all DOP/DOP operations. Thereby, the researcher determined that the macrosystem's influence on the amount of supplies, materials, technology, and to what extent the education environment can access these resources for educational purpose is the overarching umbrella of the facility's education program's operations and procedures. The researcher reviewed these policies and procedures to determine the source of funding, the basis of audit findings, and the percentage of approved budget requests.

The researcher examined the DOC/DOP policy and procedures on *Mandatory Education* (Chapter E, Section .1400, 2001) to determine if education is a priority of the department. Additionally, the researcher identified the allocation of funds from the state and federal levels to determine the degree to which the macrosystem supports correctional education. The department's Mandatory Education Policy (MEP) states:

The purpose of the Mandatory Education Policy is to ensure that all capable inmates committed to the Department of Correction are provided with the opportunity to improve their basic literacy skills while incarcerated, in an effort to improve their prospect of becoming law-abiding and self-supporting upon their release from prison (NCDOCDOP, 2001 p. 1). It goes on to read that Facility Heads are authorized to require all inmates without a high school diploma or general education certificate who



function below the sixth-grade achievement level to participate in an adult basic education/general education development (ABE/GED) program (NCDOCDOP, 2001, p. 1)

The research yielded three major funding sources that support the education of inmates within the Division of Prisons: (a) General Fund/Operating Budget, (b) Central Welfare Fund, a special fund from profits of the facility canteens, and (c) federal grants. The General Fund/Operating Budget covers the salaries and benefits of employees within the Department of Correction. The budget documents of the DOP show that all the educational staff salaries and benefits, except the Transition teachers and the Title I teachers, are paid from the General Fund/Operating Budget. The NCDOCDOP fiscal policy on Central Welfare Fund states, “It is the policy of the DOCDOP to set aside a portion of the net profits of the operation of facility canteens for the purpose of improving the quality of life of inmates confined within the Division of Prisons” (NCDOCDOP Chapter E Section.1200, 1990, p. 1213). The NCDOCDOP includes in its operating budget funds for educational staff, educational support staff, and staff development.

Federal funds from the 611 Title VI-B Grant of the Individuals with Disabilities Education Act (IDEA) are allotted to the NCDOCDOP’s special education budget based on a census taken every December 1 of the number of inmates with disabilities who are being served in compliance with federal statutes governing the provision of a free, appropriate public education (FAPE). The funds from this federal allotment cover the salary and benefits for the Transition Teacher, supplies, materials, equipment, technology, and travel and staff development for teachers and educational staff. Moreover, another federal source of funding for all students under the age of 22 is the federal Title I of the Elementary and Secondary Education Act for Neglected and Delinquent Children.

Finally, the management of data is a critical component for educators when it comes to drawing down funds from the federal and state level to support education. Again, a review of the documents revealed that the macrosystem supports the efforts of the educational staff to manage data through two data management systems. The first is the Offender Population Unified System (OPUS), which assists teachers and staff with management procedures required to track and locate inmate information. The participants stated,

OPUS manages everything about the inmate; the length of his sentence, schedule, credits and penalties, release date, housing assignment, movement, and the program in which he is enrolled. For special education students OPUS alerts users about which inmate can and cannot be moved to a facility that does not have a secondary education programs.

The other data management system is the Comprehensive Educational Children Accountability System (CECAS), which manages the information about exceptional children. “Basically,” the administrative staff explained, “it is used to manage the federal headcount required for federal funding.”

#### Audit Results that Set Priority for Budget Utilization

Traditionally, organizations that receive federal and state funds to operate have a requirement for a check and balance system in place to ensure proper use of funds. The researcher conducted review of three years of audit reports of the exceptional students program to identify funding priorities and to determine what the approval rate of the budget requests.

The review of past audit reports of the Exceptional Students Program revealed that the macrosystem does expend funds based on the results of audit findings. A review of the audit findings, Continuous Improvement Monitoring System (CIMP),<sup>1</sup> (Office of Special Education Policy, 2001), revealed the Division of Exceptional Students Program should expend funds to

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<sup>1</sup> Conducted by the North Carolina Department of Public Instruction in 2002-2004

support staff development opportunities for special education teachers and regular education teachers in the following areas: policies and procedures governing programs for students with disabilities, Individualized Education Program Development, and reading and math strategies to improve students' performance. The review revealed that it was this audit that created a systemic sensitivity to that fact that teachers need support to ensure that the implementation mandates of the IDEA.

The North Carolina Department Public Instruction (NCDPI) administered a survey instrument designed to determine to what degree regular educators and special educators were proficient in their knowledge and practices of the IDEA 1997. The research findings of the review of requests for staff development included a statement to the effect, "the requested training in approved to satisfy the goals and objectives of the corrective action plan submitted to NCDPI in response to the CIMP audit.

The researcher recalled discussions with the Director of Educational Services for the Division of Prisons on several occasions on the pressing need to ensure all regular education and special education teachers earn at least six credit hours in reading to improve student achievement. The Director of Educational Services also requested that all teachers attend the State Conference on Exceptional Children and the State Conference on Adults with Learning Disabilities to improve their knowledge of the provisions of IDEA and programs and services governing students with disabilities.

#### Percent of Budget Request Approved

To determine actualization of the corrective action plan for the audit findings, the researcher reviewed budget requests for the three years 2004-2007 (2004-05; 2005-06; 2006-07 from this facility) to identify whether the targeted funds match the audit demands. Over the last

three years, all requests met approval for supplies, materials, and technology. Furthermore, requests for in state staff development opportunities were approved approximately 98% of the time. The Department has a policy limiting out-of-state travel to two-per-year per staff. The research revealed that there are two levels of approval for travel requests: the Division approves local travel requests and the Secretary of Correction approves out-of-state travel requests. The research revealed a comment made by one of the educational administrators at the facility, “The teachers in correction have more training opportunities than their public school counterparts by a large margin.” The participant added, “I can only think of one time that one of my teacher’s requests was denied. . . . It was denied because it was for an out-of-state training that could be accessed in state. . . . So technically, the teacher was approved for the training.”

#### Question II: Free Appropriate Public Education (FAPE)

The study answered the second research question: “How do correctional educators ensure that inmates with a disability receive a free appropriate public education (FAPE)?”

An extensive literature research defined the provision of FAPE as mandated by the IDEA. The literature research review identified the components of FAPE as comprising of the following: Procedural Safeguards, Child Find Process, the development of the Individualized Education Plan (IEP), and the Implementation of the IEP. The robustness of the implementation of the IDEA included examination through interviews, classroom observations, and documents review. Research included identification of the extent the influence of the ecological system imposes the provisions of FAPE to inmates with disabilities.

The following three questions asked of the participants provided a foundation for the participant knowledge of the law and the meaning of FAPE.

- What are the purposes of the IDEA?
- What is the meaning of FAPE?
- Who is eligible for special education?

To the first question, “What are the purposes of the IDEA?” the participants gave very vague answers. Participants’ answers included: (a) to provide services to individuals with disabilities; (b) provide extra personnel to assist students; (c) to give students the help they need in regular education classroom; and (d) it is the law that regulates special education.

The second question, “What is the meaning of FAPE?”, the participants relayed that they viewed FAPE as a right of all students with disabilities to receive education, regardless of cost (to the students or their parents) due to their disabilities.

With the third question, “Who is eligible for special education?”, the participants stated that this eligibility includes children between the ages of 3 and 22.

The researcher began to examine to a further extent the knowledge and practices of correctional educators utilized to ensure FAPE is afforded to inmates with disabilities in their correctional facility.

The second section focuses on FAPE from the perspective of the following: (a) the Procedural Safeguards, (b) Child Find, (c) development of the IEP, and (d) implementation of the IEP. The research was conducted to identify how correctional educators ensure inmates with disabilities are afforded FAPE, and secondly, to describe the extent the ecological system influences the implementation of those provisions.

### *Procedural Safeguards*

The research began with an examination of how correctional educators ensure that parents and students are afforded procedural safeguards as mandated by federal and state statutes. Once all data was coded and analyzed, the data revealed that the affording of the procedural safeguards occur through the entire process of FAPE. The research began with the participants' responses to interview questions specifically to discover the affording of Procedural Safeguards.

According to the data analysis, four of the twenty-eight interview questions were specific to identifying the participants' knowledge, understanding, and compliance to the requirements of the IDEA mandates regarding procedural safeguards. Coding of the data detected other areas of the provision of FAPE were common to affording procedural safeguards to parent of inmates with disabilities and/or inmates with disabilities. The research aim was to ascertain the influence of the ecological system upon this process (assurance of FAPE) from the perspective of the mesosystem, exosystem, and macrosystem.

*Mesosystem.* The researcher began the investigation by probing the participants about their knowledge of procedural safeguards. The first question regarding this area was simply, "What are procedural safeguards?" The participants, initially unclear about the question, asked the researcher to define procedural safeguards, defined as those protections given to parents and/or students regarding written permission for evaluations, placement, and participation in the IEP meetings, confidentiality, due process, and the right to a hearing. After that explanation, the ten participants gave the following responses: Three stated, Procedural Safeguards explain the right and responsibilities of the parents concerning their child. One participant answered, "It is given once a year at least." Two other participants responded

thusly, Procedural Safeguards are policies built into system to prevent abuse of the special education program. Two of the ten participants responded, It [Procedural Safeguards] mandates that parents of students under the age of 18 must be invited to their child meetings; if 18 or older, the student must be invited. A resource teacher replied, “It is the law that prevents students from being jerked out of the regular education class and placed in special education class without due process.” One regular educator’s answer was, “It is the Handbook of rights that outlines the parents’ rights under the IDEA.”

The second question that related to Procedural Safeguard was a follow up question that asked the participants to describe the confidentiality of the students’ records. The reply to this question was uniform and included the following replies: (a) keeping records under lock and key in a file cabinet in the Exceptional Student Program Coordinator’s office; and (b) All of the participants added that the file is kept locked when no one is in the room. The participants pointed out that there is a list of personnel who have access to the records on the front of the file cabinet; anyone else that reviews the record must sign the access sheet stapled inside the folder.

The third question on this topic was, “How do you involve parents and students (in the process)?” Three of the answers were, parents and students under the age of 18 are sent an Invitation to Conference ten days prior to the meeting; student 18 years of age or older are sent an “Invitation” five days before the meeting is held. A regular educator’s response was, “Contact is made with the parent/surrogate parent by written invitations or by telephone calls.” One administrator responded, “That [involving parents] can be a real challenges because our parents are so mobile, we may not have correct addresses on them; but we try to locate them and send them an Invitation to the Conference.” The administrator added, “It is really hard for

parents to travel here because our inmates come from all over the state.” The data revealed a resource teacher’s response was, “If we cannot locate the parent of a student under 18 years of age, we try to use a surrogate; that’s also a challenge, and people do not volunteer easily staff answer to take responsibility for an inmate who they do not know.” An administrative support staff answer was, “We try to contact them when they come for “Visitations.” The last response recorded was, “We encourage them to call the facility if they have questions about their child’s education.”

The final question was an indirect question asked by the researcher, but its aim was to query for actual practices of affording procedural safeguards. “What happens to an inmate when he is sent to segregation?” The participants gave basically the following two answers: (1) “The IEP Team meets and a change of placement is recorded on the IEP” and (2) “If the inmate is suspended for more than ten days, the IEP Team meets and a change of placement to Homebound is done.” A special educator answered so: “If the student is in segregation for less than ten days, no actions are taken by the IEP Team; if he is there [segregation] for more than ten days, a change of placement is made and the ESP teacher provides services there.”

The research questions yielded that procedural safeguards are afforded to parents and student throughout the special education process. The participants discussed the affording of Procedural Safeguards in the following terms; one special educator said, “The parent’s or student’s signature is required at every aspect of the special education process; for example, permission to screen, permission to test and permission to place is required by IDEA.” Besides, the parent of the inmate with a disability or the student must be included in all of the meetings concerning his education. There were similar comments from the other nine participants, starting at the diagnostic center and all throughout the Child Find process, we are required to



get the permission of the parent or the student before we initiate the IEP process. The participants stated thusly, that the education staff bears major responsibility for the affording of the procedural safeguards when considering a student for special education and related services.

*Exosystem.* A thorough investigation of the DOC/DOP policies and practices revealed that the exosystem's influence was determined to be administrative. Monitoring of all family "visitations" are by the policies set forth by the DOC/DOP. Therefore, according to the participants' responses, the principal notifies the custody staff to alert them when a parent(s) has been sent an Invitation to a Conference ("Invitation"). Research demonstrated that if an inmate with a disability is sent to segregation, many times a correctional officer's name is added to the "Invitation" to ensure there is true representation present at the meeting to make decision about the inmate's ability to continue or award an act of cessation of special education services for a period. One of the administrative staff shared, "The IEP team's decision is heavily influenced by the commanding officer's input as to whether the inmate will be afforded his education while on HCOM or MCON status." "In a case where the action of the committee is to invoke a cessation of services to an inmate in segregation, the IEP Team revisits that decision again in thirty days," stated a special educator.

*Macrosystems.* The macrosystem's influence occurred on a policy-making level in the area of procedural safeguards'. As outlined previously in the study, investigation of the NCDOC/DOP policy manual there are clearly defined procedures in place to govern the correctional system community in all aspects of the inmates' lives while they incarcerated. The research indicates that DOC/DOP adopted the North Carolina Department of Public Instruction Policies and Procedural Manual Governing Children with Disabilities ("Procedures"). A

review of those “Procedures” outlined the steps that the educational staff must adhere in the decision-making process ensuring that student records are kept confidential, and that they are afforded their full due process right under the IDEA. Review of documents and responses to the interview disclosed that there is a copy of the manual in the office of the ESP Coordinator office.

*Summary.* The interview results were evident that correctional educators have a general knowledge of the importance of giving parents/student their “Procedural Safeguards.” The participants’ responses were vague and they were not able to articulate the full range of the use of procedural safeguards. Their answers seemed programmed and not of substance. The climate of the prison environment warrants influence from all levels of the ecological system, but the strongest influence generated included mesosystem, the education environment.

There was evidence of a degree of collaboration at the various levels of the correctional system to ensure the parent and/or the student is not denied their procedural safeguards. However, the strength of that collaboration appeared weakened by the limited practical knowledge of the educational staff for the variety of ways procedural safeguards influence the special education process.

### *Child Find*

A thorough literature review held that Child Find was created by federal statutes and mandates so that all children in need of special education and related services are located, identified and evaluated (34 C.F.R. § 300.125), including those who attend religious affiliated nonpublic school ( 34 C. F. R. § 451 (a)), regardless of the severity of the disabilities.

The research examined to what extent the mesosystem, exosystem and the macrosystem influence is present during the Child Find process in one of the North Carolina’s

correctional youth institutions. The Child Find system is a process whereby the school system must complete to adhere to the federal mandate. To locate, identify, and evaluate an inmate with a disability the correctional system staff employs a pre-referral, referral, evaluation, and eligibility determination procedure. Preliminary informational inquisition included questioning about the participants' knowledge of special education. The researcher asked the participants to describe special education. The responses were similar in many aspects and were given that: (a) individualized educational programs and services for students with disabilities; (b) special education is designed to help students maximize their potential and return to the regular education classroom; (c) special education is specialized instruction given to students to address their educational needs through different teaching methodologies; and (d) services received by students who are classified under the law.

The following research questions and document reviews were utilized to gather data to describe how correctional education and custody staff work together to complete the Child Find process. The following text tells this story.

*Mesosystem.* An analysis of the data recognized that five of the thirty-three interview questions solicited information about Child Find in the correctional system. The researcher began the interview in the following manner: "Describe the Child Find process as it occurs at this facility, one participant stated: "The diagnostic center has the first responsibility of screening inmates who enter the prison to determine their education needs." Another participant shared that the inmate is given a battery of tests to determine his performance level when he enters through the processing center [diagnostic centers]." There was a common agreement among eight of the participants that Child Find is ongoing, but primarily the diagnostic center initiates the procedure. Once the diagnostic center makes a pre-referral to

SAT, the SAT Team follow up with gathering data to determine if the inmate should be referred to the IEP Team.

One special educator stated, “Sometimes the Child Find process gets interrupted if an inmate is sent to segregation upon entering prison.” Several of the participants reported that it is difficult to observe inmates because they may be placed in segregation along the process. The participants explained in details the role of the diagnostic center:

The diagnostic center administers a battery of tests to the inmate, for example, WRAT, BETA, and interview, to determine the inmate’s academic and functional level. The diagnostic center has a set of criteria developed by the educational staff that gleans information from an inmate. Inmates with a previous history receive an automatic referral for additional screening; other inmates must meet at least three of the thirteen criteria before referral to the SAT team for further screening and data gathering. The participants’ comments have a similar theme including the challenges for school staff when they receive a referral of an inmate from diagnostic that has had previous special education history. Challenges include several reasons: student may not have been arrested in his home county; the student was a drop for a number of years; and school officials are reluctant to release students’ records.

One participant made the comment, “Because the diagnostic staff are not formally trained educators, they may miss many of the inmates who should be referred, [However], (if the diagnostic center misses identifying an inmate), referrals can be made by other staff that interacts with the inmate.” A special education teacher added, “Most of the students who enter prison have special education history.” The diagnostic staff completes the required screens in OPUS and flags the inmate record to alert the staff in transportation that students’ considered for special education must be housed at one of the youth facilities. This educational flag

prevents automatic movement of a youth offender to a non-youth facility; a required request to the Director to move an inmate with a disability for exceptional student programs. The administrative staff stated that this has happened (an ESP student was transferred out), but the student had to be brought back once it was discovered by the principal.

The next question asked by the research concerning Child Find was, “Who is involved in the referral process?” The participants spouted the same answer: The SAT Team refers the inmate to the IEP Team; members of the SAT Team are all regular educators, but the IEP Team committee comprises of regular educator, special educator, an administrator, the parent/student, and other members as warranted. The participants added that it is the responsibility of the SAT Team to make recommendations for interventions for a period to ensure the student is getting proper instructions. Upon the SAT team analysis of the student’s performance, they refer the inmate to the IEP team for further evaluation.

The description of the process by each participant concluded that before inmate testing the IEP team chairperson must gain permission to test from the parent/surrogate or student. In their description of the process, they all stated that the IEP Team has ninety days from the date of the referral to make an eligibility determination. Echoed more than once was the comment that how challenging this can be because of the variables that can in an inmate’s life in prison such as: being sent to segregation, lock down of the prison at any given time, the inmate may have to go back to court, etc. Furthermore, the participants shared that the evaluation process consist of a psychological test, achievement test, screening for speech language needs, sometimes a behavior assessment must be done, an adaptive behavior, interest inventories, and/or health related issues are involved.

The participants continued to share that some of the older inmates do not agree to be tested, and therefore they do not continue in the process. Of the inmates that do not agree to be tested are the inmates that have reached the age of majority (18 years old). However, a special education teacher shared, “Most of these guys do eventually give consent, and most of them qualify and receive services.” Another special education teacher gave the comment, “We give them their handbook of rights that explains in detail the process and what rights they have under the IDEA.”

The researcher probed the participants to determine how they make decision about the student’s eligibility for special education and related services. Relativity, the answer was the IEP Team reviewed the testing information and determined whether the student fit one of the categories listed. The participants were quick to say that they do not place them until they get ‘permission to place’ after the IEP is developed.

*Exosystem.* Through coding and analysis of data, the researcher was able to deduct that the exosystem influence on the Child Find process is apparent at the diagnostic center, the point of an inmate’s entrance into the correctional system. The processing center (diagnostic center) staff begins the Child Find process. The diagnostic staff completes a thorough screening of all inmates who enter the correctional system, and weigh the inmates performance against a set of thirteen criteria and/or automatic criteria of previous history and the process begins. Likewise, research revealed that the diagnostic staff places an educational flag on each inmate referred to prevent the inmate housing at a non-youth facility. The researcher probed to clarify the term, “educational flag” and learned that this flag includes all youth who enter the prison identified as an inmate with a disability. The staff at the facility

level cannot remove the educational flag. The Directory of Special Education possesses the only authority to remove the educational flag.

An education administrator pointed out, “Custody has to be present at all times with an inmate in any given situation for security reasons.” Thereby, “We have to summon an inmate through custody for testing, for meetings, and even for class.” This person continued to share, “We have to notify custody when we invite parents/surrogates to attend the different meetings during the IEP process.” “Sometimes there is a delay in getting a student because of other security needs that may be occurring in the prison.” A couple of the administrators also told the researcher that sometimes testing is held up because the area that we use for testing may be needed by the custody staff for different activities such as an investigative hearing or some other security reason.

Teachers and administrators agreed that for the most part Custody tries to work collaboratively with the school. However, they said, there is always one person who seems to have a negative attitude and wants to deny the right of inmates to receive educational benefits. In addition, they probably comply because of the NCDOCDOP policies that govern the right of an inmate to receive educational opportunities while incarcerated. The administrators cited a couple of incidents where the guard on duty did not want to bring an inmate down for testing. The teachers and administrators reported that because of those incidences, a guard is required to sign a log and state the reason he/she fails to present an inmate for testing.

*Macrosystem.* A document review of NCDOCDOP policies revealed authorization of the Child Find process at the macrosystem level. Section 1403, “Identification of Inmates with Educational Deficiencies” (2001), of the Mandatory Education Policy and Procedures

Manual requires that “the diagnostic centers shall be responsible for identifying inmates with educational deficiencies as specified in .1402 of this policy” (NCDOCDOP, Section .1403, 2001, p. 1). Whereas the policy describes the process of identification as follows:

Each inmate is evaluated when they [sic] enter prison. From that Evaluation, decisions are made concerning programs that will be of benefit to them. Those inmates who do not have a high school education or a job skill are expected to participate in educational programs. Those inmates who have had problems related to alcohol and drug are expected to participate in substance abuse programs. Those inmates who have trouble controlling their anger or cooperating with others can participate in counseling programs. Other programs and activities are available that provide learning opportunities, health benefits, and self-enrichment. (DOC., 2002, DC 239, section 15)

The manual also notes, “Participation in full time programs can result in sentence reduction credits. Successful program completion demonstrates positive behavior and can make an inmate eligible for new programs and added privileges” (DOC, 2002, DC 239, section 15).

*Summary.* All levels of the ecological system influence the Child Find process. The practice of Child Find is most evident at the mesosystem level; education staff has to be qualified and mandated by law to conduct Child Find for students suspected of having a disability. However, the exosystem, through directives from the macrosystem, initiates the process at the time an inmate enters prison. The macrosystem has a unique set of rules governing the application of Child Find.

### Question III: Development of the Individualized Education Program (IEP)

The literature review defined the IEP as a written statement for each student with a disability that describes the student’s education and functional performance through the development of annual goals, short term objectives, the specific educational services to be provided, the extent to which the student can participate in the general education program, the date of the initiation and duration of services, and the evaluation criteria to determine if those



goals and objectives are being met (20 U.S.C. § 1414 (d)). The study investigated to what extent the IEP is developed by correctional educators to meet the demands of the IDEA and describes the process in the following text.

### *Mesosystem*

The researcher asked the participants to define IEP. The participants for the most part gave very similar answers to the question that included statements that it is an individualized education program that specifies the student's academic goals and objectives; it addresses the students' needs; and it lists accommodations that should be implemented in the classroom. The next questions asked included, "Who develops the IEP?" and "How are team members notified?" The ten participants stated that they have a person who coordinates the IEP process, and that person ensures that the IEP develops according to "Procedures." The answers revealed that the IEP team comprised of at least a regular educator, special educator, Local Education Representatives, (LEA), the parent/surrogate, and the child develops the IEP. They reported that all members of the IEP team receive an Invitation to the IEP meeting at least five days in advance, if the inmate is over 18 years of age and ten days in advance if the inmate is under 18 years of age. One respondent stated, "The Exceptional Student Coordinator develops a draft IEP and brings it to the meeting and the committee modifies if it is necessary to do so."

The next question purpose included determining what happens during the IEP process. The research revealed that there are different actions taken at an IEP meeting depending on the type of meeting it is. For example, one participant stated, "If it's an initial meeting then all of the evaluation data is reviewed and a discussion is centered on the strengths and needs of the students. However, if it is an annual review, the committee concerns itself with review of goals and objectives and determines what level of accomplishment was made and develops a new

IEP”. For the most part the participants’ responses were that the committee examines all data and writes an IEP based on that data. The participants added that the IEP is written with consideration for services such as related services needs, transition needs, assistive technology needs, and type of testing options that should be implemented in the classroom.

Analysis of the data indicated that the least restrictive environment is determined at the time by the IEP team. The least restrictive environment, considered as the determination if the student services provides regular classroom, resource room, or in a separate setting, etc... The researcher asked the participants, “What consideration is given to whether a student with a disability can be educated in the regular education environment with supplementary aids and services before a more restrictive environment is considered?” Two of the participants stated, “I am not sure.” The additional eight responded in the following manner:

- This is determined by the IEP team; LRE is determined in the IEP meeting by using test results and other data that has been gathered.
- The IEP team reviews the deficits; and considers possible modification that should be used in regular classroom; much discussion is engaged into before this decision is finalized
- The student disability determines whether he can be served in a particular LRE environment.

The second question relating to LRE that the researcher asked the participants was, “What factors are considered when deciding what placement is appropriate for a student with a disability, and what factors may not be considered?” The coding and analysis of data listed the following: The factors that used to decide placement for a student with a disability are multiple such as modifications needs of the student; accommodations needs and the student’s behavior.

The participants acknowledged that regular education should be the first consideration; the team should keep in mind the need to have disabled student educated as much as possible with their peers. The final comment made along this line dealt with segregation; the participants repeatedly indicated that the teachers do not have decision-making power for this process.

The participants articulated that the IEP has to meet the demands of the IDEA and must have the following components: present level of performance (PLP), annual goals, and short-term objectives, duration, comments of access to progress, and the related services need. Additionally, the participants expressed that most of their students need a transition component due to age or to meet the requirements of the Department of Correction. As a follow up to this answer, the researcher asked the participants when the IEP must contain a component concerning transition. All of the answers were thus, beginning at age 14 a written statement to address the student transition, but a full transition plan is developed before students reach the age of 16. The researcher observed that many of the individual questions did not have to be asked because the participants gave robust account of the development of the IEP when they were asked about the IEP process.

The researcher asked the participants to define assistive technology and to identify the times it had been utilized by an inmate with disability in prison. Two participants admitted that they did not have any knowledge of what the researcher was asking. Six participants were able to give a definition and some examples in like manner: assistive technology is equipment and material that assists the student in the classroom to access the information, but could not articulate the decision-making process to provide for assistive technology. Examples of assistive technology included overlay that enlarges the printed material, head pointers, enlarged print books, computers that speak, Braille, and sensory canes. An administrator and one special

education teacher shared that there was one student in this facility considered legally blind and needed enlarged printed reading materials.

Curious about the life span of the IEP and the evaluative information the researcher asked, how often is a student's IEP revisited and how often is he reevaluated?" All but one of the participants knew about the annual IEP review and reevaluation on a three-year cycle. One participant said, "The IEP is revisited every three years."

The participants shared eagerly that major challenges for the participants included the placement of a student with a previous history of special education due to the difficulty tracking the students' school history. One participant said, "Many times they would treat the inmate as an initial placement, but later learned from an audit that a student can only be considered an initial placement once unless that student exits the program through formal testing." This participant continued to share, "It is very difficult to ensure proper paperwork in such a student's folder; and it is even harder to replace documents that should have been there before the student arrived at our facility."

The discussion of the development of the IEP process revealed that permission to place is required before IEP implementation. The parent/surrogate or student obtains the permission to place and receive the Handbook of Rights that explains their procedural safeguards. One administrator and one special educator reported that the surrogate in many cases is the person who gives consent because parents of inmates under the age of 18 years of age are difficult to locate, and if we locate them they [parents] have difficulty coming to the meeting for various reasons one of which is distance in many cases. This statement supports the premise made at the beginning of this section that Procedural Safeguards are afforded throughout the IEP process at different times for various meetings.

The last question in this area was, “Where is special education services provided for students with disabilities?” Answers from the participants included:

- Services are provided according to the least restrictive environment; in the regular classroom, resource classroom, hospital, or homebound.
- The IEP dictates where services are provided; and the full school environment is used to provide education to inmates with disabilities.
- If a student is on segregation, services maybe provided there in some cases.

### *Exosystem*

The interviews on the development of the IEP did not highlight much influence from the exosystem level. Preliminary presumptions included that the approval process utilized for visitations influenced the IEP. Although, based on prior information documented if an inmate needs assistive technology, custody’s approval will be required before the materials can enter the prison community. The data revealed a minor influence of custody in making the inmate available for meeting and for monitoring the area during meetings. The administrators shared that on one occasion a mother requested the presence of the facility’s Superintendent, Superintendent for Programs and the interrogating officer to be a part of her sons’ IEP meeting. Therefore, it appears that the influence of custody is fluid and dictated by the circumstances surrounding the IEP meeting.

### *Macrosystem*

The macrosystem influence in the development of the IEP is purely administrative and from an oversight position. The macrosystem recruits, hires, and provide continuous staff development for all educational staff to ensure that DOC/DOP educational staff complies with the guidelines defined by state and predicated upon federal mandate to run a public school

program. Other policy and procedures identified earlier in the study reflected the influence of the macrosystem in the areas of Mandatory Education, access and use of technology, and visitation privileges afforded to inmates families. The macrosystem has established procedures that govern the school calendar, school day and break and lunch times. The macrosystem adheres to the public school organizational chart and sustains three support personnel to ensure the development of the IEP is compliant with federal statute.

### *Summary*

The data demonstrated that the operation and implementation of the development of the IEP influences the ecological system to some degree. Strongly embedded program standards include policies and practices of the DOC/DOP from development, implementation, and regulation perspectives. Performance of the educational staff includes the realization and/or limitations of the educators respect for the authority of the prison correctional staff and the need to be safe within the correctional system.

The development of the IEP establishes methods to frame the educational program within the correctional system for inmates with disabilities. The interview revealed some major challenges encountered as correctional educators strive to develop an appropriate IEP.

### Question IV: Implementation of the IEP

IDEA's regulations require school personnel to implement an IEP as soon as possible following the meeting held to develop it (34 C.F.R. § 300.342 (b)(1)(ii)). The regulations of North Carolina Department of Public Instruction state that an IEP should be implemented no more than thirty days after its development.

The degree to which implementation of the IEP is carried out is determined through instruction delivery techniques; the ability of the teachers to engage the students in the learning

process; the amount of students' time on task; the teacher's classroom management techniques (discipline); the length of the school day; the student-teacher ratio; and the qualification of staff. The purpose of observing in the classroom was to survey for teaching methods, students' learning styles, students' engagement, time on task, and classroom management. Additionally, the researcher observed to what degree the materials on walls supported instruction and classroom management techniques.

The researcher investigated the implementation of the IEP, through the observation of six teachers in their classroom over a period of five days for a class period (fifty five-ninety minutes). Subsequently, a review of relevant documents was conducted to address the implementation of the IEP.

The researcher uncovered some basic background information that is relevant to giving a clear understanding of the text to follow. A thorough research of educational documents holds that the inmates in the correctional system are eligible for a General Education Development (GED) certification upon successful completion of their studies. On an individual basis, classroom instructions provide methods for the student to matriculate through the course at their own pace. The GED is awarded to the student passing the required course of studies' test in math, language arts, social studies, science, and writing. An investigation of the rationale why the GED is awarded to inmates versus a high school diploma revealed that the standard course of study, required by the State Department of Public Instruction, requires the use of lavatories, chemicals, instruments, and/or other materials that would breach security of the correctional institution.

### *Mesosystem*

The researcher catalogued data from the interview of six teachers – two regular educators, two resource teachers, one separate, and one teacher for segregation (homebound). The observation divulged that the teachers used a variety of teaching techniques such as one on one instruction, small group instruction, lecturing instructions, self-study instruction, and guided practices. All of the classrooms, except one, were set up in auditorium style seating; one classroom used tables for the students to work. The instructors seemed prepared for the lesson and seemed knowledgeable of the content they were teaching. Students appeared to be engaged and on task through the duration of the class period. The teachers used various teaching methods to deliver instruction.

Observations included a tutorial style lesson, self-paced lesson, lecturing, lecturing with the use of audiovisual aid, and one-on-one instruction. Two teachers utilized the whiteboard to stress key points in the lesson; one outlined key writing tips for persuasive writing, and another did sample math problems. The instructions in these classes resemble a whole class instruction technique. The teachers presented the lesson in accordance to the six point lesson plan and students were given ample time to practice the skills. The teachers encouraged the students to participate in the lesson using probing techniques and direct questioning of students. The students seemed engaged and appeared eager to answer questions.

In one of the teacher's classroom, the students were taking an assimilated GED test. There was very little student-teacher interaction in that particular classroom. The students seemed engaged and appeared to be following the teacher's instruction. In this particular classroom, the student invoked a lively discussion about slavery because of one of the questions on his GED test. For approximately ten minutes, the teacher explained to the



students' how the slaves were brought over to the United States in very inhuman conditions. He added, "Many of them [slaves] died before they arrived and they were tossed overboard." The teacher redirected the students by saying, "Okay, guys, let get back to your test". He gave them a treat and commented on how proud he was of their hard work.

Another teacher was using a one-on-one style teaching technique because the students were all working on individualized lessons: one was doing math, two were working on history activities, and some were working on language arts/writing activities. The teacher in this class had a unique way of monitoring the students' progress; he wheeled around from desk to desk in his chair. He responded to the different questions rapidly and with a great deal of enthusiasm and encouragement. The teacher continued to roll back and forward between the students for approximately 45-minutes. He closed his class with a spelling test; the spelling list was very elementary with words such as bad, sad, mad, and land, sand, and he used the word in a complete sentence. There were six students in this particular classroom.

The researcher observed classes that were highly structured and a great deal of student teacher interaction. The students were on task approximately ninety-nine percent of the time. In three of the classrooms, one student had to be redirected at least twice during the class. All of the classrooms, except one, had a wall donned with a host of self-esteem quotes and sayings about second chances, learning from your mistakes, respect, and taking responsibility. Some of these phrases read thusly: "Self Improvement Starts with Self Control," "The mind is what the brain does," and "Keep your hands and your feet to yourself."

One teacher said that she did not believe in posting quotes and sayings on the wall on redirections of students' behavior; she preferred to make the class more positive and attractive

with a variety of artwork and poetry. This particular classroom had beautiful green plants and flowers throughout the room. The following quote caught the attention of the researcher:

I've come to the frightening conclusion that I am the decisive element in the classroom. It is my personal approach that creates the climate. It's my daily mood that makes the weather. As a teacher, I possess a tremendous power to make a child's life miserable or joyous. I can be a tool of torture or an instrument of inspiration. I can humiliate, or humor, hurt, or heal. In all situations, it is my response that decides whether a crisis will be escalated or deescalated and a child humanized or dehumanized. (Ginnot, *Teacher and Child*, 1971, p. 13)

The language arts classes offered robust information on the walls that was aligned with the lesson objectives; sample writing techniques; sample grammar and punctuation charts; reminders of how to outline the writing sample, and sample paragraphs. The math classes displayed mathematical equations and expressions on the wall, and had calculators to assist students with math calculation. One teacher's wall was covered with beautifully hand drawn maps of the United States and a world history timeline. The researcher inquired about the authors of the different map drawings and the teacher shared that his students drew a lot of them; and he drew the world history timeline.

The teacher who was teaching science had a variety of science pictures on the wall. The students in this classroom were working on their Adult Basic Education certification. The pictures on the wall could easily make one think they were in an elementary classroom of children between the ages of 6-8 years of age. The teacher used phonetics and breaking words into syllables as the students were prompted to read orally from a seemingly premier book. The teacher relayed information that the students in this class were both parents, one was eighteen and the other was seventeen.

The researcher observed teachers and students engaged in learning activities typical of any given classroom for the most part. The classes looked like typical classes, the teacher

taught like typical teachers, and the students participated like typical students. Yet, one could not forget for long that the environment was a prison environment; the brown jump suits, all uniformed, and white tennis shoes said, “I am an offender.” The constant presence of prison guards throughout the school environment shouted out loudly, “These students are not typical school students.” Posted on the doors of the classrooms were bathroom instructions and instructions for water- break—one bathroom and water break per half day. One classroom had a person spraying for insects during the class period. A prison guard looking for a student, reported as cutting class, interrupted another classroom. It seemed that during the observation, about every ten minutes or less, the intercom system was coming on with different codes and announcements. However, the researcher noticed that the teachers and students seem not to be distracted.

The observations documented that teachers were teaching the content; they were teaching using a variety of teaching methods, the students were participating, and learning appeared to be taking place. The observer noted the teachers were accommodating the students’ learning with the use of calculators, using audiovisual materials, and small group instruction. In each class that the researcher visited, shared a common sentiment by the participants, “We love working in the correctional education environment.” In addition, the participants conveyed that we do not have to deal with discipline problems, for the most part, our students want to be in school. One teacher stated strongly, “I feel safer in the prison as a teacher than I did when I was a public school teacher.”

There was no observation of any major discipline problems in any of the classrooms. Questions to the participants included administration of discipline of students in the prison environment. Specific questions for the participants included describing how the facility

handles suspensions of inmates. The participant gave choral-like responses to this question: we do not suspend students; custody handles the discipline of inmates. Custody sends students to segregation, but many times, it has nothing to do with their behavior in school. “The awarding of segregation is handled by the ‘law’ [custody], and we do not have anything to do with it,” was an answer given by a regular education teacher. Other participants responded, “In many cases, we [teachers] do not know that they have been sent to segregation until it has happened, was a similar response given by the participants.” The next question along that line was “What happens to a student with a disability who is sent to segregation?” The answers given by the education staff were echoed again and again, when we find out, it is through a notice by the ESP Coordinator of a scheduled IEP meeting. “Besides,” they stated, “that because the inmate is sent to segregation because of an infraction outside of the classroom, we consider that a change in placement rather than a suspension.”

This IEP meeting is held for deciding whether the inmate can continue to receive his education and to modify the current IEP. If he is serving his time on Intense Security Control (ICON), High Security Control (HCON) or Maximum Security Control (MCON), most likely his IEP services will be suspended because of penological and safety reasons. If this is the case, that particular inmate’s IEP is revisited once a month to decide his educational status. The participants shared that this is the one time a custody person is a member of the IEP team, when inmates have been sent to ICON, HCON, or MCON. If the inmate is on regular segregation, a teacher continues to provide services to that inmate while he is on segregation. The participants stated that a change of placement is noted on the IEP to Homebound. Most of the inmates who receive services on segregation get two hours of services a week. The staff

also told the researcher that a custody person must be present when the teacher goes to segregation to provide services to the inmates.

One research question inquired about the reasons that an inmate may miss class and questioning the participants on how they compensate those inmates when they do. The answers were these: inmates can miss class because they are in segregation, they are out to court, they maybe in the hospital, for medical reasons, or we may have a lock down (no one can move about the prison when there is a lock down), or some times the inmate may choose not to come to class for various reasons.

The answers to the second half of the question about how does the educational staff compensate for that included, “Most of the time we cannot compensate the students because of our tight schedule (8:00 A.M.-4:00 P.M.) and we run school for twelve months,” reported the administrator. While the teachers stated, “There isn’t any time for compensation for missed school work because students cannot have pens and pencils in their dorm areas.” An administrator added, “Our speech students are the only ones who can be given compensatory time because they are paid on an hourly basis and can come into the prison on Saturday and stay late in the afternoon.”

Other factors that affect classroom instruction are the qualifications of the staff and the student-teacher ratio. A documents review exhibited that this particular facility has exceptional ranking in both of these areas. The teachers are “Highly Qualified” in the areas that they teach. The educational director and the assistant education director both hold doctorate degrees. The total teaching staff at the correctional youth facility is sixteen; of those sixteen, seven have masters with an average of seventeen years between them. The average years of teaching for

teachers with bachelor degrees are 18 years. The school psychologist has seven years of experience and the counselor has sixteen years of experience with a master's degree.

The student-teacher ratio for regular education classes is one to fifteen; special education ratio is one to-six, according to the document review. We have ideal class sizes here, stated the teachers. The administration report that, "These are better class sizes than any where he has experienced even when he worked in a private school setting."

One point of interest that evolved out of the discussion around the length of the school was the fact that the school runs a morning school and an afternoon school. Students attend classes for the core academic subjects and work the other half of the day, and/or attend one of the other programs offered such as Drug and Alcohol Treatment (DART). The school offers classes in Science, Social Studies, Math, and Language Arts. There are no non-academic classes offered according to the participants because of the large number of inmates we have here who must be enrolled in school, as noted in the document review. Morning classes begin at 8:00 A.M. and end at 11:20 A.M.; lunch begins at 11:30 A.M. and ends at 1:00 P.M.; and the afternoon classes begin at 1:00 P.M. and end at 4:00 P.M., according to the class schedule.

Students and staff observe the same lunchtime as mandated by the prison policies. Each of the rooms that the researcher entered for observation included a note: "Bathroom breaks are allowed twice a day; one fifteen minute break in the morning and one fifteen minute break in the afternoon." The class periods were ninety minutes long except for the separate class that was forty-five minutes long.

A final point of interest shared by the administrator was "Generally on Friday we [the school staff] offer incentive parties for those students who have done well on their academic work and have not missed any classes . . . Our students really look forward to them."

Additionally, the school has two graduation exercises a year to reward students for their accomplishments.”

“Their families and friends are invited to share in this time as well as other central office staff, and correctional staff,” stated one of the participants. The students are allowed to wear caps, gowns and are recognized in different areas of honor.” The graduation exercise has a speaker and a reception hosted at the close of the ceremony, according to a previous program outline. There were a couple of statements made by one of the education directors that were profound, “We strive hard here to make school an enjoyable and positive learning environment. We try to compensate for the many school failures that the inmates may have had before he was incarcerated.”

### *Exosystem*

The research uncovered the exosystem influence on the implementation of the IEP on two major areas: (a) school schedule and monitoring/patrolling of the school environment; and (b) discipline; involvement in the IEP meetings held after an inmate has been sent to segregation.

The schedule of the school day provides flexibility for the needs of the correctional system; all classes begin and end at the very same time because students due to supervision requirements of the students to and from classes. The staff reported that breaks are predetermined by the custody staff because there is a need to control the number of inmates in the hall at all times. The school calendar is a year round calendar because inmates are in prison on a year round basis. Correctional staff controls the elevators, they monitor the hallway, they control the doors, and they are present everywhere the researcher looked.

The discipline of inmates is totally controlled by the exosystem. The staff said repeatedly that custody handled the discipline of inmates. They quoted that the one time that correctional staff are a part of the IEP meeting is when the IEP meeting has been called to discuss a change in placement after an inmate who has been sent to one of the different levels of segregation. However, the participants shared that there are very few times that an inmate is “written up” for misbehaving in class. A correctional officer must be present at all times when inmates are out of their dorms. The educational staff shared that correctional officers must be present when an inmate is served on segregation.

The fact that correctional educators said they feel safer in the prison teaching students than they do in public schools seem to stress the influence that correctional staff has on the implementation of the IEP. Because the teachers feel safe they can perform their job more effectively was a deduction that evolved from the disaggregating of the data. Another deduction that came from the coding of the data was that none of the participants interviewed shared any information about feeling unsafe in the prison environment, nor that they had experienced any injury or harm from any of the inmates they work with.

### *Macrosystem*

The coding of the data demonstrated that the macrosystem’s influence on the implementation of the IEP is primarily from a policy and oversight level. DOC/DOP develops and implements policies and procedures governing the hiring and recruitment of teachers charged with implementing the IEP. The Department employs support staff to assist teachers in the area of policy interpretation, compliance, and transition services; these personnel provide leadership and guidance on best practices in curriculum delivery and practical application of the law in all areas of the special education process.



The *Disciplinary Punishment of Inmates* (DOC, 2002) handbook outlines the policies and procedures that govern inmate's discipline. The Inmates Policy and Procedures Handbook list four levels of Disciplinary Offenses: Class A, Class B, Class C, and Class D. The disciplinary offense determines the level of punishment. Inmates charged with a disciplinary punishment are entitled to due process, and they can request a hearing before a Disciplinary Hearing Officer (DHO). In addition, an inmate whose offense results in guilty disposition must pay an administrative fee of \$10.

The research holds that the macrosystem's influence is the thread that binds the actions of correctional educators and custody to carry out the demand of the IDEA and the mandates of the correctional policies to ensure that the affording of educational privileges to inmates with disabilities is done in a safe and secure environment. It appears that the two systems are not fully wedded but are courting each other strongly to ensure that the inmates with disabilities have rights to a free appropriate public education is realized to the greatest extent possible.

### *Summary*

The research holds that correctional educators ensure that inmates with disabilities receive a free appropriate public education through their efforts to identify, locate, evaluate, and determine the inmate's eligibility for services according to the mandates of the IDEA. Furthermore, the data demonstrates that the IEP is developed and implemented by the correctional educators to the best of their abilities considering the teachers' environment. The research lends itself draw simple conclusions that the influence of the ecological system is present at all levels of the special education process. It appears safe to conclude that the presence of custody adds to the delivery of special education to inmates with disabilities because it affords teachers a safe environment to work.

The final analysis that evolved from this study on how correctional educators ensure free appropriate public education to inmates with disabilities is that if it were not for the cooperation of the exosystem and the macrosystem, the mesosystem would fail miserably in their charge to provide a free appropriate public education to inmates in the correction system.

This chapter has presented a thorough analysis of the data: interviews, classroom observations and document reviews to tell a vivid story of how correctional education in one of North Carolina correctional youth facility strives to meet the demands of IDEA to afford inmates with disabilities a free appropriate public education (FAPE). It reported the findings of the study to answer the two research questions: (a) Do correctional educators have adequate resources to implement the IDEA?; and (b) How do correctional educators ensure the inmates with disabilities are provided a free appropriate public education (FAPE)? The results describe the findings and the influences of the ecological system on the education programming offering in the correctional facility for inmates with disabilities. The voices of correctional educators reflected their story, and the results of the documents reviewed amplified the stories they told to report the findings in Chapter 5. The findings are reported in a narrative text.

## **CHAPTER 5**

### **SUMMARY OF FINDINGS AND RECOMMENDATIONS**

#### **Introduction**

This study was prompted by the researcher's interest in telling the story of how correctional education staff in one of North Carolina's correctional youth facilities implemented the provisions of a free appropriate public education (FAPE) by investigating the adequacy of resources available to correctional education staff and by examining both the teachers' knowledge of the Individuals with Disabilities Education Act (IDEA), which governs FAPE and the teachers' instructional strategies in the classroom to ensure that FAPE is afforded to inmates with disabilities. According to the literature, federal regulations state that inmates do not forfeit their right to FAPE because of incarceration. Federal statutes governing FAPE to inmates with disabilities, however, do allow custody rules and regulations to override the mandates of IDEA if providing FAPE to inmates would conflict with penological requirements or jeopardize safety.

The research questions that guided this study were: (a) Do correctional educators have adequate resources to implement the Individuals with Disabilities Education Act (IDEA)?; and (b) How do correctional education staff ensure the provision of a free, appropriate public education (FAPE)? To answer the research questions an investigation of one N. C. correctional facility was studied in collecting the data that informed this investigation. The facility, located in western North Carolina, is the only facility that houses male inmates between the ages of

thirteen and eighteen. Interviews, class observations, and documents were the sources of the data collected for the study, designed to answer the two research questions concerning the adequacy of resources and how the correctional education staff ensures the implementation of FAPE.

The structure of this dissertation included the following: Chapter 1 provided the background of the problem, a statement of the problem, the significance of the study, the limitations of the research, the conceptual framework of the research, the research questions, and the definitions of concepts. Chapter II discussed a review literature; Chapter III detailed the research methodology.

In this concluding chapter, the following aspects are considered:

- Summary of the study's findings for Question I
- Relationship of the findings to the literature for Question I
- Summary of study's findings for Question II
- Research Methodology and Instrument
- Relationship of the findings to the literature for Question II
- Recommendations for practices, and
- Recommendations for further research

#### Findings Regarding the First Research Question—Adequate Resources

Do correctional educators in one of the North Carolina's youth correctional institutions have adequate resources to implement the Individuals with Disabilities Education Act (IDEA)?

The research findings supported the fact that correctional educators in one of North Carolina's youth correctional facilities do have adequate resources to implement the IDEA. The results seem to contrast directly with what the literature review held about adequate

resources available to implement IDEA nationally. The following resources were identified as results of the study:

- Teachers have adequate supplies, materials, and technology to implement IDEA
- The use of technology is available for instruction only
- The budget supports the facility's educational programming
- Overall support for education of inmates is present at all levels of the correctional system
- Teachers are highly qualified
- An appropriate number of staff is available to carry out the mandates of IDEA at the school level and at the Central Office level

However, some of the challenges identified were: shortage of related service providers, access to supplies, materials, and technology. The research through deductive investigation disclosed that inmates do not have access to the internet because of security reasons.

Additionally, the inmates cannot take school supplies to their dormitory because of safety and penological reasons. The study revealed that the curriculum program of study targets the inmates achieving a GED certificate because the prison does not allow the use of supplementary aids that are necessary to teach the standard course of studies for a high school diploma.

The study's results disclosed a shortage of staff in the area of speech language services for implementation of IDEA. Research demonstrated that the correctional facility faces a shortage of service providers in the area of speech language therapists.

For safety reasons, teachers also have limited access to the internet. The guiding principle, relates to the possibility of a security breach by providing access to the Internet for teachers; inmates could gain access by unscrupulous means.

The forces of the IDEA have limited power in the realm of how resources maybe utilized within the confines of the classroom and beyond the classroom walls. However, within the confines of the classrooms, the study identified an abundance of supplies, materials, and a wealth of technology to support the implementation of the IDEA. Moreover, the facility has adequate personnel who are highly qualified to provide instructions to the inmates with disabilities in the major content areas. The study reported that teachers receive vast opportunities for staff development.

#### *Relationship of the Findings to the Literature*

A review of the literature identified different findings for public school personnel regarding the implementation of IDEA. Since the passage of Public Law 94-142 in 1975, public school administrators have echoed resoundingly that there is not enough finance to implement the mandates of IDEA. Congress has yet to meet the full funding (40% was guaranteed) obligations that they promised when they authorized the law that mandated that students with disabilities shall receive a free, appropriate public education (FAPE) regardless of their disability. Research (Katims, 2006) holds that local school districts are spending enormous amounts of their budgets on special education. Congressman Charles Bass (R-N.H) to his colleagues “If we don’t increase funding, special education funding will go down. According to the National Education Association the average spending for a regular education student is \$7,552.00 per year, and \$16,921.00 per year for a student with a disability” (Katims, 2006).

In recent years, the public school system has experienced severe shortage of teachers and especially teachers who teach special education. However, those who left teaching may not be that likely to return. In many cases, they view their current salaries, working conditions, and opportunities for advancement much more favorably than do those who stayed in teaching. As for the teachers currently being prepared to teach, in a series of reports written for the NCTAF Stanford University professor Linda Darling-Hammond found the following:

- After they graduate, only about 60 percent of students trained as teachers actually enter the profession.
- Thirty percent of the traditionally trained teachers, 10-15 percent of teachers prepared in five-year teacher preparation programs, and 60 percent of those prepared in truncated alternative programs leave the profession by their third year.
- Of those who enter the profession, most teachers in public schools are non-Hispanic Caucasian females; the proportion of minority teachers is far less than the proportion of minority students.
- More than 25 percent of those hired each year are not fully prepared and licensed for their jobs, and those teachers are assigned primarily to the most educationally vulnerable children.
- Even if new teachers have certification, they are frequently not certified in areas of greatest need, such as math, science, and special education. (Chaika, 2006)

Additionally, there is a high demand for related services personnel but a shortage of supply of related services providers. Statistics indicate that the majority of spending of the

public school funds generated for students with disabilities for personnel fell short in the area of staff development.

Research (Parrish, 2001) showed that, on an average, the total expenditures for students receiving special education and related services were 2.3 times as the expenditures on regular education students. In 1978, the federal allocation was set at 5% of the national average expenditure (APPE) and was authorized to rise to a high of 40% of the national APPE by 1982. A national study carried out by McLesky, Tyler, and Flippin (2004) recently documented the longstanding and severe shortage of special educators, a shortage so severe that 98% of school districts in the nation report an insufficient number of special educators (Ochoa & Eckes, 2005).

Besides, the demands of the IDEA, public schools are wrestling with the demands of a nationwide accountability system; not funding this system of accountability has strong implications for special education teachers and students, alike.

Senator Edward Kennedy (2004) described these goals best when he addressed Congress in support of the reauthorization of the No Child Left Behind legislation in 2007. He stated:

In order to move forward and meet the commitments that every child-Black or White, Latino, Asian, or Native American, English speaker or English language learner, disabled or non-disabled would be a part of an accountability system that holds schools responsible for the progress of all students, and to improve instruction; we must continue to infuse federal resources because the cost of reform is obviously too great for the state and local government to bear. . . . Our first step should be to fully fund the act (NCBL, 2002); we need to invest in our schools. . . . Teachers deserve all the resources they need to help students achieve at a high level. . . . We should create incentives to increase the concentration of higher-quality educators in low-performing schools, by raising teacher salary and creating career advancement systems in which highly effective teachers serve as instructional leaders. . . . To help teachers improve their teaching, we need to train them to use data to improve instruction. (<http://www.hepg.org/her/abstract/188>, accessed October 5, 2007)



Research cites *Pontiac School District v. Spelling*, where the plaintiffs claim the federal government is violating a provision of No Child Left Behind, which states no state or school district will be required to spend its own funds to fulfill the federal law's mandate (Licker, 2005), as a testimony to the financial stress states and school district face to ensure all students receive a quality education in the twenty-first century.

According to Mears and Aron, 2003, funding issues may be affecting decisions to serve, place, or refer children with disabilities, and current funding mechanisms may be creating incentives that undermine or hinder the goals of ensuring that children with disabilities receive a high-quality education.

#### Findings Regarding the Second Research Question—Provisions of FAPE

How do correctional education staffs ensure the provision of a free, appropriate public education (FAPE)?

Mixed results with regard to whether FAPE was being provided to inmates with disabilities in the areas of Child Find, referral, evaluation, eligibility determination, IEP development, IEP implementation, LRE, and Procedural Safeguards. The results demonstrated that the participants have an understanding of the provisions of FAPE in the areas of Child Find, referral, evaluation, eligibility determination, and the development of the IEP. The participants were knowledgeable of the process and could articulate their understandings.

#### *Procedural Safeguards*

The research described some of the difficulties associated with extending Procedural Safeguards to parents of inmates with disabilities. Parents are often not available for IEP meetings. Educational staff does not fully understand the full extent of Procedural Safeguards in the areas of access to records and due process procedures, and correctional educators do not

know the appropriate terminology as defined by IDEA. The most revealing fact brought forth during the study was the educational staffs attempt to comply with the Procedural Safeguards at all levels of the special education process.

Research disclosed that correctional education staff knew that IDEA does afford parents of individuals with disabilities certain rights and privileges in the area of due process. Research revealed that the staff understands the confidentiality of requirements of IDEA for students' records.

### *Child Find*

The ten participants knew the Child Find process and articulated the process to the researcher. The participants shared that the Student Assistance Team (SAT) is a regular education team that receives the referrals from the diagnostic center and decides to recommend student interventions, to observe the student, and to refer the student to the Individualized Education Program (IEP) Committee for further evaluation. The data supported that the Division of Prisons has in place both a Child Find policy and practices as mandated by federal and state statutes. All ten participants stated that the referral process has three levels: one referral to the SAT Team by diagnostic, another to the IEP Team by the SAT team, and a final referral if the IEP Team refers the students for further evaluation if warranted. The participants' statements agreed that when they stated that many of their students come to the prison system with histories of special education. The research identified that inmates who enter prison with previous special education history present the greatest challenges for correctional educators to implement the IDEA within the allotted time line mandated by the IDEA.

Nine of the ten participants shared that the evaluation process began after the parents of the student with a disability or the student gives written permission to test. One participant

stated, “An outside agency refers the student to Mental Health, and some guys to vocational rehabilitation.” Nine of the participants shared that a battery of tests may be administered to a student to determine his or her eligibility. In addition, the participants shared that the results of the evaluations and other information presented at the IEP meeting establishes the eligibility determination and that under IDEA, a student could qualify for special education in one of the thirteen categories.

The results revealed that for the most part the eligibility is determined within the ninety-day timeline. Although, there are many obstacles that emerged during the processing of the inmates; some students may be sent to segregation, some may have to go out to court, or other custody type issues may be presented which delayed the adherence to the ninety-day timeline.

#### *IEP Development*

Examination of the data demonstrated that the participants have in-depth knowledge of the evaluation, determination of eligibility, and IEP development process. The research questions methodology included collecting data on the systematic procedures implemented by the facility to evaluate, to determine eligibility, and to develop the IEP. The ten participants shared that after the referral by the IEP team the inmates or their parents must give written permission to be tested. Eight of the ten participants reported that the IEP team had 90-days from the time of referral to a determination of eligibility according to federal and state guidelines.

The participants articulated that federal law predetermines the IEP team’s membership and that the membership must include a regular educator, a special educator, a local education agency representative (LEA), and the parent of the student if the student has not met age of

majority. Research suggested that IEP meetings occur regularly. Involving parents at the IEP meeting proved difficult. Audit findings of reviewed records indicated that the IEP goals and objectives addressed the transition from their correctional facility to their home communities. Parents are sent notices of the IEP meetings, but they rarely attended. Poor attendance at the IEP meetings was due to a variety of reasons, of which distance is the number one reason for most parents.

The research indicated that the participants know that the IEP reviews occur annually or more often at the parents' request or as needed. The data showed that a student with disability eligibility must be re-evaluated every three years. However, the research shows that educators face some challenges in their attempt to practice what they know.

### *IEP Implementation*

Some difficulties impeded the implementation of IEP within the correctional facility. The basis of placement into special education for the inmates primarily included the schools' program offerings. Services to inmates on the different levels of segregation (ICON, MCON, & HCON) were limited to inmates in the less-controlled areas of segregation.

The influence of the correctional environment taints the correctional educators' interpretations of the application of IEP implementation within the confines of the correctional facility.

Disciplinary procedures within the correctional facility do not account for the inmates' needs and disabilities, and some students may be denied FAPE for penological and safety reasons. Correctional educators do not truly understand how to interpret and apply the least restrictive environment to inmates with disabilities. Correctional educators stressed that the IDEA mandates was for a public school model, and do not fit well within the confines of a

correctional environment. They seem underpowered to practice what they know and are quick to allow the policies of the correctional environment to take precedence over what they know about the guidelines that define the provision of the least restrictive environment.

Nine of the participants failed to articulate the “how and where” of the IEP implementation. The researcher believes that the participants’ lack of the ability to articulate how and where the IEP is implemented due to the fact that they do not practice what the federal statute requires because of the challenges they face as a result of working in the correctional system.

The study identified highly qualified staff in all areas of the education continuum; administrators, teachers, central office staff, and support personnel. The document reviews found that there is limited turnover of staff at the facility; the average teacher has over fifteen years of experience. Teachers are valued by the correctional system as indicated through the extensive staff development opportunities and well-equipped classrooms.

Moreover, the study exhibits a strong sense of self satisfaction with the environment in which the staff works. They expressed that they feel safe and feel comfortable during their job. They seemed to appreciate the fact that they work two extra months; thereby, not having to work, a second job, as many public school teachers do.

#### *Relationship of the Literature to the Findings*

This study avowed that the implementation of IDEA provides challenges for educators in one of North Carolina’s correctional institutions.

The literature review indicated that the assurance that IDEA entitled inmates with disabilities to a free, appropriate public education could be extremely challenging. Issues identified that influence the provision of FAPE in correctional facilities, included the transience

of the student population, conflicting organizational goals for security and rehabilitation, shortages of adequately prepared personnel, and limited interagency coordination.

Meeting the requirements of IDEA is a daunting task for correctional facilities. Coffey and Germignani (1994) suggest that the Federal rules and regulations do not often cohere with the reality of correctional facilities, which often function primarily as places of custody and supervision.

Conflict between the goals of rehabilitation and punishment can have far-reaching consequences. In school systems, youths having disabilities receive special education and related services based on their educational needs. Youths in correctional facilities receive special education and related services according to the severity of their crimes and the lengths of their sentences. Institutional security and housing or work assignments take priority over educational needs (Nelson, 1996; Wolford, 1987). Disciplinary procedures within correctional facilities may account for the characteristics of youth with disabilities, and corrections industries may not provide adequate vocational training (Leone, 1994). Research reveals that few correctional facilities have formal educational training programs and that youth with disabilities may be excluded because they do not have high school diplomas, adequate reading skills, or other prerequisite skills (Rutherford, Nelson, & Wolford, 1985).

The research (Mears & Aron, 2003), reports that there is limited coordination and well-organized efforts among community leaders and residents, schools, child welfare, and social services agencies, and the juvenile justice system when youth are being processed for criminal offences. Additionally, few programs within juvenile correctional settings focus exclusively on youth with disabilities, unless they are created as part of the constellation of educational services provided to all youth (Mears & Aron, 2003, p. 60).

Another challenge for correctional facilities to provide FAPE to inmates with disabilities is the high mobility rate of such inmates. Identification of youth is problematic when youth do not stay in the facility long enough to be processed. The high mobility rate complicates locating, evaluating, and determining eligibility for special education. Because many youths who enter prisons have been served by multiple public agencies, information about them is often not transferred when they are incarcerated. Even if the schools are informed of incarceration, IEP's and other pertinent information may not be transferred because of poor or inadequate coordination with the school system (Schrag, 1995). The findings indicate that correctional systems lack guidelines or written procedures for exchanging information (for example, notification of incarceration and the exchange of records) to aid in the transition of students into and out of correctional facilities.

Transition of youth from correctional facilities back into school and/or the community is extremely difficult (Leone, 1994). A successful transition back into school or the community involves the coordination of efforts by many agencies: correctional staff, families, probation officers, aftercare providers, and educators (Leone et al., 1991). Another challenge is the lack of interagency support services (*e.g.*, counseling, career planning, and social work services), which creates myriad problems for a successful transition. Most correctional systems serve a large region or a whole State, and that large scope offers further challenges for interagency coordination.

Transition of youth back into the community represents one of the most understudies yet critical opportunities to reinforce the impact of corrections-based programs to ensure the effective continuity of care and services for youth with disabilities (Altschuler et al, 1999; Altschuler & Armstrong, 2001), according to Mears and Aron (2003). Transition of youth with

disabilities back into the community can be daunting for various reasons, family and friends may have changes and may be hostile; schools may indirectly or directly stigmatize them (Mears & Aron, 2003).

Finally, there is a shortfall for the professional development needs of the academic staff in correctional facilities. Teachers need specialized training to work with offender populations. Because relatively few prospective teachers enter correctional education, institutions of higher learning cannot justify pre-service programs geared toward this particular subspecialty. A state comprehensive personnel development program that is aligned with state standards required for enhancing the skills of correctional educators is needed. Rehabilitation should be one of the primary purposes of the correctional system, yet students are often denied even basic special education services while incarcerated. Correctional facilities continue to have unmet needs in their efforts to provide FAPE to students with disabilities. According to the research (The National Center on Education, Disability, and Juvenile Justice, 1999), finding personnel, especially special educators, with skills to help general educators understand accommodations and modifications that they should use to help students learn is very difficult. Like public schools, many correctional facilities have a shortage of special education teachers.

Research lends itself to question the necessary conditions for efficient and effective sharing of information across agencies to occur without at the same time compromising the rights of juvenile (Mears & Aron, 2003). There are even questions about the number of youth who populate our correctional system that are not clearly defined. Without clarity of numbers, administrative planning may be flawed or even impossible to address the needs of youth with disabilities upon their reentry into society.



### *Research Methodology and Instrument*

This study investigated one of North Carolina's youth correctional facilities implementation of the Individuals with Disabilities Education Act (IDEA) and how correctional educators ensure the provision of a free appropriate public education (FAPE) to inmates with disabilities. To present a rich understanding of the study, the stories of correctional educators were captured through a qualitative research designed in the form of a descriptive case study.

The study results were guided through the use of an interview protocol, classroom observations and document reviews. The data was subjected to content analysis. The researcher employed the use of Altas.ti 5.2 Qualitative Software to analyze, code, and link major context.

### Recommendations for Practices

The research offers the following recommendations for practice for educators and policy makers when making decisions about a free appropriate public education (FAPE) for correctional institutions that serve youth with disabilities:

- This study focused on describing the implementation of IDEA to inmates confined to the correctional system and on how the ecology of that environment influences the success of providing FAPE to inmates. Further research should investigate other aspects of the implementation of IDEA in correctional systems. This issue is particularly important because the federal and state statutes mandate the provision of FAPE to inmates. In other words, further research is needed on correctional educational programs for inmates with disabilities.
- The study found that the adequacy of resources alone does not constitute compliance with IDEA. The study demonstrates that correctional staff and

educational staff need to collaborate more to ensure that inmates with disabilities are provided FAPE according to IDEA and in an appropriate manner for inmates who are remanded to the correctional system.

- Similarly, this study identified areas of need concerning the implementation of the IEP, discipline of inmates with disabilities, LRE, and affording procedural safeguards for parents of inmates with disabilities and students with disabilities. Correctional educators obviously yield their understanding of what should happen to ensure FAPE to the policies and practices of custody.
- The study identified the difficulty that correctional educators have with locating inmates' school records upon entrance into the prison. The research holds that a better method needs to be created to ensure that inmates' records are made available to correctional education staff. The research shows a need to investigate inmates' school histories upon arrest and upon sentencing.
- The study revealed a detailed set of policies and procedures to manage and to conduct the activities of inmates under the control of the Divisions of Prisons. The research suggests that the policy-making body should include a member of the secondary educational section on all policies and procedural updates to ensure that some member of that policy-making body understands the federal and state requirements for inmates who enter the correctional system without a high school diploma or whose educational level is below the functional level for survival or maintaining a productive adult lifestyle.
- The study discovered that there are major challenges to implementing the provision of FAPE in any institution but especially in an institution where the overarching

practices are those of maintaining a safe and humane society among such diverse populations from cultural aspects and from a penological perspective.

- The research to date focuses primarily on specific, delimited issues (Mears & Aron, 2003). By contrast, the research study gives clearer focus to the portrait of one of N.C. correctional youth facility's efforts to improve the education of youth with disabilities.
- The delivery of programs and services of youth with disabilities on an individualized basis in the correctional system should constitute a priority rather than the punishment of youth in correctional systems.

#### Recommendations for Future Research

The case study of one of North Carolina's correctional youth facilities was the focus of this investigation. Interviews, classroom observations, and a review of existing documents were used to illustrate the adequacy of resources and how correctional educators ensure that FAPE is provided to inmates with disabilities in the correctional system in NC. While this study represents a small portion of the special education program implemented in correctional system, the researcher hopes that it contributes to the literature concerning the correctional system's special education program.

The three recommendations proposed by this researcher for further study are as follows:

1. Replication of the study in all of North Carolina's correctional youth facilities that serve inmates with disabilities and that provide a blueprint to understanding the challenges face by correctional educators in providing FAPE to inmates with disabilities. Research should not

overlook the contributions that correctional educators make to the quality of life of incarcerated youth.

2. A valuable addition to the literature could be found in the challenges that correctional educators endure to provide schooling in the most restrictive environment of IDEA. The study would be significant because it allows correctional educators to examine the policies and practices of incarceration, and it allows them to assess those policies and practices to determine the best practices in implementing IDEA in prisons.

3. Teachers with a successful track record in correctional education can add insight into successful staff development opportunities that could attract other professionals to correctional education. Additionally, research in the area of correctional education will demonstrate to the public the necessity of continued education for youth who leave public school without the skills to live a productive life outside the world of crime. Such a study has significant value in that it could provide a model for current correctional education programs across the country.

The public requires an increased understanding of what happens to our youth after incarceration. If the public realized that many of the youth incarcerated reenter society at an alarming rate and they exit prison no better prepared for life than when they entered, they [the public] would have a better appreciation for correctional education. Many of these youths that reenter society continue the criminal behavior for their original incarceration because they lack skills to change their life choices. As an employee of the Department of Correction, Division of Prisons, this researcher has come to understand that the person whom we lock up is not an island nor does he or she disappear from the face of the earth.

The person whom we lock up will eventually be released back into society. The person whom we lock up leaves behind family, friends, and possessions. The person whom we lock up

costs the public tax dollars every day. Therefore, do we want to continue treating these inmates as we do currently, getting the same results? On the other hand, do we want to do something different for offenders so that we keep those tax dollars for other humane needs?

The researcher hopes to inspire correctional staff and correctional educators to collaborate and embrace the policies of both institutions for the betterment of the lives for which we (in the correctional system) are responsible. Indeed, all research involving the education of inmates must inform the public about the successes of correctional education and the purposes for providing inmates with educational opportunities.

## APPENDIX A

### CONSENT FOR ADMINISTRATORS' INTERVIEW

Bobbie Richardson  
Dr. William Malloy, Advisor

#### **Consent for Administrators Interview**

*The narrative below will be read to all teacher and administrator participants. An affirmative agreement must be granted before proceeding with data collection.*

I am interested in learning about your facility's implementation of the Individuals with Disabilities Education Act (IDEA). You do not have to answer a question if you do not want to. Your name will not appear on the interview protocol. If you decide you do not want to participate, just tell me. You can withdraw or discontinue your participation at any time without further obligation. The interview should take about 30-45 minutes to complete.

Is it okay if I ask you some questions now?

## **Interview Questions for Administrators**

### **A Case Study of One of North Carolina Correctional Youth Facility's Implementation of the Individuals with Disabilities Education Act (IDEA)**

1. How does the facility handle suspensions of inmates with disabilities? Can you describe how the IEP is implemented?
2. Please describe the Child Find Process here at your facility?
3. Discuss the pre-referral process, the referral process, evaluation process, and the eligibility determination process.
4. Do you have a Student Assistance Team (SAT) at your facility? What is the role of the Student Assistant Team for students suspected of having a disability?
5. How do ESP teachers and non-ESP teachers compare in their efforts to provide a free appropriate public education (FAPE) to inmates with disabilities?
6. Custody staff consults with education staff before they remove a student from class. Can you give me an example of this consultation process? What works? What does not work?
7. What do you believe is the goal of the ESP at WYI? To what extent do you believe this goal is accomplished?
8. How does your working environment help you do your job?
9. What does it take for you to do your job well?
10. Is accomplishing your job dependent on other personnel? Tell me about how you receive or do not receive necessary support from them?
11. What role do you play to ensure that students-with disabilities receive a free appropriate public education (FAPE)?
12. How do you provide teachers with support?
13. How do you ensure the provisions of FAPE are provided to students-with-disabilities

14. Are you a member of the IEP Team? Describe your role in that process.
15. Why did you choose to work in the Division of Prisons?
16. Are there times when students are not available to come to class? Can you give me an example?
17. How do you comply with FAPE at those times?



## APPENDIX B

### CONSENT FOR TEACHERS' INTERVIEW

Bobbie Richardson  
Dr. William Malloy, Advisor

#### **Consent for Teachers' Interview**

*The narrative below will be read to all teacher and administrator participants. An affirmative agreement must be granted before proceeding with data collection.*

I am interested in learning about your facility's implementation of the Individuals with Disabilities Education Act (IDEA). You do not have to answer a question if you do not want to. Your name will not appear on the interview protocol. If you decide you do not want to participate, just tell me. You can withdraw or discontinue your participation at any time without further obligation. The interview should take about 30-45 minutes to complete.

Is it okay if I ask you some questions now?

## **Teachers Interview Protocol**

A Case Study of One of North Carolina Correctional Youth Facilities 'Implementation of the Individuals with Disabilities Education Act (IDEA)

Questions taken from News Digest, ND 21, 2<sup>nd</sup> Edition, and (January 2000) a publication of the National Information Center for Children and Youth with Disabilities, NICHCY.

Purpose If IDEA Questions as follow as follows:

1. What are the purposes of Individuals with Disabilities Education Act (IDEA)?
2. What is a free appropriate public education (FAPE)?
3. Who is eligible for services under the IDEA?
4. Describe special education.
5. Where is special education instruction provided?
6. How do you determine what related services are included in the student's IEP?

Accessing Services Questions as follows:

7. What is the first step in obtaining special education and related services?
8. How does a student get considered for evaluation for special education? Who can refer a student?
9. What does the evaluation process involve? How often are students evaluated?
10. Can a child be referred for special education again if he does not qualify the first time he was referred? Describe how that may happen?

The Individualized Education Program Questions as follows:

11. What is an Individualized Education Program (IEP)?
12. Who develops the IEP? How are team members notified of the IEP meetings?
13. How do you involve parents in the IEP progress? How is the student involved in the IEP process?
14. What happens during an IEP meeting?
15. What is included in the IEP?
16. How is transition planning included in the IEP?
17. What are some assistive technology devices and services provided to the students here?
18. How does the IEP determined placement of a student?
19. How often is the IEP revised?
20. When is a student reevaluated for continued placement in special education?
21. Describe how students' records are kept confidential?

Procedural Safeguards Questions as follows:

22. What are Procedural Safeguards under the IDEA?
23. What happens to a student if he is placed in segregation?
24. Describe how the students participate in the regular education curriculum.
25. Describe a typical school day for a student at this facility.
26. How does the facility handle suspensions of inmates with disabilities? Can you describe how the IEP is implemented?

LRE Question as follow:

27. What consideration is given to whether a student with a disability can be educated in the regular educational environment with the use of supplementary aids and services before a more restrictive placement is considered?
28. What factors are considered in determining what placement is appropriate for a student with a disability? What factors, if any, may not be considered?

## APPENDIX C

### RECRUITMENT LETTER FOR INTERVIEW

March 16, 2007

Dear

I am a student under the direction of Dr. William Malloy Professor of Education Leadership in the School of Education at The University of Chapel Hill, North Carolina. I am conducting a research study on the implementation of the Individuals with Disabilities Education Act (IDEA) at your facility. As a teacher at this facility, your opinion is important to this study. I would appreciate the opportunity to interview you about the implementation of IDEA at your facility.

I plan to conduct this research as a face-to-face interview between the hours of 11am-1:30pm during the lunch time and from 3:00pm to 4:30pm Monday thru Friday during the weeks of February 12-26, 2007. I would be happy to arrange another time, if you prefer. Your involvement in this survey is entirely voluntary and there are no known or anticipated risks in this study. If you agree to participate, the interview should not take more than about an hour. The questions are generic to the IDEA regulation (for example, what is a free appropriate public education?) However, you may decline to answer any questions you feel you do not wish to answer. All information you provide will be considered confidential and will be grouped with responses from other participants. Further, you will not be identified by name in the research resulting from this study. The data collected will be kept for a period of a year as a confidential file.

If after receiving this letter, you have any questions about this study, or would like additional information to assist you in reaching a decision about participation, please feel free to contact me at 919-853-3617 or 919-971-0571 or by email at [rbj08@doc.state.nc.us](mailto:rbj08@doc.state.nc.us) .

I would like to assure you that this study has been reviewed and received ethics clearance through the Institution Review Board at The University of Chapel Hill, North Carolina. However, the final decision about participation is yours. Should you have any comments or concerns resulting from your participation in this study please contact the Institution Review Board (IRB) at 919 966 3113 or to [IRB\\_subjects@unc.edu](mailto:IRB_subjects@unc.edu) .

Thank you in advance for your interest in this project.

Yours sincerely,

Bobbie Richardson, Investigator  
Dr. William Malloy, Advisor UNC-Chapel Hill

## APPENDIX D

### RECRUITMENT LETTER FOR OBSERVATION

December 21, 2006

Dear

I am a student under the direction of Dr. William Malloy, Professor of Education Leadership in the School of Education at The University of Chapel Hill, North Carolina. I am conducting a research study on the implementation of the Individuals with Disabilities Education Act (IDEA) at your facility. As a teacher at this facility, your opinion is important to this study. I would appreciate the opportunity to interview you on this topic.

I plan to conduct classroom observations between the hours of 7:30am-2:30pm, Monday thru Friday during the weeks of February 12-26, 2007. I would be happy to arrange another time, if you prefer. Your involvement in the classroom observation is entirely voluntary and there are no known or anticipated risks in this study. If you agree to participate, the observation should not take more than about an hour. The observation will observe for the presence of material, supplies, small group, large group instructions, etc. However, you may decline to be observed for this study. All information observed will be considered confidential and will be grouped with observations from other participants. Further, you will not be identified by name in any research resulting from this study. The data collected will be kept for a period of a year in my confidential files.

If after receiving this letter, you have any questions about this study, or would like additional information to assist you in reaching a decision about participation, please feel free to contact me at 919 853 3617 or 919 971-0571 or by email at [rbj08@doc.state.nc.us](mailto:rbj08@doc.state.nc.us) .

I would like to assure you that this study has been reviewed and received ethics clearance through the Office of Institution Review Board at UNC-Chapel Hill. However, the final decision about participation is yours. Should you have any comments or concerns resulting from your participation in this study please contact the Institution Review Board at 919 966 3113 or by email at [IRB\\_subjects@unc.edu](mailto:IRB_subjects@unc.edu) .

Thank you in advance for your interest in this project.

Yours sincerely,

Bobbie Richardson, Investigator  
Dr. William Malloy, Advisor  
UNC-Chapel Hill

## APPENDIX E

### CONSENT TO AUDIO-TAPE INTERVIEWS

Dear Superintendent:

I am a post doctorate student at The University of North Carolina at Chapel Hill, NC. I have completed all course work and I am in the process of writing my dissertation. My dissertation topic is "A Case Study of One of North Carolina Correctional Youth Facilities' Implementation of the Individuals with Disabilities Education Act (IDEA)". I believe your facility would be the optimum facility to do my dissertation research because your facility houses the largest number of inmates between the ages of 13-21 in the State. The research study will investigate the provisions of a free appropriate public education (FAPE) as required by the Individuals with Disabilities Education Act (IDEA).

The study will utilize three data collection methods including: (1) interviews (2) classroom observations and (3) review of existing data on students' attendance and suspensions.

As the investigator, I would like to request permission to audio-record (tape) the participants' responses to the interview questions. The rationale for audio-taping the response is to ensure that the participants' responses are recorded accurately and to ensure the investigator does not forget any relevant information. The interviews will be approximately 1 hour long. The investigator plans to interview six teachers (three regular educators and three special educators), and four administrators (the Assistant Superintendent for Programs, Ed. Director, psychologist and counselor).

Consent for participation will be requested of all participants. Pseudonyms will be used to protect the identity of participants and the institution. Only the investigator will have access to the data.

At the conclusion of the study, all data will be destroyed and a summary will be made available only upon request of participants. However, the identification of the school and participants will not be revealed. Please check one of the options below, sign your name on the signature line below, and return the original copy in the self-addressed envelop. If you have any questions or concerns about the study, please contact me or Dr. William Malloy (Research Advisor) with the information provided below. Thank you in advance for your approval of the use of audio-tapes at your facility.

Sincerely,

Bobbie Richardson, Lead Researcher  
7309 NC Hwy 561

Dr. William Malloy, associate Professor and Research Advisor

Louisburg, NC 27549

University of North Carolina at Chapel Hill

[Rbj08@doc.state.nc.us](mailto:Rbj08@doc.state.nc.us)

121 C Peabody Hall, CB# 3500

919 971 0571

Chapel Hill, NC 27599

919 962-2510

This study will be reviewed and approved by the Behavioral Institution Review Board (Behavioral IRB) of the University of North Carolina at Chapel Hill. You may contact the Behavioral IRB if you have any questions about the request for audio-taping interviewees at 919 966-3113 or at [aa-irb-chair@unc.edu](mailto:aa-irb-chair@unc.edu). Please indicate whether or not you grant permission to audio-tape the interviews in the project below. After signing your name, please return one copy of this sheet to the researcher.

\_\_\_\_\_ I grant permission for audio-tapes to be used in the facility

\_\_\_\_\_ I do not Grant permission for audio-tapes to be used in the facility

\_\_\_\_\_

Signature

\_\_\_\_\_

Date



## APPENDIX F

### EXCLUSION FOR STUDENTS IN OBSERVATION

Bobbie Richardson  
Dr. William Malloy, Advisor

#### **Statement of Exclusion for Students in Observation**

*The narrative below will be read to upon entering teacher's classroom prior to observation.*

*Good Morning/Good Afternoon:*

I am here today to observe in your classroom. I will be observing how your teacher delivers instruction to you. I will be using the Downey Three Minutes Walk-Through Observation Process. The Three Minute Walk-Through is a data collection method that takes a snapshot of five aspects of instruction. The steps are as follows: (1): It observes for whether a student appears to be attending when you walk in; (2) What objective (s) has the teacher chosen to teach to this time and how aligned are they to the prescribes written curriculum; (3) What instructional practices is the teacher choosing to use at this time to help students achieve the learning of the curriculum objectives; (4) "Walk-the-Wall": What evidence is there of past objectives taught and or instructional decision used to teach the objectives that are present in the classroom-student work displayed, portfolios, projects in the room, etc? and (5) Safety and Health Issues-Are there any noticeable safety or health issues that need to be address i.e. traffic flow, lack of adequate ventilation, etc.

Students please know that I am not here to observe you; nothing that you say or do will be recorded in my field notes. Thank you.

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