



**WINDHAM SCHOOL  
DISTRICT**

**NUMBER: OP-09.18 (rev. 4)**

**DATE: May 13, 2014**

**PAGE: 1 of 14**

**SUPERSEDES: OP-09.18 (rev. 3)  
July 29, 2011**

# **OPERATING PROCEDURES**

---

**SUBJECT: WITHDRAWING OFFENDERS FROM EDUCATIONAL PROGRAMS**

**AUTHORITY:** Texas Education Code §§ 19.004 and 19.005; Texas Government Code § 508.152; Superintendent Directive (SD)-09.18, “Withdrawing Offenders from Education Programs”; TDCJ Administrative Directive (AD)-07.02, “Offender Participation in Educational Programs and Services”; and AD-07.07, “Individualized Treatment Plan (ITP) Management”

Reference: OP-8.01, “Student Eligibility for Windham School District Programs”

**APPLICABILITY:** Windham School District (WSD)

**POLICY:**

The WSD shall provide appropriate educational programming and services to meet the needs of the eligible offender population in the Texas Department of Criminal Justice (TDCJ). Educational requirements are stipulated by the offender’s Individualized Treatment Plan (ITP).

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

**DEFINITIONS:**

“Excused Absence” is an authorized student absence such as bereavement or medical lay-in.

“Individualized Treatment Plan” (ITP), as it relates to WSD, is a plan developed for each offender which requires attendance, active participation, and completion of educational requirements. The ITP prioritizes an individual offender’s participation in recommended programs based on such factors as offender’s age, needs, projected release date, and program availability.

“Intervention Assistance Team” (IAT) is the committee of educational staff that reviews student progress as needed.

“Non-Voluntary Programs” are programs required by the offender’s ITP.

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

“Program Refusal” occurs when the offender is instructed to attend a specific program and refuses; attends but refuses to do the required work; or exhibits disruptive behavior that results in disciplinary action.

“Unexcused Absence” is an unauthorized student absence.

“Unit Classification Committee” (UCC) is comprised of representatives from various departments on the unit who are designated and trained to review offender classification in accordance with the TDCJ *Classification Plan*.

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

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

“Withdrawal Code” is the corresponding numeric code designating the reason for withdrawing a student from educational programs. See Withdrawal Codes (Attachment A) and Withdrawal Code Guidelines (Attachment B).

## **PROCEDURES:**

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

### I. Voluntary/Non-Voluntary Programs

- A. Students who voluntarily participate in educational programs shall be held to the same standards of attendance and participation as students whose participation is non-voluntary.
- B. The following shall be considered non-voluntary programs prior to enrollment:
  1. Academic

- a. All Literacy levels;
  - b. Literacy 1 – Reading; and
  - c. English as a Second Language (ESL);
2. Changing Habits and Achieving New Goals to Empower Success (CHANGES); and
  3. Cognitive Intervention Program (referral).
- C. The following services shall be considered voluntary and are not required by a student's ITP. Consequently, a Program Refusal (PR) Participation Code shall not be entered if an offender does not wish to participate in these specific services. Participation in Literacy programming as required by the ITP process is still mandatory.
1. Special Education Services and
  2. Title I.
- D. The following shall be considered non-voluntary after enrollment; therefore, withdrawal from these programs shall follow the guidelines set forth for non-voluntary programs.
1. Vocational (Career and Technical Education [CTE]);
  2. Cognitive Intervention Program (self-referral); and
  3. Parenting & Family Wellness

## II. Program Refusal

- A. Offenders shall be counseled by the principal or counselor prior to enrollment concerning the following:
1. Participation refusals might negatively affect parole considerations.
  2. After a student refuses to attend and is withdrawn from a program, educational staff are not obligated to re-enroll the student for six months from the date of removal.
- B. Offenders who refuse to attend class may be dropped from the official class roster pending UCC action.

- C. A PR Participation Code shall be recorded on the student's ITP after UCC has reviewed and approved the withdrawal for any student with respect to programs identified in Sections I.B. and D of this policy.

NOTE: See the Program Refusal Guidelines (Attachment C) for a quick-reference guide of the Program Refusal Process.

### III. Reasons for Withdrawal

Students may be withdrawn from educational program(s) for the following reasons: (The following list is not all-inclusive. Refer to Attachment B for guidelines regarding all student withdrawal codes.)

#### A Violation of TDCJ Rules and Regulations

1. If a student violates TDCJ rules or regulations while present in educational programs, such as academic/career and technical/life skills classes, the student may be removed from educational programs at the discretion of the principal or warden, pending unit disciplinary procedures and the action of the UCC. In such cases, appropriate disciplinary measures shall also be taken.
2. If a student violates TDCJ rules and regulations outside of educational programs, such as housing areas, recreation yard, or dining halls, the student may be removed from educational programs at the discretion of the UCC or warden or as a result of unit disciplinary procedures.

#### B. Non-attendance

##### 1. Unexcused

- a. Students may be removed from educational programs by the principal for unexcused absences. In such cases, the following shall determine removal:
  - (1) Three consecutive unexcused absences, pending unit disciplinary procedures and UCC action; or
  - (2) Five unexcused absences that occur during a 30-day period, pending unit disciplinary procedures and UCC action.
- b. Unexcused absences shall be processed through the disciplinary process.
- c. UCC action shall determine the final disposition of educational program enrollment status.

- d. Withdrawal from educational programs for unexcused absences (Disciplinary Code 25.1 or 25.2 as defined in the TDCJ *Disciplinary Rules and Procedures for Offenders* Rulebook) shall be reflected through the ITP in accordance with disciplinary procedures.
- e. Disciplinary actions shall be documented in order for the removal to occur.

2. Excused

- a. Students may be removed from educational programs by the principal for excused absences. In such cases, the following shall determine removal:
  - (1) Three consecutive excused absences, pending UCC action or
  - (2) Five excused absences that occur during a 30-day period, pending UCC action.
- b. Students removed as the result of excused absences may be re-enrolled as vacancies permit.

C. Medical Reasons

No qualified offender shall be denied the benefits of educational programs based on his/her disability. However, students may be withdrawn from educational programs for medical reasons that significantly limit their participation.

- 1. The decision to remove a student based on medical reasons shall be made by the principal or counselor and must include medical documentation such as medical restrictions or medical correspondence.
- 2. Students removed for medical reasons may be re-enrolled as deemed appropriate by unit medical staff.

D. Violation of Rules for Student Conduct

- 1. Students may be withdrawn from educational programs for violation of the *Windham Rules for Student Conduct* in accordance with OP-09.11, "Student Conduct."
- 2. Prior to withdrawing a student from educational programs, the principal shall thoroughly review the nature of the violation and all relevant

information related to the violation(s).

E. Low Priority

1. Withdrawal of students who have low priority status due to Immigration and Customs Enforcement (ICE) detainers, age, or projected release date shall be reviewed on a case-by-case basis by the principal.
2. Waivers requesting permission to allow low priority students with ICE detainers access to educational programs shall be submitted to the WSD Division of Operational Support via the online waiver request process.

F. Unsatisfactory Progress

Withdrawal of students who demonstrate unsatisfactory progress shall be evaluated on a case-by-case basis. Criteria regarding unsatisfactory progress is provided in OP-08.01.

1. The IAT shall conduct an objective annual review for unsatisfactory progress of individual students to ensure appropriate intervention and nondiscriminatory practices. The review shall be based on the following process:
  - a. Teachers shall document conferences, instructional strategies, and behavioral modifications attempted. The teacher may request an IAT meeting at any time during the school year.
  - b. IAT decisions shall be based on factors including, but not limited to, age, projected release date, and programs attended in accordance with the WSD Operational Guidelines for Special Education.
  - c. Appropriate ITP and UCC procedures shall be followed for withdrawing students for lack of progress. It is the responsibility of educational staff to develop sufficient documentation to support withdrawal for lack of satisfactory progress.
  - d. Student behavior, such as refusal to complete class work, is not typically a cause for lack of satisfactory progress. Behavioral issues shall be addressed through the appropriate disciplinary process.
  - e. The IAT may consider other factors as necessary in making the appropriate decision regarding a student's educational needs.
2. The review and intervention process may include, but is not limited to,

referral to Special Education services when appropriate.

#### IV. Withdrawal Process

- A. Withdrawal of students for violation(s) of WSD Disciplinary Procedures (Withdrawal Code 71) shall be referred to the UCC.
  1. The ITP-01, Offender Refusal to Participate in Treatment Program Notification form, shall be completed for withdrawal of students for violation(s) of WSD Disciplinary Procedures. The ITP-01 form can be found on the WSD Share Drive (OPS/Public/Counseling and Testing/ITP). The ITP-01 shall be completed as follows:
    - a. The student shall sign the ITP-01 form at the UCC meeting.
    - b. If the student refuses to sign, “Disciplinary drop – See attached case(s)” shall be written on the offender signature line.
    - c. The UCC member completing the ITP-01 form shall sign on the witness line. Additional UCC members shall initial the form to reflect agreement with the committee action.
    - d. Attach a copy of the disciplinary case(s) for which the student was withdrawn.
    - e. All documentation, such as disciplinary cases, and Behavior Modifications, shall be provided to the UCC to make a well-informed decision regarding student withdrawal from educational programs.
  2. The following steps shall be followed if the UCC upholds the removal:
    - a. The original ITP-01 form and supporting documentation shall be sent to the chief of Unit Classification to be placed in the offender’s permanent classification file.
    - b. A copy of the ITP-01 form and supporting documentation shall also be sent to the institutional parole officer and placed in the offender’s parole file.
    - c. WSD unit staff shall keep a copy of the completed ITP-01 form and all supporting documentation for at least one year after the offender is released from TDCJ.
    - d. Unit staff shall send a copy of the ITP-01 form to the WSD Records Office for scanning.

- e. Offenders with a custody designation of MH or II who refuse educational programming may be referred to educational counseling by the UCC. Offenders will be referred to UCC for disposition at the completion of the counseling program. The ITP Participation Code shall **not be changed to PR** until final disposition and only if the counseling program was unsatisfactory. The ITP Participation Code shall be changed to IU (Program Inappropriate or Unnecessary) for offenders who successfully complete the counseling program. The ITP Participation Code shall be reevaluated when the offender's custody designation changes.
  - f. Unit staff shall make the following ITP entries:
    - (1) The ITP Participation Code shall not be changed to PR until UCC action approves the withdrawal from educational programs.
    - (2) Educational staff shall indicate, in the Comments Section of the student's ITP, the unit and the month/year the UCC action occurs.
- 3 If the UCC denies removal and directs the offender to attend/remain enrolled:
- a. The PR Participation Code shall not be placed on the ITP;
  - b. The appropriate participation code shall be entered; and
  - c. The offender shall be placed on the waiting list and considered for re-enrollment accordingly.
- B. Refusal to participate in the intake process does not constitute refusal to participate in educational programs.
- C. When an offender with a PR Participation Code transfers to another unit, the receiving unit staff shall re-assess the PR status of the offender.

Signature on file  
Sandra Beavers-Richardson  
Director, Operational Support



## QUICK REFERENCE GUIDE

### WINDHAM SCHOOL DISTRICT WITHDRAWAL CODES

<b>Withdrawal Code Number</b>	<b>Withdrawal Code Title</b>
<b>60</b>	Unit Transfer
<b>61</b>	Out of Custody
<b>62</b>	Medical
<b>63</b>	Class Declined (Refused)
<b>64</b>	Class Suspended/Discontinued
<b>65</b>	Completed Class Requirement
<b>66</b>	Unsatisfactory Progress
<b>67</b>	Computer Input Error
<b>68</b>	Ineligible
<b>69</b>	TDCJ Disciplinary
<b>70</b>	Treatment/Schedule Conflict
<b>71</b>	WSD Disciplinary
<b>76</b>	Low Priority

## WINDHAM SCHOOL DISTRICT WITHDRAWAL CODE GUIDELINES

The following withdrawal codes shall be used for withdrawing students from educational programs. (Contact the WSD Division of Operational Support for further clarification.)

Withdrawal Code Number	Withdrawal Code Title	Description
60	Unit Transfer	Transferred to another unit where WSD services are available. <b>Does not require UCC action.</b>
61	Out of Custody	1. Removed from direct custody of a unit where WSD programs are available (such as release from the TDCJ, bench warrant; furlough, or transfer to a private facility). 2. State jail offenders reclassified as institutional offenders. <b>Does not require UCC action.</b>
62	Medical	1. Medical Condition 2. Medical Transfer 3. Medical Release 4. Medical pass for more than three days Re-enrollment shall occur as appropriate. <b>Requires either medical recommendation/documentation or UCC action without medical recommendation/documentation.</b>
63	Class Declined	Student dropped voluntarily from a specialized program (such as Special Education and Title I) but still enrolled or pending enrollment in a Literacy program. <b>Does not require UCC action.</b>
64	Class Suspended/ Discontinued	Class is suspended or discontinued due to administrative reasons or teacher illness/resignation. <b>Does not require UCC action.</b>
65	Completed Class Requirements	1. Certificate achievement (GED, CTE, CHANGES or Cognitive Intervention). 2. VGED/V12H student demonstrates college/career readiness, as defined by WSD policies. 3. ESL and Special Education students who completed class requirements and moved to literacy classes. <b>Does not require UCC action.</b>
66	Unsatisfactory Progress	1. Withdrawal without successful completion (via a certificate) in CTE. 2. Literacy students demonstrating lack of progress over time. Requires IAT review and recommendation. <b>Requires UCC action.</b>

Withdrawal Code Number	Withdrawal Code Title	Description
67	Input Error	Used when a student is erroneously enrolled. Code shall not be used if the student has accumulated more than 60 attendance hours. <b>Does not require UCC action.</b>
68	Ineligible	Used when verified grades or claims identify the student as ineligible after enrollment. <b>Does not require UCC action.</b>
69	TDCJ Disciplinary	Removed per TDCJ administrative request for disciplinary outside of the school setting. <b>Does not require UCC action.</b>
70	Treatment/ Schedule Conflict	<ol style="list-style-type: none"> <li>1. Any schedule change whereby a student will remain enrolled in the same type program (such as moving from morning to afternoon literacy). <b>Does not require UCC action if re-enrolled in 10 school days. If re-enrollment has not occurred within 10 school days, UCC action is required.</b></li> <li>2. Used to withdraw a student no longer eligible for educational programs due to a conflict in their facility treatment program. <b>Requires UCC action.</b></li> <li>3. Appropriate for students dropped from a literacy class to enroll in CHANGES in order to meet ITP requirements. <b>Does not require UCC action.</b></li> <li>4. Three day withdrawal for bereavement purposes. <b>Does not require UCC action;</b> however, contact with unit administration/Chaplaincy for verification is needed.</li> <li>5. Students pending placement based upon identified need (such as ESL, or specific CHANGES or Cognitive modules, etc.). <b>Does not require UCC action.</b></li> </ol>

Withdrawal Code Number	Withdrawal Code Title	Description
71	WSD Disciplinary	<p>(See Attachment C and ITP Procedures Manual, section 01.06 for procedures regarding this withdrawal code.)</p> <ol style="list-style-type: none"> <li>1. Students who are withdrawn for disciplinary offenses occurring in school.</li> <li>2. Unexcused absences.</li> </ol> <p>Disciplinary action undertaken and documented in order to warrant use of this withdrawal code.</p> <p><b>Requires UCC action each time a student is removed with this withdrawal code.</b></p> <p>A Program Refusal (PR) Participation Code shall be entered on the ITP after concurring UCC disposition.</p> <p>*Offenders with a custody designation of MH or II who refuse educational programming may be referred to educational counseling by the UCC. Offenders will be referred to UCC for disposition at the completion of the counseling program. The ITP Participation Code shall <b>not be changed to PR</b> until final disposition and only if the counseling program was unsatisfactory. The ITP Participation Code shall be changed to IU (Program Inappropriate or Unnecessary) for offenders who successfully complete the counseling program. The ITP Participation Code shall be reevaluated when the offender's custody designation changes.</p>
76	Low Priority	<p>Withdrawal of student as a result of a lower ITP priority code after enrollment (for example, ICE detainer and subsequent review after enrollment in Literacy class).</p> <p><b>Does not require UCC action.</b></p>

## WINDHAM SCHOOL DISTRICT PROGRAM REFUSAL GUIDELINES

1. Offenders are required to attend programs as specified on their Individualized Treatment Plan (ITP). A Program Refusal (PR) Participation Code shall be placed on the appropriate ITP line based on the following:
  - a. Section III.B.1, OP-09.18, “Withdrawing Offenders from Educational Programs” stipulates that students may be removed from class for non-attendance after three consecutive unexcused absences or five unexcused absences during a 30-day period (Disciplinary Code 25.1 cases written for refusing to attend school or complete assignments).
  - b. Students who exhibit disruptive behavior that results in disciplinary action.
  - c. Offenders withdrawn from educational programs for excessive “excused” absences, such as extended cell passes or bereavement leave, may require UCC action, but not disciplinary action.
2. Offenders shall be counseled by the principal or counselor that:
  - a. Participation refusals might negatively affect parole considerations and
  - b. After a student refuses to attend and is officially withdrawn from educational programs, educational staff are not obligated to re-enroll the student for six months from the date of removal.

### Process:

1. Withdrawal of students for violation(s) of WSD Disciplinary Procedures (Withdrawal Code 71) shall be referred to the Unit Classification Committee (UCC).
2. The ITP-01, Offender Refusal to Participate in Treatment Program Notification shall be completed as follows:
  - a. The student shall sign the ITP-01 form at the UCC meeting.
  - b. If the student refuses to sign, “Disciplinary drop – See attached case(s)” shall be written on the offender signature line.
  - c. The UCC member completing the ITP-01 form shall sign on the witness line. Additional UCC members shall initial the form to reflect agreement with the committee action.
  - d. Attach a copy of the disciplinary case(s) for which the offender was withdrawn.
  - e. All documentation, such as disciplinary cases and Behavior Modifications, shall be provided to the UCC to make a well-informed decision regarding student withdrawal from educational programs.

3. Student withdrawals will be considered by the UCC.
  - a. The following steps shall be followed if the UCC upholds the removal:
    - (1) The original ITP-01 form and supporting documentation shall be sent to the chief of Unit Classification and placed in the offender's permanent classification file.
    - (2) A copy of the ITP-01 form and supporting documentation shall also be sent to the institutional parole officer and placed in the offender's parole file.
    - (3) WSD unit staff shall keep a copy of the completed ITP-01 form and all supporting documentation for at least one year after the offender is released from TDCJ.
    - (4) Unit staff shall send a copy of the ITP-01 form to the WSD Records Office for scanning.
    - (5) Unit staff shall make the following ITP entries:
      - (a) The ITP Participation Code shall not be changed to PR until UCC action approves the withdrawal from educational programs.
      - (b) Educational staff shall indicate, in the Comments Section of the student's ITP, the unit and the month/year the UCC action occurs.
  - b. If UCC denies removal and directs the offender to remain enrolled, the following shall occur:
    - (1) A PR Participation Code shall not be placed on the ITP, and the appropriate participation code shall be entered.
    - (2) The student shall be placed on the waiting list and considered for re-enrollment accordingly.
4. After a student is officially withdrawn from an educational program(s), educational staff are not obligated to re-enroll the offender for six months from the date of removal.
5. When an offender with a PR Participation Code transfers to another unit, the receiving unit staff shall re-assess the PR status of the offender.
6. Refusal to participate in the intake process does not constitute refusal to participate in educational programs.