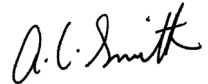




Department of
Rehabilitation & Correction

SUBJECT: Earned Credit for Productive Program Participation	PAGE <u> 1 </u> OF <u> 9 </u>
	NUMBER: 80-INC-02
RULE/CODE REFERENCE: ORC 5120.01; ORC 2961.22; ORC 2967.193 as enacted by HB 261 (eff 11/1/87), as amended by SB 2, HB 86, HB 86, HB 49, and SB 201; AR 5120-2-06, AR 5120-2-07.	SUPERSEDES: 80-INC-02 dated 12/03/2018
RELATED ACA STANDARDS: 5-ACI-5E-15 (4441), 7A-13 (4461)	EFFECTIVE DATE: September 14, 2020
	APPROVED: 

I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to provide for the systematic and uniform application of earned credit to those incarcerated individuals eligible for sentence reduction under ORC section 2967.193 as enacted by House Bill 261 (HB 261) of the 117th General Assembly, ORC section 2967.193 as amended by Senate Bill 2 (SB 2) of the 121st General Assembly, ORC section 2967.193 as amended by House Bill (HB 86) of the 129th General Assembly, ORC 2967.193 as amended by House Bill 49 (HB 49) and Senate Bill 201 (SB 201) of the 132nd General Assembly and Administrative Rule 5120-2-06, Earned Credit for Productive Program Participation.

III. APPLICABILITY

This policy is applicable to all persons employed by the Ohio Department of Rehabilitation and Correction (ODRC), contractors providing a service to the ODRC, incarcerated individuals, and volunteers. This policy does not apply to the Corrections Training Academy. The procedures set forth are specifically directed to those employees involved in awarding earned credit to incarcerated individuals eligible for such sentence reduction.

IV. DEFINITIONS

Completion Earned Credit - One-time credit awarded for completing an approved program.

Extended Restrictive Housing (ERH) - A security classification level represented as “E” in the Departmental Offender Tracking System (DOTS). ERH is the most restrictive security level in the ODRC reserved for incarcerated individuals who constitute the greatest threat to the safety and security of the community, staff, others, and/or the secure operations of a correctional facility.

Limited Privilege Housing (LPH) - Assignment of an incarcerated individual to a designated area for the purpose of reducing their privileges, controlling movement, and reducing their access to other incarcerated individuals. An LPH incarcerated individual is considered general population and shall have access to prison services, although such access may be reasonably limited as part of their privilege reduction. Designated out-of-cell time shall be more than two hours daily.

Participation Earned Credit - Monthly credit awarded for productively participating in an approved program.

Program Day - First day in a month in which a program takes place.

Restrictive Housing (RH) - Housing that separates an incarcerated individual from the general population and restricts the individual to their cell 22 hours or more per day.

School Administrator - On site education administrator (i.e., principal, assistant principal, teaching supervisor 3) who oversees the daily operations of the Education department.

Transitional Program Unit (TPU) - A specialized housing unit requiring close supervision of incarcerated individuals that are placed in Restrictive Housing, Extended Restrictive Housing, or may be placed in Limited Privilege Housing.

Unexcused Absence - Any failure to appear for a scheduled work or program session without a valid, verified excuse for the absence. Arrival for a scheduled work or program session more than 15 minutes after the start of the session without a valid, verified excuse shall also be considered as an unexcused absence. Placement in a Transitional Program Unit (TPU) under Restrictive Housing (RH) or Limited Privilege Housing (LPH) status shall only be counted as an unexcused absence upon a finding of guilty for a rule violation.

V. **POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to award earned credit for productive program participation to eligible incarcerated individuals in an accurate and consistent manner and in compliance with applicable laws and administrative rules.

VI. **PROCEDURES**

A. **Program Approval for Participation Earned Credit**

1. Under Administrative Rule 5120-2-06, Earned Credit for Productive Program Participation, earned credit may only be awarded for participation in programming that has been approved by the Director of the ODRC from the listing of eligible programs in the above-referenced Administrative Rule. Program areas that have been approved by the Director to receive earned credit for productive participation include the following:

- a. Educational/Academic Programs, to include:
 - i. Adult Basic Literacy Education;
 - ii. Pre-HSE;
 - iii. HSE and high school;
 - iv. Advanced Job Training Programs;
 - v. Career-Technical Education;
 - vi. Apprenticeship Programs;
 - vii. Work Extension Program Assignments;
 - viii. Career Enhancement;
 - ix. Vocational Programs (TEP).
 - b. Ohio Penal Industries (OPI)
 - c. Alcohol and Drug Treatment Programs, to include:
 - i. Therapeutic Communities;
 - ii. Alcohol and other Drug Treatment Residential Units;
 - iii. Alcohol and other Drug Intensive Outpatient Program;
 - iv. Alcohol and or other Drug Treatment Readiness Programs;
 - v. Alcohol and Other Drug Recovery Maintenance Programs;
 - vi. Alcohol and Other Drug Continuing Care Programs;
 - vii. Substance Abuse and Mental Illness (SAMI) Dual Diagnosis Programs;
 - viii. Treatment Transfer Program;
 - ix. Brief Intervention Program.
 - d. Mental Health
 - e. Unit Management
 - f. Programs designated as Reentry Approved upon review of the Reentry Program Oversight Committee (RPOC).
2. Prior to being authorized to award earned credit, the institutional program administrator for each individual program must submit a completed Earned Credit Program Plan (DRC4282) for review and approval by the Operation Support Center (OSC) administrator in charge of that particular area or use the standardized lists for Career Tech, Apprenticeship, OPI and Work Extension.
- a. If a program is offered at all institutions, then the OSC program administrator may submit the Earned Credit Program Plan (DRC4282) to the area deputy director for approval.
 - b. The purpose of this review is to ensure the program meets the acceptable professional standards of the discipline and that earned credit is awarded consistently throughout the ODRC. The OSC administrator may require documentation in addition to the Earned Credit Program Plan (DRC4282).

- c. If approved, the OSC administrator shall then forward the proposal to the Office of Prisons (OOP) to be approved by the Director/designee.
3. Each program administrator is responsible for ensuring that the Earned Credit Program Plan (DRC4282) for the earned credit approved program(s) is current and accurately reflects the way earned credit is awarded for that program.
 - a. All changes to the program must be documented on an updated Earned Credit Program Plan (DRC4282) and be approved in advance.
 - b. Earned credit may not be awarded until the Director has approved the Approved Program Plan (DRC4282).
4. The OOP shall maintain a current list containing the specific names of each approved program at each institution.
 - a. A revised copy of the Director's approved program list shall be provided to the institution's managing officer each time a change is made.
 - b. The approved program list shall be made available on the ODRC Intranet.
 - c. All current standardized approved program lists and institutional approved program lists shall be maintained in the institutional library and available for incarcerated individual review.
 - d. Under no circumstances shall an incarcerated individual be awarded earned credit for participating in a program not specifically named on the Director's approved list.

B. Program Approval for Completion Earned Credit

1. Under Administrative Rule 5120-2-06, Earned Credit for Productive Program Participation, an incarcerated individual who successfully completes a program may earn a one-time credit for the following types of programs:
 - a. Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio Central School System (OCSS);
 - b. A therapeutic drug community program;
 - c. All three phases of the Intensive Outpatient Drug Treatment Program;
 - d. A career development, 200 + hour vocational program;
 - e. A college certificate program;
 - f. The criteria for a certificate of achievement and employability as specified in division (A) (1) of section 2961.22 of the revised code.

2. Under no circumstances shall an incarcerated individual be awarded completion earned credit for a program not specifically named on the approved list.

C. Incarcerated Individual's Eligibility for Earned Credit

1. It is the responsibility of the Bureau of Sentence Computation (BOSC) to determine each incarcerated individual's statutory eligibility to earn credit towards sentence reduction under the guidelines set forth in ORC section 2967.193 and Administrative Rule 5120-2-06, Earned Credit for Productive Program Participation. The BOSC staff shall indicate each incarcerated individual's eligibility for earned credit in DOTS Portal.
2. Incarcerated individuals earning credit pursuant to ORC section 2967.193, as enacted by HB 261 of the 117th General Assembly, may earn two days of credit for participating in an approved educational program or prison industries program. The individuals may also earn two days of credit for participating in an alcohol and drug or mental health treatment program. In no case are individuals sentenced under ORC section 2967.193 as enacted under HB 261, to be awarded more than four days of earned credit for productive program participation in any given month.
3. The awarding of earned credit for productive program participation under HB 261 in no way impacts days of credit for maintaining minimum security, as referenced in Administrative Regulation 5120-2-07, Days of Credit for Maintaining Minimum Security.
4. Incarcerated individuals earning credit pursuant to ORC section 2967.193, amended by SB 2 of the 121st General Assembly, may earn one day of credit per month for productive program participation, regardless of the number of programs in which the individual is enrolled.
5. Incarcerated individuals earning credit pursuant to ORC section 2967.193 as amended by HB 86 of the 129th General Assembly, may earn one day or five days of credit per month for productive program participation as prescribed in Administrative Rule 5120-2-06, Earned Credit for Productive Program Participation. In addition, they may earn an additional five days, one time, for their second program completion. Only earned credit approved programs apply for the additional five days.
6. Incarcerated individuals earning credit pursuant to ORC section 2967.193 as amended by HB 49 of the 132nd General Assembly, may earn a one-time credit of 90 days toward satisfaction of the individual's stated prison term or the minimum and maximum terms of a non-life indefinite term or a one-time 10% reduction of the individual's stated prison term or the minimum and maximum terms of a non-life indefinite term, whichever is less.
7. Incarcerated individuals earning credit pursuant to ORC section 2967.193 as amended by SB 2 of the 121st General Assembly or HB 86 of the 129th General Assembly may have previously awarded earned credit withdrawn.
8. Each incarcerated individual, regardless of eligibility for sentence reduction, must conform to the following program conditions prior to being awarded earned credit:

- a. The individual must enter the program on or before the first program day of the month and continue participation in the program through the last program day of the month.
 - i. An individual participating and remaining in good standing in an academic or vocational education program, which has a quarter or semester end during a month, shall be deemed to be participating in the program through the end of the month.
 - ii. If an incarcerated individual moves from one program to another within the same approved program area (i.e., going from Pre-HSE straight into a vocational program within the education department or moving from one OPI shop straight to another), and all other conditions are adhered to for that month, the individual shall be awarded earned credit.
9. An incarcerated individual who successfully completes a formal program resulting in the issuance of a completion certificate during a given month shall be awarded earned credit, if all other conditions are adhered to for that month.
10. Reclassification into a program-related job title is not required as a condition of awarding earned credit. When the reclassification process is not used as the enrollment process, dates of enrollment shall be documented within each incarcerated individual's program file.
11. The incarcerated individual must attend at least 75% of the available program sessions during the month-with no unexcused absences.
12. Earned credit shall not be granted for any month in which the incarcerated individual obtains one or more unexcused absences to the program, as defined in this policy.
 - a. Except for OPI, attendance of all earned credit programs shall be documented on the Monthly Attendance Record (DRC4299) or 3-Shift Monthly Attendance Record (DRC4328).
 - b. OPI attendance shall be documented using the ODRC computerized payroll system.
 - c. Attendance of incarcerated individuals enrolled in an OPI Apprenticeship program must be documented on the Monthly Attendance Record (DRC4299) or 3-Shift Monthly Attendance Record (DRC4328) per ODRC Policy 57-EDU-07, Apprenticeship Programs.
13. The incarcerated individual must exhibit acceptable behavior that complies with institutional rules and regulations while participating in the program. An incarcerated individual who exhibits behavior considered a hindrance to the program, such as excessive noise, disruption, sleeping, or tardiness, shall be issued a conduct report by the program facilitator. A guilty finding on this program-related ticket by the Rules Infraction Board (RIB) shall cause the individual to be denied earned credit for the month in which the conduct report was considered and resolved.

It is the responsibility of the appropriate program administrator to determine the outcome of the disciplinary hearing prior to awarding or denying the earned credit.

14. An incarcerated individual who successfully completes an approved program shall be awarded completion earned credit for that program.

D. Process to Award Participation Earned Credit

1. No later than 10:00 am on the first working day of every month, the program administrator for each approved program shall review documented attendance records, disciplinary reports and other appropriate records and indicate those incarcerated individuals who have met all the requirements to receive earned credit.
2. The program administrator shall report the earned credit awards by submitting the attendance sheet in the Monthly Attendance Record application. The designated staff person shall approve the compilation reports for approved programs in the Monthly Attendance Record. The OPI time clock summary report will submit earned credit awards to DOTS Portal.
3. Once all compilation reports and OPI credit has been approved, BOSC staff will apply all earned credit in the DOTS Portal.
4. The designated staff person shall be responsible for entering program completions into the appropriate screen to ensure five day, one-time, credit for those earning credit under ORC section 2967.193 as amended by HB 86 of the 129th General Assembly. Completion information shall be entered as it occurs.
5. Programming staff are to enter completed earned credit approved programming into the HB86 DOTS Portal screen in order to generate the five-day bonus credit as described by HB86. BOSC staff will then research the information documented in the electronic record daily and award the five-day bonus based on the information entered.
6. The school administrator shall be responsible for ensuring that earned credit completion reports are completed timely and accurately and for indicating and submitting the appropriate earned credit completion report forms to the OSC designated staff.

E. Process to Award Completion Earned Credit

1. As soon as practicable, after the completion of the approved program, the program administrator shall review the appropriate records and indicate those incarcerated individuals who have met all the requirements to receive completion earned credit.
2. The school administrator shall then submit the incarcerated individual's name, number and supporting documentation to the appropriate designee:
 - a. OCSS;
 - b. Recovery Services supervisor/designee;
 - c. Therapeutic Community designee.

3. The OCSS designated staff shall review and submit the incarcerated individual's name, number and supporting documentation to the BOSC.
4. The BOSC shall determine statutory eligibility and apply the appropriate amount of completion earned credit

F. Forfeiture of Earned Credit

1. Earned credit properly awarded pursuant to ORC section 2967.193, as enacted under HB 261, shall not be forfeited for any reason.
2. Participation earned credit properly awarded to incarcerated individuals who committed their offense on or after July 1, 1996 may be forfeited for rule violations.
 - a. The RIB may recommend the withdrawing of earned credit awarded from previous months for violations including, but not limited to, absenteeism, tardiness, excessive noise, or disruption of the program.
 - i. The RIB chairperson shall complete the Forfeiture of Earned Credit Report (DRC4281) and forward it to the managing officer/designee for review.
 - ii. The managing officer/designee shall review the recommendation and ensure that the incarcerated individual does not have more than 50% of previously awarded earned credit days withdrawn during any calendar month. The managing officer/designee may then approve, disapprove, or modify the forfeiture of earned credit.
 - iii. If approved, the managing officer/designee shall forward the Forfeiture of Earned Credit Report (DRC4281) to the BOSC for processing. The original Forfeiture of Earned Credit Report (DRC4281) shall remain in the incarcerated individual's electronic record office file.
 - b. The restriction on forfeiture of earned credit does not prohibit staff from completing an addendum to withdraw earned credit that has been improperly awarded. Such withdrawals do not constitute a forfeiture of earned credit but may only be conducted upon the approval of the managing officer/designee when it is verified that the earned credit was erroneously awarded in violation with the provisions of this policy.
 - c. The Earned Credit Addendum (DRC4395) form shall be used for awarding or withdrawing erroneous earned credit. It shall also be used to award earned credit, which was earned but not given.
3. Earned credit awarded pursuant to HB 49 of the 132nd General Assembly shall not be forfeited for any reason.

4. Serious acts of violence for which more than fifty percent (50%) of participation credit may be forfeited include violations of Rules 1, 2, 3, 4, 5, 11, 12 and 15 of the inmate rules of conduct as explained in OAC 5120-9-06(C).

G. Annual Audit of Earned Credit

1. The OOP shall ensure each institution reviews and updates their Approved Program List annually.
2. Each institution shall be responsible for maintaining a historical file of the changes in the Approved Program List and all Earned Credit Program Plans (DRC4282).
3. Earned credit records shall be reviewed annually during the institution's internal management audit.
4. The program administrator shall maintain all earned credit documentation in accordance with the ODRC Record Retention Schedule. Documentation shall be reviewed upon receiving incarcerated individual inquiries concerning personal earned credit awards or denial.

Referenced ODRC Policies:

57-EDU-07 Apprenticeship Programs

Related Department Forms:

Forfeiture of Earned Credit Report	DRC4281
Earned Credit Program Plan	DRC4282
Monthly Attendance Record	DRC4299
3-Shift Monthly Attendance Record	DRC4328
Earned Credit Addendum	DRC4395