



**Office Education Services
Level I
Internal Management Procedures**

**Internal Management
Procedure #
SUP.003.LEP.01**

Page 1 of 5

Internal Management Procedure Title:

**ACADEMIC EDUCATION ACCESS RELATED TO
LIMITED ENGLISH PROFICIENCY (LEP) INMATE ASSIGNMENTS TO
EDUCATIONAL PROGRAMS**

Effective Date:

February 1, 2013

Revised:

October 22, 2018

Authority:

NJDOC PS SUP.003.000
SUP.004.001

Promulgating Office:

Division of Programs and Community Services
Office of Educational Services

Professional Association Standard cited:

Federal Executive Order 13166, 2000 Title VI Civil Rights Act of 1964, 42 USC § 2000d et seq. NJAC 6:A:15 NJSA 18A

Applicability: All NJDOC Education Department staff, Classification Department staff, inmates interested in participating in Educational Programs, who also have been identified as Limited English proficiency (LEP).

Instructions: All affected Organizational Units within the New Jersey Department of Corrections shall be responsible for developing and implementing, within two weeks of receipt of this document, Level 3 IMPs consistent with this Level I IMP and/or revising existing Level 3 IMPs accordingly.

Supersedes: N/A

Review Schedule:

This document is scheduled for annual review on or about September 30, 2019.

This document was reviewed and approved by:

**Darcella Patterson Sessomes, Assistant Commissioner, Division of Programs
and Community Services on October 29, 2018**

and

Jecrois Jean-Baptiste, Director, Office of Educational Services on October 28, 2018.

Documentation of the reviews/approvals are maintained by the Office of Policy & Planning, APPM Unit.

I. PURPOSE

The purpose of this Level I IMP is to establish and maintain guidelines for the inmate population to access educational and vocational programs as deemed appropriate by the established referral and classification process.

II. DEFINITIONS

Internal Management Procedure Title: ACADEMIC EDUCATION ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATE ASSIGNMENTS TO EDUCATIONAL PROGRAMS	Effective Date: February 1, 2013 Revised: October 22, 2018	Internal Management Procedure #SUP.003.LEP.01 Page 2 of 5
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The following terms, when used in this procedure, shall have the following meanings, unless the context clearly indicates otherwise:

Assistant Supervisor of Education (ASOE) means under direction of a supervisory official in a state department, institution or agency assists in administering the total education program in institutions or agencies. The ASOE shall serve as the NJDOC designated second supervisor and in the absence of the SOE, shall serve as the primary supervisor.

Commissioner means the Commissioner of the New Jersey Department of Corrections, who is the Chief Executive Officer of the NJ DOC.

Division of Programs and Community Services means the division responsible for correctional facility and community-based program opportunities for offenders, which includes the offices of Community Programs, Educational services, Transitional and Social Services, Chaplaincy, County Services, Victim Services, and Volunteer Services.

ESL (English as a Second Language) this course prepares students whose native language is not English to function in a predominately English-speaking country.

Inmate means a person who has been convicted of a crime and sentenced to a correctional facility under the jurisdiction of the Commissioner of the New Jersey Department of Corrections

Interpretation means the act of listening to a communication in one language and orally converting it into another language, while maintaining the same meaning.

Language Line Services means an over-the-phone telephone interpretation system that permits the oral transmission of a message from one language into another language for those inmates who are LEP. Language Line Service interpreters listen to the limited English proficient (LEP) customer, analyze the message and accurately convey its original meaning to the NJDOC staff member.

Limited English Proficient (LEP) means the limited ability to read, write, speak, or understand English.

LEP inmate means an inmate who has a limited ability to read, write, speak, or understand English.

New Jersey Department of Corrections (NJDOC) means the agency of the Executive Branch of the New Jersey State Government whose functions are to protect the public and provide for the custody, care, discipline, training and treatment of persons committed to the State correctional facilities.

Office of Educational Services (OES) means the office within the Department of Corrections, Division of Programs and Community Services, that has been established to ensure that inmates are provided with academic, vocational, and life skills programming that meet their

Internet Management Procedure Title: ACADEMIC EDUCATION ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATE ASSIGNMENTS TO EDUCATIONAL PROGRAMS	Effective Date: February 1, 2013 Revised: October 22, 2018	Internal Management Procedure #SUP.003.LEP.01 Page 3 of 5
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demonstrated needs, within a framework that is consistent with the department's overall mission and in concert with all appropriate federal and State education statutes, codes, and regulations.

Organizational Unit means a division, correctional facility or other work unit within the New Jersey Department of Corrections.

Supervisor of Education (SOE) means under direction of a supervisory official in a state department, institution or agency, organizes, administers, and supervises the total educational program in institutions or agencies.

Translation means the act of converting a written document from one language to another while ensuring the integrity of the document remains unchanged.

III. POLICY

In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical and quasi-legal proceedings. These sources, include, but are not limited to, the language line services and appropriate staff.

It is also NJDOC policy to ensure that no inmate is retaliated against for requesting language assistance services or participating in any other conduct protected under Title VI.

Except in emergency circumstances, other inmates shall not be utilized to provide interpretation for LEP inmates in significant matters that include psychological, medical and safety. An exception may be made for trained counsel substitutes in disciplinary proceedings.

To assist in the accomplishment of this policy, the Office of Educational Services provides oversight and support and ensures delivery of educational services, including but not limited to, English as a Second Language (ESL) programming for all students who have been identified and/or classified as LEP.

IV. PROCEDURE

Each department head has a pass code to the language line services for short term crisis intervention for LEP inmates. In addition to the procedures indicated in NJDOC Policy

Internal Management Procedure Title: ACADEMIC EDUCATION ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATE ASSIGNMENTS TO EDUCATIONAL PROGRAMS	Effective Date: February 1, 2013 Revised: October 22, 2018	Internal Management Procedure #SUP.003.LEP.01 Page 4 of 5
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SUP.004.001, *Limited English Proficient (LEP) Language Assistance: Use of Language Line*, Educational staff shall also ensure the following procedures are followed:

A. IDENTIFICATION OF ELIGIBLE LIMITED ENGLISH PROFICIENT (LEP) STUDENTS

1. Supervisor of Education/Assistant Supervisor of Education will verify the primary language of each LEP student at the time of enrollment.
2. Supervisor of Education/Assistant Supervisor of Education will maintain a reporting database indicating all students identified whose primary language is other than English.
3. Supervisor of Education/Assistant Supervisor of Education will employ an approved screening process to determine which students, of those whose primary language is other than English, must be tested to determine English language proficiency.

B. EDUCATION OF ELIGIBLE LIMITED ENGLISH PROFICIENT (LEP) STUDENTS

1. Once identified, the LEP inmate student will be enrolled in the appropriate program to assist with English language proficiency. A variety of instructional assisted materials will be used; i.e. selected software etc.
2. Facility Education Department will provide age-appropriate bilingual/ESL educational programming as determined by the inmates' demonstrated educational needs.
3. Facility Education Department will document and report LEP student progress while enrolled in ESL programming.

C. ANNUAL LANGUAGE LINE TRAINING

1. Annually, the Supervisor of Education shall provide a refresher training to Education staff on the proper use of language line services and documentation standards. The Supervisor of Education shall ensure the training is documented via an official *NJDOC Training Attendance* Form (OT-IS10). A copy of the signed training attendance form shall be sent electronically the Director of the Office of Educational Services, and a copy shall be kept on file in the Supervisor of Education office. The OES Director shall forward all training attendance to the Office of Training.

Internet Management Procedure Title: ACADEMIC EDUCATION ACCESS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) INMATE ASSIGNMENTS TO EDUCATIONAL PROGRAMS	Effective Date: February 1, 2013	Internal Management Procedure #SUP.003.LEP.01
	Revised: October 22, 2018	Page 5 of 5

V. Cross Reference Documents and DOCPS/IMP

DOCPS/IMP/Document Number	Title	Effective/Revision Date
SUP.004.001	Limited English Proficient (LEP) Language Assistance: Use of Language Line	September 10, 2018
PCS.000.000	Division of Programs and Community Services: Vision, Mission, Goals, Objectives and Organizational Structure	September 1, 2015
SUP.003.000	Office of Educational Services: Mission, Goals and Objectives	August 1, 2016

VI. Applicable Forms

Form Number	Form Title	Effective/Revision Date