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A Phenomenological Study of the Lived Experiences of Special Education Teachers and
Supervisors Providing a Free and Appropriate Public Education for Student-Inmates Housed in
Restricted Housing Units

by

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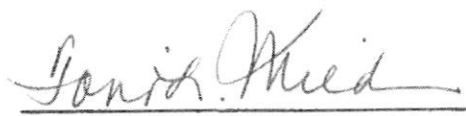
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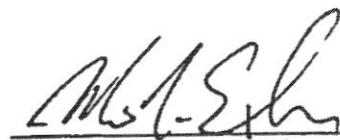
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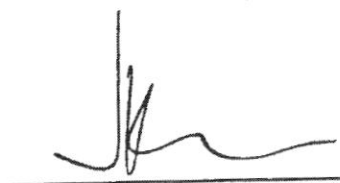
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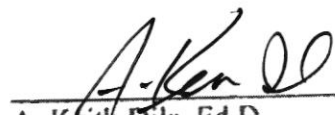
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Abstract

The last few years have seen an increased interest in the effectiveness of special education services for student-inmates with disabilities housed in restrictive housing units (RHUs) for a minimum of 22 hours per day but “few studies have examined the complexities associated with restrictive housing” (Butler, Solomon, and Spohn, 2018, p. 1174). These student-inmates are placed in RHU’s for disciplinary reasons, medical precautions, mental health evaluations, plus other underlying variables depending on the policies of each correctional facility.

This purpose of this research study was to better understand how special education teachers and special education supervisors provided a FAPE for student-inmates housed in RHUs with little to no time out of their cell and limited instructional hours due to prison policies that exclude them from attending live instruction.

An Interpretative Phenomenological Analysis (IPA) with in-depth one-to-one interviews was applied to the lived experiences of the participants who provide special education services to student-inmates housed in RHUs at county prisons. State and federal prisons were excluded from this study because the researcher wanted to solely focus on county prisons. The researcher used a small sample size for the structured interviews but recruited participants from different county prisons across the state. The participants included three special education teachers and three special education supervisors.

Three common themes emerged after analyzing the data: (1) the use of cell-study packets for

RHU student-inmates was a replacement at institutions where access to live instruction was prohibited, (2) safety and security policies that amplified institutional barriers superseded student-inmates educational rights, and (3) access to educational programming was immeasurably different between non-RHU student-inmates and RHU student-inmates. The findings of this study had an overarching theme that participants continually acknowledged how institutional barriers severely limited their ability to provide a good quality education for RHU student-inmates. It is critical that future research on this topic expand upon the understanding of how low-quality secondary education programs at prisons has the potential to thwart the legal obligations of providing a FAPE. The implication is that low quality education programming is recognized throughout correctional facilities, but the focus is primarily on adult education while the delivery of appropriate special education services is overlooked.

Keywords: Restricted Housing Units (RHU), Free and Appropriate Public Education (FAPE), Interpretative Phenomenological Analysis (IPA), cell-study packets

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CHAPTER I

Introduction

The purpose of this interpretive phenomenological analysis (IPA) was to determine whether 9-12 secondary education student-inmates with disabilities are receiving a free and appropriate public education (FAPE) while housed in restrictive housing units (RHU) or solitary confinement during their incarceration. The literature review demonstrates a lack of quality correctional education programs combined with institutional barriers that contribute to student-inmates' denial of FAPE and an increasing number of special education lawsuits.

Purpose of the Study

The purpose of this phenomenological qualitative study is to understand the lived experiences of education personnel who supervise or teach school-aged student-inmates residing in adult county prisons. Numerous studies have examined secondary education services for student-inmates at juvenile detention facilities and court ordered placements. Leone and Wruble (2015) found that secondary education services at these juvenile facilities are consistently failing to meet student-inmates basic educational needs based on decades of civil litigation in the United States. In order to make effective change to correction education programs, specifically secondary education programs at juvenile facilities and county prisons, it is important to understand the personal experiences of high school special education teachers and special education supervisors working at adult county correctional facilities. The participants'

perceptions “can help researchers to understand how and why such behaviors take place” (Sutton & Austin, 2015, p. 226). Additionally, quality correction education programs with highly motivated adult inmates have proven to lower recidivism rates (Davis et al, 2013).

Significance of Problem

In Pennsylvania, students twenty-one years old and under who are incarcerated at adult county correctional facilities are entitled to receive a free and appropriate public education (FAPE) while awaiting trial or serving their prison sentence. Upon commitment into these facilities, these students have the opportunity to earn high school credits which will be applied to their home school graduation requirements.

In PA adult county correctional facilities, the host school district is responsible for providing certified secondary education teachers to teach incarcerated students. A host school district is identified when the county correctional facility is located within the school district’s geographical boundaries. Some host Pennsylvania school districts assign their own teachers to this setting or outsource the secondary educational services to local intermediate units or third-party vendors.

Previously, Section 1306.2(a) of the Pennsylvania Public School Code required host districts or local intermediate units to provide 20 hours of weekly instruction for incarcerated school-aged students unless the host district obtains a special waiver indicating that instructional needs can be met with less than 20 hours of weekly instruction. According to J. Towse (personal communication, March 29, 2019), the Pennsylvania Department of Education (PDE) recently eliminated the special waiver for secondary education students housed in correctional facilities. Pennsylvania Public School Code Section 1306.2(a) was revised to allow incarcerated eligible students, who were found guilty of their crimes, to receive the same amount of weekly instructional hours as an expelled student. Section 1306.2(b) mandated that incarcerated eligible

students, who were awaiting trial, receive the same instructional hours as a student who was placed in an alternative classroom setting for disruptive students (J. Towse, personal communication, March 29, 2019). Initially the waiver was enacted to allow school districts to legally provide limited secondary education services to student-inmates. The abolishment of the special waiver was aligned with the requirements of a free and appropriate public education (FAPE).

FAPE is a federal mandate that provides students with disabilities, regardless of educational placement, equal access to public education (Coutinho & Oswald, 2000). Leitch (2013) acknowledges that future challenges exist between institutional policies at correctional facilities and the implementation of FAPE in correctional education settings. Administration segregation practices, housing placements of juvenile offenders at adult prisons, prison lockdowns, and restricted housing placements for students with intellectual disabilities or medical conditions are administrative policies that create barriers to providing appropriate instructional hours at county correction facilities.

There are a multitude of institutional factors within a prison environment that determine placement into a segregation unit. Factors include pregnancy, disciplinary issues, mental illness, protective custody, age of inmate, and unidentified administrative decisions. Segregation placements are predominantly administrative decisions but inmates, facing unique circumstances, can independently choose to be housed in a segregation unit if they elect protective custody services. An inmate's segregation status is significant because it impacts the delivery of secondary education programs due to prison safety and security concerns which restricts inmate movement. These institutional constraints impact inmates' access to instructional hours depending on the location of segregation units. Access to education hours is often overlooked at county prisons thus requiring an in-depth review of how segregation

practices limits school-aged students' ability to access a free and appropriate public education.

In a 2018 hearing before the Council of the City of Philadelphia Committee on Children and Youth Services, the Legal Director at the Education Law Center (ELC) provided sworn testimony about the current state of educational programming for student-inmates housed in correctional facilities and other court appointed institutions. The director argued that school-aged students placed in these institutions receive inadequate educational services and lack proper oversight by local education agencies (LEA) and state education agencies (SEA). In the 2018 hearing, information from ELC's qualitative survey revealed disturbing similarities among these institutions including denial of FAPE, limited instructional hours and an absence of live instruction.

Conducting research on whether secondary education student-inmates housed in RHUs are receiving a FAPE is significantly in the public interest. Inmates transitioning from prison to the community is a public concern and it is in the best interest of society to ensure continuous access to a quality education program with appropriate special education services, especially students with disabilities housed in RHUs.

The inaccessibility of a FAPE for student-inmates segregated in RHUs is a commonly experienced social phenomenon occurring throughout adult county correctional facilities. Applying Smith, Flowers, and Larkin's (2013) interpretative phenomenological analysis (IPA) will allow special education teachers and program supervisors to share their personal experiences about the quality of educational services for student-inmates locked in cells 22 hours a day or more. Educational personnel participating in the phenomenological study can improve how schools or intermediate units monitor, evaluate, and implement a FAPE in adult correctional facilities. Education supervisors can increase communication with correction education teachers and correction administrators in an effort to help reduce perceived institutional barriers that negatively impact educational services and IDEA compliance. The literature is limited on how

institutional variables influence inmates' educational motives (Delaere et al., 2013; Halimi, Brosens, Donder, & Engels, 2017; Manger et al., 2010), especially inmates who are currently incarcerated (Halimi et al., 2017).

The evaluation of the effectiveness of correction secondary education programs, at a county level, is essential in improving recidivism rates on a national level and preparing secondary education students to successfully transition from prison to independent living and successful competitive employment opportunities (Leone & Ruble, 2015). Quality correction education programs include proper delivery of special education services and providing access to a FAPE to student-inmates in restricted housing settings.

Systematic barriers that prevent or limit a FAPE within adult correctional facilities violates IDEA eligible student-inmates educational rights. Understanding these barriers and providing access to FAPE should be a present-day concern for education administrators especially considering that research estimates a wide range of the adult prisoners with a learning disability. Nearly one-third of the prison population has been diagnosed with a disability (Bronson et al. 2011; Quinn et al. (2005).

Bronson, Maruschak, & Berzofsky (2011) found that one-third of the prison population has a disability. Koo (2015) had a higher estimate of "30% to 50% (p.235) while Bullis, Yovanoff, Mueller, & Havel, (2002) suggested that as many as 70% of inmates may have a learning disability. The overrepresentation of individuals with disabilities incarcerated in the U.S. serves as a particular interest to administrators because Section 300.324 (d)(2)(ii) of the Individuals with Disabilities Act (IDEA) require school districts to meet the individual needs of students with disabilities unless correctional facilities can prove a "bona fide security or compelling penological interest that cannot otherwise be accommodated" (para. 1).

Access to FAPE

Federal legislation protecting the educational rights for students with learning, emotional,

and intellectual disabilities was passed almost 50 years ago. During this time, prison administrators and education personnel share the legal responsibility to ensure that incarcerated youth with disabilities have equal access to a free and appropriate public education, regardless of placement in restrictive housing units including solitary confinement. Student-inmates with disabilities have legal protections provided by the Individuals with Disabilities Education Act (IDEA) to ensure accommodations and access to a quality education are being provided even in the most restrictive environments (Davis et al., 2014; Leone et al., 2002). Regardless of potential institutional barriers, the host district would be responsible for providing the same amount of educational hours for student-inmates as they do for their alternative education students.

Compounding the problem in assessing student-inmates access to FAPE are the inconsistent definitions of restricted housing units (RHU) located within correctional facilities, secured juvenile facilities, state prisons, and federal prisons. RHUs at the federal correctional facilities have different characteristics than RHUs at a county jail or state prison. In addition, student-inmates can be sent to RHUs for a variety of reasons, including staffing shortages (Gallagher, 2014), disciplinary infractions, administrative decisions, medical reasons, protective custody, or intellectual disabilities (Muir, 2016). The reasons why student-inmates are sent to RHUs are primarily due to security threats which negatively impact their ability to access FAPE. For instance, pregnant female student-inmates placed in RHUs for safety reasons may have more access to prison programs even though they are locked down for a minimum of 22 hours a day. On the other hand, student-inmates placed in RHUs for disciplinary reasons might be placed in solitary confinement or segregated housing units (SHU) where prison activities outside the cell are prohibited.

Solitary confinement practices of vulnerable populations in US prisons is a heavily researched topic but little attention has focused on secondary education programs in these settings. An increased interest has emerged in recent years regarding the delivery of a FAPE for

students with special needs incarcerated in correctional facilities, most notably juvenile detention centers. However, there has been insufficient research on the delivery of special education services for 9-12 secondary education student-inmates in adult county correctional facilities. Although prior research is limited in this area, Ng et al. (2012) interviewed student-inmates housed in juvenile facilities and adult correctional facilities and compared their educational experiences. The researchers found that student-inmates housed in juvenile facilities are more likely to engage in educational services than student-inmates placed in adult prisons. Most scholars seem to agree that educational services inside juvenile correctional facilities and adult prisons are inadequate and fail to meet the academic and behavioral needs of student-inmates (Leon & Ruble, 2015; Robinson & Rapport, 1999). The appropriateness of an education, inadequacy of programs, and institutional barriers have been widely reported as obstacles for meaningful inmate participation in prison education programs.

Empirical studies on the quality of secondary education programs inside correctional facilities are essentially non-existent but studies on inmate motivations for enrolling in non-secondary education programs have gained popularity in Europe. Inmate motivations have been reported on by a handful of European researchers and “it is only when participation is understood that we can then gain a more complete understanding of the effectiveness of these programs” (Rose and Rose, 2014, p.37). The inefficiency of adult correction education programs is well-documented, which leads to the concern of program quality for secondary education students who are confined to cells a minimum of 22 hours per day.

Institutional Barriers

Another area of concern for student-inmates housed in RHUs are the numerous internal and external barriers that impede their abilities to access a free and appropriate public education (FAPE). Prison secondary education programs are legally mandated to provide a FAPE to 9-12 secondary education student-inmates housed in RHUs but access is often vulnerable to

institutional external barriers and personal internal obstacles (Brosens, De Donder, Dury, & Verte, 2015). These competing entities often lead to inmates' detachment from meaningful educational experiences (Nichols, n.d.). Recent studies have explored institutional barriers negatively impacting student-inmates access to special education services in prison including prison staff attitudes (Jackson & Innes, 2000), lack of financial resources (Batchholder & Pippert, 2002; Smith et al., 1983; Meyer et al. 2016; Leone et al., 2002; Ochoa & Eckes, 2005), indiscriminate application of inmate movement (Runell, 2016), program interruption due to inmate reclassification (Westrheim & Manger, 2014), substandard education programs (Rose, 2004), second-rate facilities (Meyer et al., 2016), limited educational records (Leone et al., 2002), limited space (Leone et al., 2002), lack of inmate motivation (Nichols, n.d.), nefarious excuses to leave class (Batchholder & Rippert, 2002), length of inmate sentences (Meyer et al., 2016), and administrative security requirements (Platt et al, 2015; Michals & Kessler, 2015). These barriers have been well documented over the past 20 years, in terms of inmates' access to prison education programs. However, the most notable prison barrier is the confinement of inmates in RHUs or solitary confinement. To date, no study has looked specifically at RHUs student-inmates access to a FAPE while attending a secondary education program.

The most practical way to define the many federal, state, and local interpretations of RHUs is by adopting the characterization provided by the U.S. Department of Justice's 2016 *Report and Recommendations Concerning the Use of Restrictive Housing*. Student-inmate placed in RHUs at county adult correctional facilities are individuals who meet the following three criteria: confined to their prison cells for a minimum of 22 hours per day regardless if the housing restriction was voluntary or involuntary or if confinement was one inmate per cell or housed with another cellmate (U.S. Department of Justice, 2016).

Research Questions

Research Question 1: What are the experiences of public school special education supervisors

and special education teachers, working in a county correctional facility, on 9-12 secondary education student- inmates' ability to access a free and appropriate public education while serving time in restrictive housing units?

Research Question 2: How do high school teachers working in a county correctional facility ensure that non-sentenced RHU student-inmates are receiving educational services in the same manner and to the same extent as a student who has been placed in the host district's alternative educational placement?

Research Question 3: What role do institutional barriers play in RHU student-inmates' ability to access a free an appropriate public education?

Definition of Terms

Administrative Segregation: Inmates are removed from the general prison population and placed in more restrictive housing units, as directed by administrative officials, due to safety and security concerns (Marcus, 2015).

Adult County Correctional Facilities: An adult correctional facility that houses any individual charged with adult crimes, typically ranging as young as 14 years old through adulthood. A county correctional facility houses inmates currently awaiting trial with the majority classified as non-sentenced inmates.

Bona Fide Security Risks: This term is used by adult correctional institutions to describe an immediate concern demonstrated by an inmate's behavior that puts the safety of prison officials and other inmates in immediate danger (Buckley v State Corr. Institution-Pine Grove, 98 F.Supp. 3d 704).

Cell Study Packets: These packets consist of math, English, history, and science worksheets that are passed to student-inmates housed in RHUs in correctional facilities. Cell study packets are typically delivered underneath the student-inmates' cell which they are confined at a minimum of 22 hours per day. No face to face academic instruction occurs when cell study packets are provided to RHU student-inmates (Buckley v State Corr. Institution-Pine Grove, 98 F. Supp.3d 704).

Live Instruction: An educational term used to describe a situation where a teacher is physically

present in a classroom and teaches the student-inmates in a group setting.

General Population: A nationally recognized term that describes inmates who are housed with the majority of the inmate population within their respective correctional facility.

Host School District: Section 1306.2(a) of the Pennsylvania Public School Code requires host districts or local intermediate units to provide a high school diploma program for 9-12 secondary education students who are incarcerated in adult correctional facilities. The host district is identified based on the location of the county correctional facility and the school district in which it resides.

IDEA eligible student-inmates: Secondary education students enrolled in a 9-12 high school program while incarcerated in an adult, county correctional facility and eligible to receive special education services based on a documented learning, emotional, or intellectual disability.

Institutional Barriers: An assortment of county prison roadblocks that impact the delivery of educational services.

Juveniles: For the purpose of this research, juveniles are characterized as any secondary education student, 14 thru 21 years old, who is charged with an adult crime and imprisoned in a county correctional facility while awaiting trial.

Lock-in: A term often used by correctional officials to describe a situation where inmates are temporarily locked-in their cells usually due to inmate fighting or evidence of contraband.

Penological Concerns: A common phrase used throughout correctional facilities to describe the rationale as to why inmates are housed in RHUs, handcuffed and prevented from participating in common services such as educational classes, therapeutic groups, attending visits, making phone calls, and other daily activities.

Punitive segregation: The word “punitive” is used as a reason why corrections officials send an inmate to segregation units. Inmates are sent to punitive segregation when they allegedly violate institutional policies while housed in general population.

Restrictive Housing Units (RHU): Student-inmates placed in restrictive housing units at county adult correctional facilities are individuals who meet the following three criteria: confined to their prison cells for a minimum of 22 hours per day regardless if the housing restriction was voluntary or involuntary or confinement was solitary or with another cellmate (U.S. Department of Justice, 2016).

Secondary Education Student-Inmates: Secondary education students, grade 9-12, who are incarcerated in adult correctional facilities. This refers to non-sentenced student-inmates who are actively enrolled in a secondary education program while awaiting trial.

Segregated Housing Unit (SHU): A term that is often used interchangeably with RHUs and solitary confinement. An inmate placed in a SHU is isolated from general population inmates.

Solitary Confinement: A type of restrictive housing unit where inmates spend 22 hours per day or more, alone in a cell and away from general population inmates, and access to programs and basic rights are negatively impacted (Franklin, 2013)

Basic Assumptions

An assumption in this IPA analysis is that the participants described their lived experiences in an open and honest manner. Having worked as a secondary special education teacher within a county correctional facility for 10 years and an additional four years in juvenile facilities in other professional responsibilities, the researcher acknowledges that preconception exists. One of those biases include the expectation that participants will lack candor when describing their personal experiences as to whether they are providing a free and appropriate public education to students with disabilities incarcerated in county prisons. The interview questions have a component of special education legal responsibilities for providing FAPE. The researcher anticipates that participants' responses will overwhelmingly view their delivery of special education services inside a prison as compliant with special education law, as opposed to recognizing the institutional barriers that limit the effectiveness of these services.

Basic Limitations

The researcher made a conscious choice to include special education teachers and program supervisors as participants while excluding prison administrators. The perceptions of prison administrators could shed more light on the delicate balance between providing legally mandated special education services, in conjunction with host districts, and maintaining the safety and security of staff and inmates. Another limitation is the exclusion of student-inmates housed in RHUs as contributors to the study. RHU student-inmates have a unique perspective

considering they are students with disabilities and actively participating in secondary education programs. Student-inmates could provide valuable insight as to their personal experiences with the delivery of educational services as it pertains to weekly instructional hours, their involvement in the IEP process, and their experience of cell study packets versus live instruction.

Summary

This phenomenological study is aimed at understanding the perceptions and lived experiences of secondary special education teachers and program supervisors who are responsible for providing free and appropriate public education for 9-12 students incarcerated at adult correctional facilities. Previous research has primarily focused on the quality of education programs in juvenile facilities and inmates' motivations for participating in corrections education programs. The objective of this study is to fill a gap in research that focuses on the delivery of special education services for student-inmates housed in adult county correctional facilities. Chapter 2 is a comprehensive review of corrections education literature in juvenile facilities and adult prisons. In Chapter 3, a description of the interpretive phenomenological analysis and its procedures will be presented. In Chapter 4, the results of the study will be discussed. In Chapter 5, the focus will be on the implications of the results and future recommendations for providing a FAPE for student-inmates with disabilities.

CHAPTER II

LITERATURE REVIEW

The literature on educational services in juvenile facilities and adult correctional institutions have its roots in program delivery for juvenile delinquents housed in court appointed institutions. Current research seems to indicate that education programs within these institutions are inadequate, poorly managed, lack sufficient resources, and engulfed with institutional barriers that are in direct conflict with FAPE. Over the past 10 years, there have been a series of due process violations concerning juvenile delinquents' ability to access legally mandated special education services while in court-ordered custody. These court cases, some pending, have provided a massive surge in special education lawsuits alleging student-inmates' civil rights have been violated. FAPE violations include insufficient instructional hours, lack of live instruction, denial of meaningful teacher instruction in RHUs, inadequate individual education plans (IEP), denial of a FAPE, and denial of procedural due process when juveniles are transferred to RHUs. These court cases combined with previous literature on the quality of education programs in juvenile facilities provide a foundation as to whether high school student-inmates are being denied a FAPE while housed in adult correctional facilities. Outside of recent court cases, empirical research is nonexistent regarding the delivery of special education services for high school students with disabilities incarcerated in RHUs.

The purpose of this literature review is to provide a historical perspective on how

education programs began in U.S. prisons with the primary focus on the delivery of special education services in juvenile facilities and adult correctional facilities. The fundamental focus will explore two critical areas: inmates' educational motives and current civil rights lawsuits alleging denial of a FAPE for student-inmates in correctional facilities.

Historical Glimpse of Education in Prison

Historically, the introduction of education in U.S. prisons can be traced back to the late eighteenth century. At that time, in prison education programs in the southern part of the US, inmates were taught literacy skills by reading religious materials. In the north, Pennsylvania prisons expanded education programs to include teaching reading, writing, and arithmetic on inmate non-working days (Skidmore, 1955). At the turn of the twentieth century, education in prisons consisted of group activities that enhanced daily prison life and "promoted the welfare of society" (Hill, 1914, p. 53). The historical view that prison education included socialization activities for inmates, primarily for their well-being, plays a vital role in an emerging 21st Century issue surrounding the viability of educational access for 9-12 secondary education students who are placed in a variety of RHUs at adult county prisons.

The 1975 Education for All Handicapped Children Act (EHA), also known as Public Law 94-142, was eventually renamed by Congress as the more widely recognized Individuals with Disabilities Act (IDEA) (Burrell and Warboys, 2000). The foundations of P.L. 94-142 can be traced back to two key federal statutes dating back to the late 1950s. First, the introduction of P.L. 85-905 led to the passage of the Captioned Films Act of 1958 which provided captioning in movie theaters for individuals who were deaf ("Civil Rights" 2005, p.1777). A year later, P.L. 86-158 of 1959 allowed the federal government to provide \$1,000,000 in grants for educational institutions to train personnel in the art of teaching students with mental retardation (P.L. 86-158, 1959).

Today, Pennsylvania secondary education students who are incarcerated at adult county

prisons have an opportunity to earn a traditional high school diploma up until the age of twenty-one. By law, Pennsylvania school districts are mandated to provide secondary educational services unless they subcontract the program to third parties, such as intermediate units. During the 2012-2013 school year, there were over 16,000 secondary education students receiving special education services while serving time in correctional facilities (Osborne & Russo, 2017). In 2015, Every Student Succeeds Act (ESSA) replaced the 2003 No Child Left Behind Act (NCLB) and added more protections for at-risk students, minority students, and individuals transferring from secured treatment facilities to their home school (“What Every Student,” 2016). Unfortunately, ESSA only addressed school-aged students in juvenile facilities and disregarded the challenge of secondary education students accessing a FAPE in adult county facilities, especially in RHUs (Leitch, 2013).

Historical Glimpse of Solitary Confinement

The introduction of solitary confinement in the US is historically associated with the Walnut Street Jail in Philadelphia, PA, which operated from 1773 to 1836. The function of the Walnut Street Jail was to separate adult inmates into individual cells. Late 17th century criminal justice reformists subscribed to the philosophy that isolation of inmates would provide the necessary time to reflect on their crimes, seek forgiveness, and ultimately seek the path of righteous behavior (Cooper, 2017). The isolation of adult inmates during the late 18th century and early 19th century gave rise to critics opposing long-term solitary confinement practices, citing mental health issues, risk of suicide, and limited access to necessary treatment and services. Despite the opposition to solitary confinement, Pennsylvania prisons were overcrowded, and new facilities were built with solitary confinement cells. As Shapiro (2019) pointed out, the Arch Street Prison was opened in 1817, followed by the Western State Penitentiary in 1827 and the Eastern State Penitentiary in 1829. As a result, solitary confinement guidelines became harsher and served as the foundation for the future of inmate isolation in US

prisons.

Today, there is a movement in U.S. adult correction facilities to ban the use of solitary confinement for young offenders housed in adult prisons. The mission of advocates who support this ban is designed to protect the vulnerable residents within the prison population (Cohen, 2015). In 2016, New York City prison administrators are forbidden from placing inmates, 21 years old or younger, in segregation units that lock down inmates for more than 17 hours per day regardless of behavioral infractions or psychological issues (Cohen, 2015). In the same year, President Barack Obama signed an Executive Order banning solitary confinement for juveniles in U.S. federal prisons, but state and local correctional facilities are not forced to comply with federal standards (Scialabba, 2016; Biswas, 2018; Muir, 2016). Biswas (2018) suggested the Executive Order fell short of addressing similar issues at the state and local correctional facilities. Despite the ban at the federal level, Biswas (2018) reports that the majority of Floridians still support the use of solitary confinement for juveniles as a means of punishment for safety and security reasons. Correction officials often enforce solitary confinement practices unequally which typically leads to juveniles receiving little to inadequate education services (Gordan, 2014; Biswas, 2018; Leone & Wruble, 2015).

Classifying Solitary Confinement

During the 20th and 21st centuries, inconsistencies among United States correctional institutions on how they enforce and define solitary confinement can be attributed to insufficient records and varying degrees of characterizations (Marcus, 2015, p. 1160). Onondaga County Justice Center in Syracuse, NY, uses the term solitary confinement loosely to include individuals housed in segregation units due to administrative or punitive decisions (*V.W. v Conway* 236 F. Supp. 3d 554). Administrative segregation can include inmates who are classified as the most vulnerable; pregnant women, inmates under 17 years of age, inmates with intellectual disabilities, suicidal inmates, or transgender inmates. Nevertheless, the juveniles in *V.W. v*

Conway were housed in a secured cell for up to 23 hours a day, even if the cell assignment designation was to protect vulnerable populations (*V.W. v Conway* 236 F. Supp. 3d 554). Palm Beach County Sheriff's Office in Florida, which oversees the Palm Beach County Jail, defines solitary confinement as a lock-down cell with 1-3 hours of out of cell for recreation time. Until a recent lawsuit, California's Pelican Bay State Prison solitary confinement was home to inmates who were suspected of gang affiliation and locked down 22.5 to 24 hours a day without access to treatment services and educational services (McCarthy, 2015).

According to international law, the term solitary confinement is interchanged by other terms for punitive practices such as cell isolation, segregation, administrative segregation, and separate confinement for inmates locked down 22 hours to 24 hours a day (The Istanbul Statement, 2007). The application of these punitive measures lacks institutional consistency as local correctional administrators interpret best practices differently (Nunez & Copeland, 2017, p. 725). Past research focused on the term solitary confinement without differentiating between restricted housing units, administrative segregation, security housing units, protective custody and punitive segregation which tend to replicate unethical solitary confinement practices (U.S. Department of Justice, 2016, p.3).

Juveniles in Solitary Confinement

Juveniles who are adjudicated as adults and found guilty of federal crimes are only placed in solitary confinement in federal prisons if the inmate demonstrates suicidal behavior or is an imminent threat to another inmate. In county correctional facilities, juveniles incarcerated at adult facilities are typically segregated from main prison populations for safety reasons (Scialabba, 2016). Placement in these highly secured segregation units, where movement is restricted to 1 to 3 hours per day, is designed to protect young, vulnerable inmates from the adult population. Additionally, juveniles in adult facilities can also be placed in RHU's for mental health issues, medical issues, pregnancy, suicidal behavior, and persistent rule infractions.

The American Correctional Association (ACA), formerly known as the National Prison Association, in cooperation with the US Department of Justice, develops and promotes national operational standards for corrections in American. According to Elliot (2018), the American Bar Association (ABA), the National Council of Juvenile and Family Court Judges (NCJFCJ), the American Academy of Child and Adolescent Psychiatry (AACAP), and ACA all propose changes to solitary confinement procedures in America, with the ACA being considered the “most influential” in promoting change (p.3).

In 2018, American Correctional Association (ACA) published a series of policy recommendations for correctional facilities, specifically, on the use of segregation units for adults and juvenile offenders in adult facilities. For instance, the ACA recommends that adult correctional facilities ban the use of restrictive housing units for inmates, 17 years or younger, who are confined to their cells for a minimum of 22 hours per day for 31 consecutive days or more (American Correctional Association, 2018). In addition, ACA advocates for student-inmates’ right to have full access to a FAPE while in restrictive housing units (American Correctional Association, 2018).

Impact of P.L 94-142 on Correctional Facilities

P.L. 94-142 was initially enacted to protect the educational rights of students with disabilities; especially those with mental retardation and limited access to an appropriate public education (U.S. Department of Education “History: Twenty-Five Years of Progress in Educating Children, 2007). According to Smith, Ramirez, and Rutherford (1983) this “mandate extends to those handicapped youth confined to correctional facilities” (p. 108). The passage of P.L. 94-142 provided more educational opportunities for previously neglected students with disabilities but access to an appropriate education for student-inmates with disabilities remained problematic (Smith, Ramirez, & Rutherford, 1983). The majority of adult correctional facilities, including juvenile detention facilities were noncompliant in adhering to federal standards set forth by the

Education for All Handicapped Children Act during this time period (Rutherford, Nelson, & Wolford, 1985; Coffey, 1982). A lack of contractual responsibilities among local education agencies (LEA) and correctional institutions contributed to substandard special education programs for student-inmates with disabilities (Hockenberry, 1980).

Four years after the passage of P.L. 94-142, there was very little improvement in special education programming in youth correctional facilities. Morgan (1979) conducted a nationwide survey and found that almost half of incarcerated youth were diagnosed with a disability (as cited in Smith, Ramirez, & Rutherford, 1983, p. 108). In 2003, a national survey on incarcerated youth found that 90% have emotional problems and are disproportionately represented in juvenile facilities (Davis et al., 2014, p. 21).

Theoretical Framework

Organizational control theory is deeply rooted in a longstanding belief that institutional control of inmates is significantly more important and effective than rehabilitative programs. Historically, highly structured correctional facilities developed a notorious reputation that discipline and isolation was the most effective way of controlling inmates' behavior (Craig, 2004, 95s). Rehabilitative programs within prisons are typically viewed as privileges with administration officials reserving the right to restrict access to these programs for safety and security reasons, more commonly known as penological concerns (Craig, 2004, p. 96s). The purpose of solitary confinement and other highly restrictive housing units is to "assert control over inmates" rather than an attempt to rehabilitate prisoners (Gordon, 2014, p. 500).

Power in Coercive Organizations

Rehabilitation programs such as corrections education programs encounter institutional barriers that limit the effectiveness of these programs as a result of coercive organizations "using coercive tactics such as physical violence, segregation, and intimidation used in the attempt to control prisoners" (Hepburn, 1985, p. 147). A common disciplinary practice is the use of

segregating disruptive inmates from the general population. Typically, segregation units confine inmates in a cell for 22 to 24 hours per day with visitation, phone calls, and participation in rehabilitative programs dramatically reduced. In 2011-2012, the Bureau of Justice Statistics (BJS) found that over 6,000 out of 91,177 county, state, and federal inmates dispersed over 590 prisons were placed in RHUs, while over half of all adult inmates with emotional disorders were locked in solitary confinement, disciplinary segregation, or administrative segregation (Nolasco & Vaughn, 2019, p. 813-814). Biswas (2018) reviewed literature on solitary confinement practices across the United States and found that state and local prisons are not properly aligned with the Department of Justice's (DOJ) recommendations on appropriate restrictive housing practices. DOJ's *Report and Recommendations Concerning the Use of Restrictive Housing* is a guideline for federal prisons and county prisons have more discretion in RHU practices. County facilities' independent authority from federal RHU guidelines has expanded the practice of separating juveniles from adults housed in county prisons through placement in RHUs (Biswas, 2018, p. 12).

Theory X

Theory X, or Classical Management Theory, was developed by social psychologist Douglas McGregor in the 1950s. Theory X can be applied to traditional corrections management Style, which values control of inmates over rehabilitation measures. A fundamental principle of Theory X is based on the theory that management controls its subordinates by dictating and strictly enforcing workplace rules (Craig, 2004, 98S-99S). In correction settings, inmates are on the bottom of the social class and their daily life is structured by what administration officials deem appropriate. Stringent rules that determine when inmates can eat, shower, make phone calls, receive visits, exercise, attend programs, and have time out of their cell is comparable to the highly structured routines that untrustworthy assembly line workers in the early 1900s had to follow. This type of institutional control prevents assembly line workers and inmates from

engaging in personal decision making (Craig, 2004, p. 103S) and workplace creativity (Bobick & Davis, 2003, para.1). Inmates placed in RHUs experience the most severe set of administration rules where confinement to a cell could be up to 24 hours a day. Imposing administrative control in these situations limit inmates' ability to actively participate in rehabilitative programs and socialize with other inmates due to their lock-in status (Bostwick & Pulitzer, 2016). Participation in these activities are only reinstated when inmates demonstrate compliant behavior (Bostwick & Pulitzer, 2016, p. 18).

Much of the debate over Theory X has revolved around managers' assumptions that subordinates have a basic need to be directed and controlled. This type of managerial style contributes to low employee morale, lack of employee autonomy and creativity, and consequently, impedes the organizations' ability to achieve its goals (Bobick & Davis, 2003). In correctional facilities prison administrators view inmates as untrustworthy, as evidenced by housing inmates in RHUs for rule infractions and for the severity of their criminal offense. Furthermore, inmates with intellectual disabilities "are more likely to end up in solitary confinement" than inmates without disabilities, according to Bostwick and Pulitzer (2016, p. 16). Regardless of the reasons, student-inmates that are placed in RHUs routinely experience "limited or no access to meaningful programming of any kind" (Haney et al., 2016, p. 130). Controlling student-inmates through placement in the most restrictive housing units obstructs their ability to properly access educational services due to their lock-in status.

Inmates Educational Motives

In Pennsylvania, student inmates, 16 and under, are mandated to enroll in a high school education program while incarcerated in county prisons. Inmates, 17 to 21 years old, are eligible to enroll in a high school program but their participation is voluntary. Examining inmates' motivations, voluntarily or mandated, is essential to understanding how special education teachers and special education supervisors perceive the ability of high school students housed in

restricted housing units access a FAPE.

An extensive review of the literature revealed there is limited research investigating secondary education student-inmates access to a FAPE while housed in prison segregation units. However, there were a small handful of studies conducted by European research scientists who examined adult inmates' motivational factors for participating in prison education programs. These studies revealed that length of sentence, avoidance of prison life, intrinsic motivation, age of inmate, and institutional barriers were determining factors for enrolling in prison education programs. The phenomenon of student-inmates' motivation for accessing educational services while in incarcerated is an important area of enquiry; however, relatively little is known about how these motivators influence access to a FAPE.

Field experts indicate that future research on correctional education should focus on inmates currently enrolled in programs (Donges Jr. 2015; Drake & Fumia, 2017). Furthermore, Delaere, Caluwe, and Clarebout (2013) moved away from traditional studies involving the correlation between inmates completing adult education programs and its impact on reducing recidivism towards studying the reasons why inmates pursue an education in prison. The purpose for studying student-inmates' educational motives allows educators an opportunity to "engage some of the most marginalized and least served members of society in meaningful and relevant education" (Wilson, 2007, p. 200). Current research highlights inmates' educational motives who served short-term and long-term sentences with all research participants over eighteen years of age. Roth and Manger (2014) found that inmates with longer sentences valued prison education programs highly while inmates serving shorter sentences are "less likely to see education as important for future planning and competence building" (p. 218).

In review of the literature, there are varying motivational factors as to why inmates

participate in prison education programs, but little research exists connecting those motivators to program development. This phenomenon has gained momentum with European research scientists in Norway, Belgium, Ireland, and Germany. For instance, Manger, Eikeland, Diseth, Hetland, and Asbjornsen (2010) studied educational motives among Norwegians over the age of 18 who were currently serving a short-term or long-term prison sentences. Manger et al. (2010) interviewed 2,225 sentenced inmates to determine if they were “pushed or pulled” into participating in prison education programs (p. 543). According to Manger et al. (2010), some inmates were pushed into education programs for social reasons and avoidance of prison life while others were pulled for intrinsic motivational purposes. However, this study did not include inmates 17 years old or younger who were incarcerated in adult correctional facilities and eligible to earn a high school diploma.

Inmates who were pushed into prison education programs often enrolled due to negative provocations, such as the monotony and boredom of daily prison life. Others were intrinsically pulled into education programs because the future benefit of such programs would greatly enhance their livelihoods outside of prison. The researchers concluded that inmate educational motives are most likely limited to their respective institutions, as each prison has its own unique administrative barriers and participatory influences which may impact program delivery. While Manger et al. (2010) provided one of the earliest discussions on inmates’ educational motives, it has not yet been demonstrated that enrollment indicates access to an equitable education program for student-inmates with disabilities.

Drawing on the work of Manger et al. (2010), Halimi et al. (2017) interviewed 486 Flemish inmates from Belgium who were awaiting trial and housed in secured facilities comparable to U.S. adult county prisons. Halimi et al. (2017) found that one-third of Flemish

inmates participated in prison education programs with intrinsic motivational factors being the highest among younger inmates while inmates serving longer sentences self-reported decreased interests. The average age of Halimi et al.'s (2017) participant pool was 33 years old but there was no clear description of what constituted a "younger inmate". Halimi et al.'s (2017) acknowledges that inmates have different motivations for participating in a formal education program while in prison but future research should explore institutional variables that impact an inmates' ability to access educational programs.

Additionally, Davidov and Eisikovits (2014) completed a study using a descriptive phenomenological perspective with in-depth interviews of Nazi concentration camp survivors. The survivors had to intentionally choose between hard labor or imminent death and their personal decisions determined their WWII concentration camp experiences (Davidov & Eisikovits, 2014). Davidov and Eisikovits' (2014) results show the importance of inmates' motivational factors for participating in an education work program within a Nazi concentration camp. Individuals who never spent time inside a correctional facility may not be familiar with daily prison life and may have a different understanding of what intentional choice means. Hardened inmates use intentional choice as "a form of situational freedom" (Davidov & Eisikovits, 2014) in order to avoid death, cockroaches (Wilson, 2007), or mundane prison life (Runell, 2016). Consequently, education supervisors could benefit from understanding the reasons why student-inmates participate in high school education programs because the findings could lead to an improvement in providing a FAPE for special education students housed in county correctional facilities.

Outside of Europe, Al Saif (2007) distributed questionnaires among 300 adults incarcerated in three different Saudi prisons. Al Saif's (2007) purpose was to determine how

inmates perceived prison education programs involving the use of computers to access online learning. Al Saif (2007) found that inmates were highly motivated in web-based learning when they had access to computers and the internet because it increased their chances of obtaining competitive employment upon release from prison. Al Saif's (2007) conclusions present a catalyst for change in Pennsylvania county correctional facilities where the ability for inmates to access the internet is nonexistent or highly restricted due to penological safety and security concerns. Al Saif (2007) recommends that future research consider "cooperation among the different levels" of administration and faculty (p. 130).

Recent literature has found both positive and negative reasons for pursuing an education in prison. Most commonly reported were goal orientation (Delaere, et al., 2013; Manger, Eikeland, Diseth, Hetland, & Asbjornsen, 2010; Parsons & Langenbach, 1993; Roth & Manger, 2014;), work experience (Brosens, Dury, Vertonghen, Verte, & De Donder, 2017; Hunter & Boyce, 2009), increased social interaction (Hunter & Boyce, 2009; Roth & Manger, 2014), passion for learning (Halimi, Brosens, De Donder, & Engels, 2017; Manger, Eikland, & Asbjornsen, 2003), institutional barriers (Brosens, De Donder, Dury, and Verte, 2015; Brosens, Dury, Vertonghen, Verte, & De Donder, 2017; Meyer, Harned, Schaad, Sunder, Palmer, & Tinch, 2016), rehabilitation (Schlesinger, 2005), pride (Evans, Pelletier, & Szkola, 2018; Halperin, Kessler, & Braunschweiger, 2012; Tewksbury & Stengel, 2006), monotony of daily prison life (Runell, 2016, p. 98) and "to get away from the cockroaches" (Wilson, 2007, p. 185).

Remarkably few studies have been designed to assess secondary education student-Inmates' ability to access a FAPE while housed in RHU settings. Existing research has focused on inmates' educational motives but failed to concentrate on secondary education students with disabilities. There is evidence to suggest that institutional barriers are a factor in whether

inmates enroll in education classes, but a number of crucial questions remain unanswered.

Regardless of whether a student is pushed or pulled into a secondary education program, are they receiving an education that provides meaningful benefit? Do additional barriers, such as restrictive housing units, impede a student-inmates' ability to access a free and appropriate education?

In a rare case study involving a student-inmate, Ochoa & Eckes (2005) supports the view that educational services for students housed in correctional facilities are inadequate (p.21). Previous research has reported on institutional barriers thwarting correctional educational services but very few researchers have conducted one-to-one interviews with student-inmates about these experiences. In one case, Ochoa & Eckes (2005) conducted an informal interview with a student-inmate with a disability and limited questions on reasons for incarceration, managing behavioral outbursts, and daily academic schedule. The interviewee reported having a consistent academic schedule and counseling support when appropriate.

Access to a FAPE in a Correctional Facility

Some government agencies have identified a gap in empirical research concerning school-aged students involved in education programs at correctional facilities (Mears & Aron, 2003). An overlooked gap is whether student-inmates have access to a FAPE while serving time in restricted housing units. Access to educational services for secondary education inmates in adult correctional facilities often focus on G.E.D and vocational programs with scarce research on the delivery of special education services for student-inmates housed in RHUs.

Edelson (2017) raises a concern that correctional institutions throughout the US are neglecting their legal responsibilities to provide a FAPE for student-inmates diagnosed with disabilities. Edelson (2017) reports that only a third of US states and federal prisons provide secondary educational services and the effectiveness of these existing programs remains

unresearched. Edelson (2017) conducted a law review which exposed how four IDEA loopholes which allow correctional facilities to keep from providing a FAPE to younger inmates. First, facilities circumvent a FAPE if it conflicts with state law. For example, if a student-inmate poses as a security risk or jeopardizes the safety of other inmates and prison staff than prison administrators have an obligation to remove that inmate from general population. Placing student-inmates in RHUs for disciplinary reasons severely impacts their ability to access a FAPE. Second, if a school-aged eligible student enters a correctional facility without a previously identified learning, emotional, or intellectual disability, then a FAPE is not mandatory. Third, IEP team members can revise the IEPs if there is a safety and security risk to staff members, inmates, or to themselves thus limiting the delivery of special education services. Fourth, the federal government has limited enforcement powers when assigning penalties for FAPE violations which, in turn, emboldens correctional facilities to cite penological concerns. Institutional barriers, most notably RHUs, negatively impact a FAPE (Edelson, 2017, p.93-94).

Leone, Meisel, and Drakeford (2002) reported on the increase in juveniles with disabilities being incarcerated in juvenile and adult correction facilities while emphasizing the importance of an appropriate education for school-aged offenders in correctional facilities. Leone et al. (2002) attributes the increase in the delivery of special education within correctional facilities to IDEA regulations, in addition to litigation outcomes for procedural violations that occurred in correctional facilities. The authors made connections between students with disabilities receiving more disciplinary school infractions than nondisabled students which increases in severity when incarcerated at prisons. According to Leone et al. (2002), inmate misbehavior could lead to solitary confinement or an RHU cell which creates an immediate barrier for accessing a FAPE. The authors argue that this situation has the potential for numerous FAPE violations (Leone et al., 2002).

Leone et al. (2002) outlined several obstacles negatively impacting the delivery of special education programming within correctional facilities such as institutional procedures, lack of communication between education program and local schools, student-inmates' disruptive behavior, lack of classroom space, inadequate funding, and ineffective supervision from school personnel and prison administrators. Due to these issues, corrections education programs receive little attention from prison administrators. Leone et al. (2002) offers solutions to raising the education standards inside prisons by allowing corrections education teachers to be more independent and freer of prison administrators' control which could impede a quality education. Additionally, the authors suggested that correction education teachers should collaborate with the host district in order to meet the same educational standards of traditional school-aged students.

Prison Intake Procedures

Upon entering juvenile detention facilities or adult correctional facilities inmates are segregated from general population inmates, primarily for medical precautions until they are medically cleared. These areas tend to be highly restrictive and present obstacles for providing appropriate special education services. The work of Krezmien, Mulcahy, and Leone (2008) demonstrates the difficulties of properly screening student-inmates for special education eligibility upon commitment at a temporary facility. Krezmien et al. (2008) conducted intake interviews on 555 male juvenile delinquents, average age 16-years-old, incarcerated at temporary and long-term facilities. The authors hired a research team that administered achievement tests, reviewed existing educational data, and mental health records as a means to determine a student-inmates' eligibility to receive special education services. It was concluded that temporary intake units often lack organized procedures for assessing whether newly committed inmates require special education services (p. 459).

In a similar study, Hart et al. (2012) examined the education evaluation process for juveniles in Connecticut detention facilities and compared those procedures with two groups of

participants attending local high schools. The evaluative process was conducted within a day or two upon arrival at the juvenile detention facility. The authors concluded the educational assessments are reliable and good predictors of planning and implementing an appropriate education within a correctional facility. The authors recommend that results from sound educational assessments should be used to develop functional reading and math skills in order to meet the unique needs of student-inmates.

In a juvenile justice essay authored by the Honorable Jonathan Lippman, former Chief Judge of the New York Court of Appeals, agrees with Leone et al. (1991) that student-inmates housed in adult correctional facilities often receive inadequate secondary education services. Consequently, this environment leads to high recidivism rates (Gordon, 2014), amplified mental health issues, higher suicide rates (Basso, 2018) in solitary confinement and poor academic progress. Judge Lippman supports NY legislation which increased the age of criminal responsibility to the age of eighteen, as a means to eliminate solitary confinement of juveniles in adult prisons.

FAPE Litigation in Correctional Facilities

Denial of access to special education services within juvenile correction facilities and adult prisons have been on the rise since 1990. According to Mathur and Schoenfeld (2010), there have been “over forty class action lawsuits related to inadequate special education services” in secured treatment facilities across the United States (p. 21).

Buckley v. State Correctional Institution (SCI)-Pine Grove

The due process decision of *Buckley v. State Corr. Institution-Pine Grove*, 98 F.Supp.3d 704 (M.D.Pa. 2015) was a pivotal case concerning the educational rights of a student-inmate who was serving time in SCI-Pine Grove while being housed in a RHU. Stephen Buckley, the plaintiff, was receiving secondary special education services, including accommodations, while incarcerated at Lackawanna County Prison. After a few months, Buckley was sentenced to state

prison and transferred to SCI-Camp Hill where he was placed in a RHU due to institutional infractions. Following a brief stay at SCI-Camp Hill, Buckley was transferred to SCI-Pine Grove to serve out the remainder of his sentence. At SCI-Camp Hill, Buckley continued to be housed in a RHU due to numerous infractions including failure to follow rules and threatening prison officials, which ultimately contributed to Buckley spending years in a RHU. IEPs written by SCI-Pine Grove education indicated that Buckley was receiving one hour per week of cell study. Cell study consisted of correction education teachers providing instructional level educational worksheets for Buckley to independently complete while he was locked in a single cell. Buckley filed a due process complaint indicating that he was being denied a FAPE while in a RHU setting (*Buckley v. State Corr. Institution-Pine Grove*, 98 F.Supp. 3d 704).

The initial Hearing Officer concluded that Buckley was not denied a FAPE because his IEP reflected the modifications to his educational services while being housed in a RHU. It was determined that SCI-Pine Grove had a legitimate penological interest in providing safety and security to their staff members by restricting Buckley's physical movements and were in compliance with IDEA's exceptions for incarcerated high school students. The decision was challenged, with the court overturning the Hearing Officer's ruling. Buckley was denied a FAPE because key components were missing in his IEP, such as a list of specially designed instructional strategies, measurable annual goals, and a description of specific penological concerns that were impeding his ability to access a FAPE were not described in his amended IEP. As a result, Buckley was awarded full day compensatory education for each day he was housed in a RHU at SCI-Pine Grove (*Buckley v. State Corr. Institution-Pine Grove*, 98 F.Supp. 3d 704).

R. L. v. Pennsylvania Department of Education

The second due process case occurred shortly after *Buckley v. SCI-Pine Grove* decision. R.L. was a student-inmate diagnosed with a serious emotional disturbance and incarcerated at

several state prisons in Pennsylvania. R.L. alleged that the Pennsylvania Department of Corrections failed to provide a FAPE while the student was serving time in a RHU. R.L. was confined to restrictive housing on November 19, 2013, through November 5, 2014, for the majority of the time. Similar to *Buckley v. SCI-Pine Grove*, R.L. was not permitted to physically attend school during this period but was allowed to receive study packets. In addition to limited access to an appropriate education, R.L. was denied a FAPE due to noncompliant IEP's and RR's completed by education personnel at the Department of Education. A compelling question resulting from both due process decisions is whether student-inmates are receiving an appropriate education solely through study packets without access to a classroom or instruction by a certified teacher.

The plaintiffs argue that R.L. was not allowed to receive educational services while in restricted housing, thus denying the student-inmates ability to access a FAPE. The judge cited *Buckley v State Correctional Institution-Pine Grove*, 98 F. Supp. 3d 704, 717 (M.D. Pa., 2014) as precedent for the denial of a FAPE and awarded R.L. 2,722.5 hours of compensatory education. IEPs and a RR documented inconsistent present levels of academic performance, poorly written SDIs, out-of-compliance IEPs during the time R.L. was housed in a RHU, and failure to identify appropriate special education services to ensure a meaningful education contributed to the denial of a FAPE.

Palakovic v. Wetzel

Shortly thereafter, a civil rights case evolved at another SCI in Pennsylvania after the untimely death of Brandon Palakovic. In *Palakovic v. Wetzel*, No 16-2726 (3d Cir. 2017), Palakovic, a 22-year-old inmate diagnosed with a serious mental health disorder was serving time for burglary at SCI-Cresson in Pennsylvania. Palakovic was routinely placed in solitary confinement at SCI-Cresson where he was confined to his cell for 23 to 24 hours a day, where he eventually committed suicide. The Department of Justice (DOJ) found that Palakovic was

denied adequate health care, social interaction, and basic “standards of decency” (Civil Rights, p.1487). In 2014, as a result of DOJ’s investigation into Palakovic’s ADA civil case, the department also found systematic solitary confinement abuses across PA’s state prisons (“Palakovic v. Wetzel,” n.d.). The plaintiffs alleged that SCI-Cresson routinely segregated inmates with severe mental health issues away from general population inmates by placing them in solitary confinement. The Third Circuit supported the Plaintiff’s Eighth Amendment cruel and unusual punishment claims by applying the “deliberate indifference” two-pronged test (Civil Rights, p. 1484). The test was reviewed to determine if Palakovic was subjected to undue psychological harm resulting in bodily injury and whether DOC employees willfully ignored the known risks. (Civil Rights, p. 1484).

Life in solitary confinement or restricted housing units, as reported in the Palakovic case, provides very little opportunity for inmates to access basic fundamental needs, like healthcare and adequate psychological counseling, especially those with serious mental illnesses. Palakovic’s case added another critical layer to the rulings of *Buckley v. SCI-Pine Grove* and *R.L. v. PA Department of Education*, which exposed state penal institutions’ predictable and unjustified use of solitary confinement as a management tool to segregate inmates based on disabilities.

All three PA due process cases share similar experiences of secondary education students’ inability to access a FAPE and basic needs while housed in RHUs. Prison administration policies and access to appropriate educational services and basic fundamental needs are often in conflict of each other, as demonstrated by recent due process cases and civil lawsuits. As a result of these outcomes, in 2018, the U.S. Department of Justice asserted that correctional facilities and educational institutions share an equal legal responsibility in providing special education services to student-inmates in order to prevent both entities from assigning blame (“Settlement in HRDC”, 2019). The courts and special education advocacy programs

have taken notice of the institutional barriers that create tension between prison administrators and access to educational programs.

H.C., M.F., & T.M. v Palm Beach County Sheriff et al.

In 2018, a civil rights lawsuit was settled in Palm Beach County, Florida, involving three student-inmates housed in segregation units at the local county jail. The plaintiffs, H.C., M.F., and T.M., filed a civil suit against Palm Beach County Sheriff's Department and the School Board of Palm Beach County. All three school-aged plaintiffs were identified with a disability and eligible to receive a FAPE under IDEA while incarcerated at Palm Beach County Jail (PBCJ). Attorneys for the student-inmates alleged the plaintiffs were confined to restrictive housing units 23 hours a day with one hour of recreation time spent outside their cells ("Settlement in HRDC", 2019).

It was common practice for the PBCJ to routinely house male and juvenile offenders in units that were segregated from general population inmates. Male offenders were placed in RHUs and female offenders were placed on medical blocks that were also highly restrictive. The Palm Beach County Sheriff's Department segregated juvenile offenders in PBCJ for a variety of reasons including age of offender, disciplinary infractions, medical concerns, and mental health precautions. According to the plaintiff's attorneys, all three juveniles were placed in RHUs for extended periods of time without the host district offering procedural due process, live secondary education instruction, or an appropriate education equivalent to student-inmates in general population. Inside PBCJ's RHUs, student-inmates had very little interaction with Palm Beach County School District's (PBCSD) teaching staff, and instructional materials, without accommodations or modifications, were limited to study packets that were placed underneath the inmates' cell block doors. At times, PBCJ staff members often intervened and prevented PBCSD teaching staff from teaching student-inmates in solitary confinement at an alternative location that is more conducive for learning. As a result, the plaintiffs were routinely

denied a FAPE as required by IDEA (“Settlement in HRDC”, 2019).

H.C., M.F., and T.M. lawsuit was an extension of due process abuses found in similar civil rights cases involving student-inmates housed in RHUs. The attorneys for the juveniles argue that student-inmates with learning disabilities, emotional disturbances, or intellectual disabilities are entitled to manifestation hearings, as required by federal law, when a change of educational placement occurs due to behavioral concerns (“Settlement in HRDC”, 2019). A high school student that is arrested and placed in a county correctional facility and agrees to receive educational services is considered to be taught in the most restrictive educational environment. However, there are cell assignments within prisons that are more restrictive than other cell blocks. General population status to solitary confinement is the least to most restrictive environment, respectively, within the confines of a correctional facility. The plaintiffs in this case, were all housed in the most restrictive environment, solitary confinement, either upon admittance or transfer from general population status due to rule infractions or other administrative decisions. Regardless, the decision to house student-inmates with disabilities in solitary confinement can be construed as a change of placement, thus prompting a manifestation hearing.

V.W. v. Conway

In a second Eighth and Fourteenth Amendment civil suit, V.W. v Conway 236 F. Supp. 3d 554 (N.D. N.Y. 2017), juvenile inmates were detained in a New York county adult correctional facility. The plaintiffs sued Onondaga County Sheriff’s department and the host district, Syracuse City School District (SCSD), claiming their civil rights were violated by being housed in solitary confinement at the Onondaga County Justice Center (OCJC). At OCJC, solitary confinement has many characteristics of RHU settings including inmate cell isolation and confinement to a cell for a minimum of 23 hours a day. According to the lawsuit, it has been a practice of OCJC to place juvenile offenders into solitary confinement settings due to their age

and status as vulnerable inmates, not as a punitive consequence. Mental health treatment and educational services were extremely limited due to their RHU status and mobility outside of their cell was limited to one hour a day. SCSD employed certified public school teachers to provide secondary education services and it was their responsibility to ensure special education services and a FAPE was provided to incarcerated students with disabilities. SCSD's teachers provided cell-study packets to RHU student-inmates, rather than live instruction, due to OCJC's firm policy on keeping juveniles locked in a cell for 23 hours a day. The lawsuit reported that juvenile defendants incarcerated for two months or more were confined to OCJC's solitary confinement, both punitively and precautionary, at least once during their incarceration period (p. 567).

ACLU v. Adam X. Brian Y. Casey Z

The American Civil Liberties Union of New Jersey (ACLU-NJ) along with Disability Rights Advocates and Proskauer Rose LLP filed a civil rights lawsuit against the New Jersey Department of Corrections (NJDOC) for failing to provide a FAPE for secondary education student-inmates housed in state prisons across New Jersey. The class action lawsuit was filed on behalf of Adam X., Brian Y., and Casey Z., who were all diagnosed with a disability upon their initial incarceration by NJDOC. The lawsuit alleges numerous due process violations including lack of manifestation hearings, nonexistent differentiated instruction, insufficient instructional hours, limited transition plans for released student-inmates, lack of instructional support for specially designed instruction, and segregating student-inmates in the most restrictive prison environment based on disability or behavioral infractions without due process (In the US District Court for the District of New Jersey, 2021, p. 17).

Adam X., et al., v. New Jersey Department of Corrections, et al.

Adam X., et al. complaint is one the few recent civil rights cases that raise the issue of "comparable services requirement" (In the US District Court for the District of New Jersey,

2021, p.17). This requirement specifies that student-inmates with disabilities should be receiving similar special education services while incarcerated as they were in their last educational setting. For example, if a secondary education student was receiving full time emotional support services, as identified on the IEP, then those services should continue when the student is arrested and incarcerated, at least until an IEP team can convene to discuss a change in placement, new recommendations, or positive behavioral intervention strategies.

Identical to other high-profile cases, the plaintiffs' attorneys in *Adam X., et al.*, described education practices in restrictive housing units as inadequate with very little live instruction. All three plaintiffs were housed in highly restrictive segregation units based on administrative decisions. Secondary education programming on these units consisted of individual worksheets that were passed under cell doors with minimal live instruction from certified teachers. Student-inmates on these units were expected to complete the worksheets on their own without assistance and accommodations from their teachers (In the US District Court for the District of New Jersey, 2021, p. 17).

Shortly after these high-profile cases, Children's Rights, a national nonprofit organization, released a report highlighting civil rights abuses against adjudicated secondary education students committed to PA residential facilities. The authors conducted a comprehensive review of institutional infractions, within the state of PA, which occurred from 2009 to 2018. Infractions included, but were not limited to, physical and sexual abuse, unlawful restraints, and segregation of juveniles from daily activities including educational opportunities. The report exposed how numerous institutions received multiple violations of child maltreatment and systematic abuses but efforts to improve living and educational conditions was thwarted by a lack of proper oversight by the PA Department of Human Services (PA-DHS) and the PA Department of Education (PDE) (Hyne, et al., 2018).

Miller v. The Glen Mills School et al.

The Glen Mills School is a residential facility for adjudicated and non-adjudicated delinquent males up to the age of 21 years old. On March 27, 2019, a federal class action lawsuit was filed against The Glen Mills School a few days after “Beaten, then silenced: At the oldest U.S. reform school leaders have hidden a long history of violence” was published by the Philadelphia Inquirer (Gartner, 2019, p. 12). The article uncovered alleged repeated civil rights violations against adjudicated and non-delinquent secondary education students who were court ordered to attend the Glen Mills School in PA. Accusations include physical abuse, sexual assaults, verbal mistreatment, repeated violations of Fourth, Eighth, and Fourteenth Amendments and denial of a free and appropriate public education (*Mother Miller v The Glen Mills Schools and John Does*, 2019). The plaintiffs’ lawyers have named Glen Mills Schools, PA-DHS, PDE, PA Children and Youth, and Chester County Intermediate Unit (CCIU) as defendants in the class action lawsuit. In this case, CCIU was the host district that was responsible for the oversight of the educational program but allowed Glen Mills’ staff primary control of the daily operations. A few months earlier, Hyne et al.’s (2018), report on *Unsafe and Uneducated: Indifference to Dangers in Pennsylvania’s Residential Child Welfare Facilities*, cited a lack of proper monitoring by PDE and PA-DHS and may share liability for what the courts described as “deliberate indifference” (p. 3).

Secondary education programming consisted of independent computer work without special education support and live instruction (Wolfman-Arent, 2019). According to the complaint, Glen Mills boasted of providing a quality educational program and superior sports program which was the foundation of their rehabilitative platform. The plaintiffs contend that Glen Mills’ educational program offered very little high school credit opportunities and students with disabilities participated in ungraded coursework with minimal live instruction from certified secondary education teachers. Subsequently, PDE and CCIU are accused of denying a FAPE for students diagnosed with disabilities who were confined in a highly restrictive setting. The

plaintiffs are seeking compensatory and punitive damages and the case is pending (Wolfman-Arent, 2019, p. 3-10).

Litigation Takeaways

Deliberate Indifference

The term “deliberate indifference” has recently been used as a prosecutorial tool in a series of prisoners’ rights civil rights litigation. Section 1983 of Title 42 of the U.S. Code has been utilized by inmates who believe their constitutional and civil rights have been violated by prison administration policies that place vulnerable individuals in isolation cells. Deliberate indifference is “the prevailing standard that prison officials violated an individual’s Constitutional Rights. It is most common in Failure to Provide Medical Treatment cases. However, it has also been used in jail suicides, municipality liability and failure to protect claims” (NOLLLAW, 2020, Deliberate Indifference section, para. 1).

Over the past 40 years, these civil lawsuits challenged administrative policies that require inmates with mental disabilities to be housed in solitary confinement which substantially increases their risk of suicide. Although most lawsuits were unsuccessful, prison administrators were accused of acting with deliberate indifference by knowingly jeopardizing inmates’ emotional well-being by foregoing proper medical treatment and confining vulnerable inmates to cells for up to 24 hours a day (Hanser, 2002, p. 459-461). In the past decade, deliberate indifference has gradually expanded to include education professionals and state department officials overseeing high school education programs inside correctional facilities.

All school-aged students have the right to an equal educational opportunity, including high school students incarcerated in secured facilities. These rights become infringed upon when incarcerated high school students are placed in solitary confinement or other types of restricted housing units. In comparable cases, inmates have successfully brought civil cases alleging their inability to access appropriate medical services while in solitary confinement. The delivery of

adequate medical care is considered a civil right because inmates are denied the ability to independently care for their own medical needs (Loutfy, 2018, p.77). Swenson (2017) provides arguments supporting public education as a civil right, as well as a human right. Categorizing civil rights as human rights allows educational personnel and lawmakers to broaden the meaning of equal access to education to include the preservation of students' "dignity and cultural rights" (Swenson, 2017, "The Next Step", para.2).

Manifestation Determination Hearings in RHU Placements

Manifestation Determination Review (MDR) was introduced in the reauthorization of IDEA in 1997. MDR's are conducted when the student's behavior results in a potential change of educational placement, exceeds 10 school day suspensions, or is placed in an alternative education setting (Walker and Brigham, 2017, p. 107-108). The MDR team is required to determine if the behavior was a manifestation of the student's disability or a failure of the school district to implement the student's IEP (Knudsen and Bethune, 2018, p.155). Subsequently, the LEA and IEP team conduct a functional behavioral assessment (FBA) and develop a positive behavior intervention plan (BIP) to determine if the student's behavior was directly related to a disability. If agreement exists that the behavior was an indication of a disability then the student returns to the original placement with a restructured BIP and the change of placement is unenforceable. The LEA and IEP team, including parents, can also agree there was no correlation between the problematic behavior and the disability which allows the enforcement of a change in placement.

There is an important distinction to recognize when applying the manifestation determination legal requirement for change of placement within a correctional education setting. It is plausible to argue that student-inmates are entitled to manifestation determination hearings even if the undesired behavior occurred outside the student-inmates' typical classroom setting. In previous civil cases it has been shown that student-inmates were often disciplined by prison

administrators for behavioral infractions and sent to RHUs without proper due process.

In correctional facilities, inmates who commit serious prison infractions are sent to solitary confinement or restricted housing units. This research will explore the use of manifestation determination experiences by education personnel operating inside county prisons. Student-inmates who are housed in RHUs have limited access to educational services when compared to student-inmates housed in general population. As an additional consequence, RHU student-inmates are removed from the general education classroom which is considered a change of educational placement and warrants a manifestation determination hearing. The lack of manifestation determination hearings inside correctional facilities have been a recurring special education procedural violation as argued by civil rights attorneys in *H.C. et al., v Ric Bradshaw et al.*, *Adam X. et al., v N.J. Department of Corrections et al.*, and *V.W. v Conway*. Prison administrators contend that use of RHUs is necessary for the safety and security of staff members and inmates, but it also serves as an institutional barrier that limits student-inmates' ability to access a FAPE.

Bona Fide Security Interest

Correctional facilities repeatedly use the term "bona fide security interest" to justify administrative decisions that place inmates in RHUs or solitary confinement cells. The phrase describes a behavioral threat that necessitates corrections administrators to remove an inmate from general population to restrictive housing for safety and security reasons. An area of concern is whether the application of a bona fide security interest supplants a student-inmates' ability to access a FAPE while in RHUs. *Buckley v SCI-Pine Grove* specifically addresses this problem. In 2012, Stephen Buckley filed a due process complaint that he was being denied a FAPE while housed in RHUs in various Pennsylvania prisons. The Hearing Officer determined that the host district, PA Department of Corrections (DOC), had numerous IEP procedural violations but it was not a violation of federal IDEA guidelines. The Hearing Officer determined

that SCI-Pine Grove's declaration of a bona fide security interest is within the legal authority to modify an IEP as a "security-interest exception" that might reflect the host district's inability to provide certain accommodations and modifications, as provided on the previous IEP (In the US District for the Middle District of PA p. 4). 20 U.S.C. § 1412(d)(7)(B) states, "if a child with a disability is convicted as an adult under state law and incarcerated in an adult prison, the child's IEP team may modify the child's IEP" or "if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodate (sic)" (Legal Information Institute, n.d., p. 1). According to federal law, both factors would have to be present before modifying an IEP, including a compelling penological reason as to why a student-inmate's previous IEP cannot be implemented in a RHU (98 F.Supp.3d 704, M.D. Pa. 2015).

Furthermore, the Hearing Officer acknowledged that removing Buckley, a highly combative inmate, from a RHU for the delivery of previously agreed upon special education services could exacerbate SCI-Pine Grove's security interests. Although the Hearing Officer's decision was not favorable to the Plaintiff, an independent education evaluation (IEE) was ordered by the judge because the host district failed to properly evaluate Buckley's psychoeducational needs upon entering SCI-Pine Grove. In 2013, Buckley appealed the Hearing Officer's decision after an IEE was completed by Dr. Steven Kachmar. Ironically, the IEE assessments were conducted in SCI-Pine Grove's inmate visitation room because Buckley's restrictive housing cell would limit the psychologist's ability to perform reliable tests. In Dr. Kachmar's IEE report, he referenced his ability to confidently perform assessments inside the inmate visitation room where he was separated from Buckley by a sheet of plexiglass. Dr. Kachmar realized that if he can perform psychoeducational assessments in the inmate visitation room than teachers can provide live instruction in the same setting. As well, Buckley cited his ability to be escorted to various medical and dental appointments without jeopardizing the safety and security of the prison. In concept, Buckley would be temporarily removed from RHU and

escorted by correction officers to the inmate visitation room when secondary education services were being offered. This would allow Buckley to receive live instruction and eliminate the use of self-study packets. SCI-Pine Grove's Superintendent, Dr. Robert Marsh, disputed the claim that the inmate visitation center could serve as a legitimate learning environment that is free from distractions (*Buckley v. State Corr. Institution-Pine Grove*, 98 F.Supp. 3d 704).

Due process cases involving student-inmates with disabilities have a recurring theme of limited, or nonexistent, special education services in highly restrictive education settings. Access to educational services, including a FAPE, echoed past litigation complaints of educational personnel distributing individual cell study packets to student-inmates housed in RHUs without any opportunities for direct instruction or application of special accommodations or specially designed instruction, as required by IDEA.

The fundamental argument in these eight court cases is the denial of a FAPE for student-inmates housed in various court-ordered facilities. Potential and founded FAPE violations include limited instruction in solitary confinement, no live instruction, lack of high-quality education, segregation based on disability, inadequate IEPs, insufficient psychological assessment data, lack of institutional oversight, absence of related services, reliance on self-study packets, and failure to complete manifestation determination hearings before placement in RHUs.

Summary

Empirical research has focused on inmates' educational motives for accessing educational programs while incarcerated. Some inmates report intrinsic motivational factors while others point to institutional variables as reasons for participation. More research needs to focus on the effectiveness of special education services for high school students incarcerated in adult facilities. Past research coupled with recent civil litigation has shown that correctional education programs are inadequate and fail to meet the needs of student-inmates with disabilities.

This research will add to current research by examining special education teachers and special education supervisors' perceptions of student-inmates' ability to access a FAPE while being isolated from general population inmates. More information needs to be learned about secondary education programs and the delivery of special education services in these environments. It is imperative that host school districts and local education agencies (LEA) advocate for student-inmates with disabilities who are placed in the most restrictive educational environment. One way to better understand these unique circumstances is to gain insight into the personal experiences of educational professionals who work in these environments.

Over the past 10 years, there has been an increase in civil litigation involving student-inmates placed in court mandated secured treatment facilities. Inmates under the age of 17 years old have traditionally been placed in administrative segregation as a means of protecting vulnerable inmates from adult prisoners. Isolating juveniles from adult inmates requires restricted physical movement and confinement to a cell for a minimum of 22 hours per day. These restrictions create institutional barriers that hinder student-inmates' ability to access a FAPE, as evidenced by recent court cases. Student-inmates with disabilities have the legal right to access adequate educational opportunities and a FAPE while incarcerated. However, these rights are violated when student-inmates are placed in RHUs for administrative or punitive reasons. The overall goal of this research is to raise awareness on how student-inmates in RHUs are accessing educational opportunities and special education services when they are confined to a cell. A qualitative approach, using an interpretative phenomenological analysis (IPA) will be applied to the research data and explained in Chapter III .

CHAPTER III

Introduction

Qualitative methods “can help researchers to understand how and why such behaviors take place” (Sutton & Austin, 2015, p. 226). The purpose of this phenomenological qualitative study is to understand the “hidden experience” of education personnel who supervise or teach school-aged student-inmates residing in adult county prisons (Aldridge, Fisher, & Laidlaw, 2019, p. 1899). A number of recent studies have focused on the quality of education programs at juvenile detention facilities and court ordered placements while little is known about providing a FAPE for student-inmates housed in RHUs. Leone and Wruble (2015) found that secondary education services at these juvenile facilities are consistently failing to meet student-inmates basic educational needs based on decades of civil litigation in the United States. In order to make effective change to correction education programs, specifically secondary education programs at juvenile facilities and county prisons, it is important to understand the personal experiences of high school special education teachers and special education supervisors working at adult county correctional facilities. The participants’ perceptions “can help researchers to understand how and why such behaviors take place” (Sutton & Austin, 2015, p. 226). Additionally, quality correction education programs with highly motivated adult inmates have proven to lower recidivism rates (Davis et al, 2013).

The role of the researcher

The researcher has worked for 15 years as a special education teacher inside an adult

correctional facility. The researcher's primary responsibility was to provide special education services to student-inmates with disabilities. The participants who volunteered for this study were unknown to the researcher in order to reduce bias on the research study. The researcher is the primary individual who will conduct semi-structured interviews, record participants' responses, analyze the transcripts and develop themes and patterns across the transcripts. The researcher recognizes a potential for personal bias due to his professional experience working with student-inmates in solitary confinement settings. In order to combat these biases, the researcher will be writing his personal thoughts and experiences in a journal throughout the data collection process.

Study Participants

Inclusion Criteria

The participant pool consists of five special education teachers and five special education supervisors who have a minimum of one-year experience providing special education services in a secondary education program located within an adult county correctional facility. Participants are employed by public schools, local intermediate units or third-party educational institutions that provide a high school education program for student-inmates who are eligible to receive educational services up to the age of 21 years old. Special education teachers were recruited based on their professional responsibility of providing direct instruction to student-inmates with disabilities who were housed in solitary confinement, restricted housing units, secured housing units, administrative segregation, or punitive segregation cells. Special education supervisors were recruited if he or she provided administrative oversight for the secondary education program located within the county correctional facility to which participant was assigned. These participants were specifically recruited because he or she has "relevance and personal significance" to the phenomena being studied (Eatough, Smith, & Shaw, 2008, p. 1772).

Participants were recruited from a list of county prisons located in Northeastern USA.

The researcher contacted secondary education programs at 30 county prisons and selected the first five special education teachers and the first five special education supervisors who agreed to participate in the research. The researcher anticipated difficulty in securing 10 participants due to the sensitivity of the research topic. Asking participants to reflect on their personal experiences with providing student-inmates with disabilities a FAPE might lend itself to an unwillingness to volunteer due to legal repercussions. As an incentive, all participants that agreed to the semi-structured interview were provided a \$25.00 Visa gift card.

Exclusion Criteria

Student-inmates with disabilities who participate in secondary education programs were excluded as research participants. The Institutional Review Board (IRB) classifies inmates as vulnerable subjects which produces additional barriers to participation. According to Schlosser (2008), access to inmates is challenging due to institutional barriers such as administrative policies, availability of inmates, confidentiality and security concerns (p. 1502). Furthering the complications is the researcher's ability to develop a rapport and gain trust with inmates lending itself to unreliable data (Patenaude, 2004, 70s). Prison administrators and correction officers were also excluded as research participants because I think they typically have little knowledge of the delivery of special education services inside a correctional facility and responsibilities associated with providing a FAPE.

Sampling Plan

This qualitative study will use purposeful sampling as an effective method to recruit participants that closely match the purpose of the study (Tracy, 2013; Smith, Flowers, & Larkin, 2012). These participants were specifically recruited because of their firsthand knowledge of the delivery of special education services and can provide valuable insight on the extent a FAPE is provided for RHU student-inmates with disabilities.

The sampling plan will utilize a convenience sample primarily because the participants

are “at the right place at the right time...and meet the inclusion criteria” (Acharya, 2013, p. 332). The participant pool will include five special education teachers and five special education supervisors of secondary education programs located within county prisons. The participants have unique access to their assigned correctional facilities and share in a common experience about a particular phenomenon. The participants were selected to share their lived experiences about whether they believe student-inmates are receiving a FAPE while housed in various segregation units in adult county prisons. IPA researchers vary on suitable sample size but agree with Smith et al.’s (2012) recommendation that sample sizes of IPA research should be smaller rather than larger due to the in-depth critical analysis of the participants’ transcripts. In addition, the projected sample size requires repeated interviews and an expanded participant pool could create saturation (Smith et al., 2012).

Measurement Procedures

In-depth interviews were used as a widely accepted data collection method used by IPA researchers worldwide (Bevan, 2014; Lopez & Willis, 2004). The interviews were conducted through synchronous mediated webcam conversations via Skype which Tracy (2013) recommends as a practical strategy when the researcher and participants have difficulty meeting face-to-face. Web-based interviews adhere to best practice because the study participants work in various prisons across the northeastern U.S. and conducting face-to-face interviews would be challenging and impractical.

Semi-Structured Interviews

Data was collected using semi-structured long interviews (Cavendish & Connor, 2017; Smith et al., 2012; Bevan, 2014; Moustakas, 1994) with open-ended, exploratory questions (Monteleone & Forrester-Jones, 2017; Moustakas, 1994). Questions were purposely designed to be descriptive and narrative in order to allow the participants to freely talk about their experiences.

Although the researcher will be actively listening and minimally involved, verbal prompts and the use of probing questions will be asked when necessary (Smith et al., 2012). This interviewing approach was suggested by Smith et al., (2012) to help the participants feel comfortable and provide detailed experiences about the phenomenon (p. 59-60). Questions on the interview schedule will be listed in a logical order that gradually leads to the phenomena in question.

Once the participant pool was established, an interview schedule (Appendix A) was developed as the primary data collection instrument for the analysis of the phenomenological study. The interview questions were sked in sequential order and participants' answers will be free from personal interpretation, judgement (Fontana & Frey, 2005, p. 126) and prejudice (Van Manen, 2012, p. 12).

The interview schedule was divided into two parts: Part I and Part II. Part I was designed to make the participants feel comfortable about their lived experiences. Part II included questions about institutional barriers that may impact students' ability to receive a FAPE. Smith et al., (2012) proposes the use of an interview schedule for IPA researchers as a means for guiding the interviews. Follow-up interviews were conducted when the participants raised additional concerns about the phenomenon even if the questions were not on the interview schedule, as suggested by Smith et al. (2012, p. 58). The open-ended questions are designed to allow the participants to expand upon their lived experiences which is a generally accepted practice of phenomenological research studies (Giorgi, 1997).

A series of open-ended questions related to student-inmates with disabilities were discussed with participants which included the following:

Can you describe a typical school day for student-inmates with disabilities housed in a segregation unit?

In your experience, how do student-inmates housed in RHU's receive a FAPE while being locked down for more than 22 hours a day?

How do you make sense of providing legally mandated special education services for student-inmates housed in RHUs when institutional barriers hinder that process?

Can you describe your experience with conducting manifestation determination hearings, IEP meetings, related services, and distributing cell-study packets to RHU student-inmates?

Additional questions with prompts included how the participants made sense of these issues (see Appendix A). All questions on the interview schedule were asked of special education teachers and special education supervisors. Interviews were scheduled for one hour and audio recorded. Each participant was interviewed once and follow-up interviews were conducted to clarify responses, questions, inaudible responses and to validate the data (Smith et al., 2012; Moustakas, 1994). Transcription errors were noted and replaced by more accurate statements along with additional questions.

Research Design

Student-inmates access to a FAPE will be studied by using a hermeneutic phenomenology methodology in order to examine the participants' "experience as it is lived" (Laverty, 2003, p. 24). Hermeneutic phenomenology allows the researcher to read transcripts and develop meaningful themes and interpret the meaning of the participants' phenomenon (Sloan & Bowe, 2014, 1294). Heidegger, a hermeneutic phenomenologist, argues the emphasis of phenomenology is two-fold. Researchers should examine the meaning of lived experiences as in order to gain insight to the "hidden messages" of those experiences (Smith et al., 2012, p. 24).

The essence of phenomenology is to gain insight as to how a phenomenon presents itself to the participants (Beck, 2021). The research design will follow Smith et al. (2012) IPA which allows participants to share their lived experiences regarding their perceptions on how student-inmates with disabilities access a FAPE while housed in RHUs. As Smith et al. (2012) argues, "Without the phenomenology, there would be nothing to interpret; without the hermeneutics, the phenomenon would not be seen" (p. 37).

This paradigm allows participants to share their “lived experiences regarding a particular phenomenon” (Hailemariam, Fekadu, Prince, & Hanlon, 2017, p. 2). The participants share a common experience about their educational institutions’ implementation of special education services at correctional facilities. According to Giorgi, Giorgi, and Morley (2017), the ability of the researcher to “reflect on one’s own experience opens up dimensions of the lived experience that would otherwise be inaccessible”, and is an integral part of a phenomenological study (p. 178). The researcher’s personal experience in corrections education supports the use of an interpretative phenomenological study.

An IPA study is a qualitative research method that is designed to explore lived experiences for a phenomenon (Smith et al., 2012; Aldridge et al., 2019) and to discover meaningful insights (Beck, 2021). Van Manen (2017) defines a lived experience as:

The instant of the moment we reflect on a lived experience, the living moment is already gone, and the best we can do is retrospectively try to recover the experience and then reflect on the originary sensibility or primordiality of what the experience was like in that elusive moment (p. 812)

In order to achieve this understanding, Sokolowski (2000) suggests the application of “natural attitude and phenomenological attitude” when conducting phenomenological research (p. 42). Natural attitude is defined as how the participants’ experienced and accepted a situation during the moment. Then, the researcher gradually moves into a phenomenological reduction of themes in order to better understand the participants’ experiences.

Procedures

Each interview was conducted individually and occurred on different days. Responses were recorded on a separate MP3 file and labeled according to their assigned identification code. The researcher replayed each MP3 file and made notations within a few days after each interview is completed. Data was recorded using a Sony ICD-UX560 Digital Voice Recorder and was placed next to a Bose Companion 20 computer speaker which allowed the Skype

conversation to be recorded on an audio file. Next, the audio file was transferred to a VLC media player which was converted to an MP3 file and downloaded to gotranscripts.com for audio translation. As recommended by Tracy (2013), the researcher fact-checked the accuracy of the transcripts by simultaneously listening to the audio file while following along with the transcripts.

Journaling

Journaling, also referred as a “reflective log” (Beney, Salm, & Lavender, 2019, p. 86), is an accepted practice in conducting phenomenological research especially when the researcher has certain preconceptions and biases related to the area of research. Peoples (2021) noted that “journaling is an effective strategy for phenomenological researchers to track their preconceptions about the phenomenon”. (p. 56). This process will allow the researcher to be aware of personal biases throughout the data collection process.

The researcher wrote notes on personal predeterminations about the delivery of a FAPE for student-inmates housed in a RHU. This information will be documented before analyzing the data. As data is analyzed, the journaling logs will be revisited to diminish the impact of researcher bias when developing meaning about the participants’ lived experiences (Peoples, 2021, p. 56). Journaling is an established procedure because it provides “transparency and reflective learning” (Vicary, Young, & Hicks, 2017, p. 553).

Codebook

Tracy (2013) suggests using primary-cycle coding to classify transcription data into common thematic phrases. Common themes were written in the margin of each transcript since coding is completed manually. A codebook was created to provide clarification of each code to ensure consistency and proper application when analyzing data. As recommended by Tracy (2013), the codebook included a “short description of the code, detailed description of the code, inclusion criteria, exclusion criteria, typical exemplars, atypical exemplars, and close but no

exemplars” (p. 191).

Hand Coding

Data gathered from phenomenological research was hand coded rather than using computer software such as NVivo, as suggested by Peoples (2013). Coding phenomenological data afforded the researcher a unique opportunity to “remain close to their data through rereading full transcripts, personal notes, and retrieved codes” (Goble et al. 2012, n.p.). Interpretation of the transcripts allowed the researcher to discover the “essence” (Goble et al. 2012, n.p.) of the phenomenon. The practice of hand coding phenomenological data is valued more than using a computer application that assigns automated thematic codes (Van Manen, 2017, p. 78-79).

Data Analysis

Smith et al. (2012) proposed an IPA five step guide for describing methodology: a description of the participants, participant sampling procedures, data collection techniques, interview style, and an explanation of the construction of emerging themes. The analysis was developed from transcript notes into grouping of ideas and concluded with emergent themes (O’Beney et al., 2019, p. 85). The construction of emergent themes was developed by using Smith et al.’s (2012) six-step IPA. Step One of analyzing transcripts required the researcher to listen to the audio recording and read the transcript multiple times to ensure a thorough analysis of the participants’ lived experiences (Smith et al., 2012). Step Two required the researcher to mark “anything of interest” and write side notes that identified when the participants were making comments that were descriptive, linguistic, or conceptual (Smith et al., 2012, p. 84). Step Three, “turning notes into themes, the researcher reviewed the participants’ transcripts and wrote side notes and identified emergent themes and arranged them in the order as they appeared in the original transcripts (Smith et al., 2012, p. 92).

Step Four allowed the researcher to review the themes identified in step three and make connections based on relationships and patterns. Smith et al. (2012) refers to this step as

“searching across emergent themes” (p. 92). In Step Five, the researcher followed Smith et al.’s (2012) IPA protocol by completing steps one through four for participant #1 before moving to participant # 2’s transcript. This process allowed the researcher to develop themes as they applied to each individual transcript (Smith et al., 2013). Finally, the researcher incorporated the final step of Smith et al.’s (2012) IPA which allows the researcher to “look for patterns across cases” (p. 101). The emergent themes identified in each individual transcript were comprehensively analyzed and placed into overarching themes (Lancer & Eatough, 2018).

Assumptions

The researcher developed this topic based on several assumptions, including the following:

1. Secondary special education teachers working in county correctional facilities all experience institutional barriers that hinder their ability to provide a FAPE for student-inmates housed in RHUs.
2. Study participants may be hesitant to be transparent in their ability to describe whether RHU student-inmates are receiving a meaningful educational benefit.
3. Special education supervisors would overwhelmingly report positive educational practices for RHU student-inmates because they oversee the program.
4. Special education teacher respondents would acknowledge institutional barriers that deny a FAPE while the special education supervisors provide very little insight to the same barriers.

Delimitations

The findings of the study lack generalizability due to the small sample size and uniqueness of each county prison. The results are individual accounts of the delivery of a FAPE for student-inmates housed in RHUs. Each participant presents their own experiences which may not be applicable to other secondary education programs located inside correctional facilities. Additionally, the Department of Corrections (DOC) provides guidelines for county facilities but prison wardens have a certain amount of autonomy for establishing specific rules for education programs. Inconsistent rules for education programs across county prisons

influence the efficacy these programs. Finally, the inconsistent rules and regulations for RHU settings makes it impossible to generalize the meanings of the participants' lived experiences and apply them to other prisons.

Trustworthiness

Omari, Wynaden, Al-Omari, & Khatatbeh (2017) pointed out the importance of saving all research documents for transparency reasons in their own IPA research study. In this study, the researcher is saving all transcripts, audio files, codebook and journal notes in order to "increase the credibility of the research findings (Omari et al., 2017, p. 37). In addition, summaries of the transcripts will be provided to participants in order to validate its accuracy (Moustakas, 2010; Morrow & King, 2015).

Ethical Considerations

The inclusions of human participants required the approval of the Institutional Review Board (IRB) at Slippery Rock University in Slippery Rock, PA. Each participant was assigned a research identification code to ensure privacy. Special education teachers (PT) will be coded using PT1, PT2, PT3, PT4 and PT5. Special education supervisors (PS) will be coded using PS1, PS2, PS3, PS4, and PS5. The participants' place of employment will be referred as county prisons located in the Northeastern part of the USA in order to protect confidentiality. All participants received an informed consent form which included the purpose and benefits of the study, participant privacy information, interview protocol, and the ability for participants to withdrawal from the research if they choose.

Summary

The intent of Chapter III explained how IPA is an appropriate research methodology for understanding special education professionals' perceptions of providing a FAPE for student-

inmates housed in RHUs. In order to validate IPA as a methodology, a description of the measurement procedures, research design, and explanation of data collection methods was included. The participants were specifically chosen for their direct experience in providing a FAPE for student-inmates in RHUs. Their personal lived experiences will be shared in Chapter IV.

CHAPTER IV

Results

This interpretative phenomenological study explores the lived experiences of special education teachers and special education supervisors who provide special education services to student-inmates with disabilities housed in RHUs. This chapter presents the results of the following research questions:

Research Question 1: What role do institutional barriers play in RHU student-inmates' ability to access a free and appropriate public education?

Research Question 2: What are the experiences of public school special education supervisors and special education teachers providing a FAPE for student-inmates with disabilities who are housed in RHU's?

Research Question 3: How do high school teachers working in a county correctional facility ensure that non-sentenced RHU student-inmates are receiving educational services in the same manner and to the same extent as a student who has been placed in the host district's alternative educational placement?

IPA methodology allows participants to describe, without judgment, their experiences and understandings with a relatively little-known phenomenon (Bogdan, R., Biklen, S. K., 2003). This research aims to describe the phenomenon of providing student-inmates with disabilities a

FAPE while being housed in a cell for a minimum of 22 hours a day or more. A critical component of IPA is the responsibility of the researcher to interpret the participants' responses and supported by excerpts from the participants interview transcripts in order to highlight their interactions with this phenomenon. This chapter also presents the researcher's personal biases and professional influences in the area of providing special education services to student-inmates housed in RHUs in order to properly investigate this phenomenon (Giorgi, 2012, p. 5).

General Background

As stated in Chapter II, the purpose of this study was to examine the lived experiences of special education teachers and supervisors who have the unique experience of providing special education services to student-inmates with disabilities who are confined to their cell for a minimum of 22 hours per day. Research has indicated that correctional facilities and court ordered institutions often lack quality education programs that are negatively impacted by institutional barriers. A surge of recent court cases has confirmed that these problems exist as described in numerous court decisions.

The researcher emailed 23 potential participants between March 24, 2021 through May 13, 2021 and received 7 written replies indicating their interest in this study. This interpretive phenomenological study only requires six respondents, as a result, the last participant to respond was excluded from participant pool. All respondents were active teachers and supervisors in county correctional facilities. All respondents had professional experience providing special education services to student-inmates with disabilities who were housed in various restrictive housing units.

Three special education teachers and three special education supervisors participated in a semi-structured Zoom interview. Each participant was interviewed once and independently reviewed their transcribed interview for accuracy. All participants were satisfied with their transcripts and no follow-up interviews were requested or necessary. The three special education

teachers are referred to as PT1, PT2, and PT3. The initials PT stands for participant teacher. The three special education supervisors are referred to as PS1, PS2, and PS3. The initials PS stands for participant supervisor. All participants are either a teacher or a supervisor in a Northeastern US county correctional facility that house student-inmates with disabilities aged 21 years old or younger in RHU's.

The interview schedule was divided into Part I and Part II. Part I was designed for participants' professional background information and understanding of RHU's. The questions also included their experiences with holding manifestation determination hearings and IEP meetings for student-inmates with disabilities housed in confinement 22 hours a day or more. The participants were asked about the experiences using cell-study packets versus live classroom instruction for student-inmates housed in RHU settings. Part II explored the phenomenon of whether prison barriers impacted their ability to provide a FAPE for student-inmates with disabilities and whether student-inmates were receiving a meaningful educational benefit in these highly restrictive settings.

This study included three special education teachers and three special education supervisor who are responsible for providing a FAPE for student-inmates housed in county correction facilities. All of the participants are full time employees who are employed by school districts or intermediate units. Some special education supervisors are responsible for the delivery of special education services across several county facilities. All three special education teachers are assigned to their respective county correction facility throughout the day.

About the Participants

Participant Supervisor 1 (PS1). PS1 has been supervising the delivery of special education services at a county correctional facility for over 10 years. PS1 indicated that their program averages about six students on a daily basis and recognized that enrollment numbers were on the decline since the beginning of COVID-19 restrictions. Currently, PS1 supervises 2 teachers at

the correctional facility. In addition, PS1 was eager to participate and gave honest, straightforward answers.

Participant Supervisor 2 (PS2). PS2 is employed by an educational institution that manages three secondary education programs, including special education services, at three different county prisons. PS2 is responsible for supervising all three programs where four public school teachers are employed. Two teachers are located at a larger prison and one teacher each at both smaller prisons. According to PS2, the larger prison typically averages 20 to 30 students while the two smaller prisons are averaging 0 to 5 students. PS2 also noted that student-inmate enrollment numbers were down due to COVID-19 restrictions.

Participant Supervisor 3 (PS3). PS3 serves as a special education supervisor and an educational consultant for county prisons and day treatment programs for a secondary education program. PS3 oversees the delivery of special education programming in various adult county prisons with a student-inmate population ranging from one to six participants depending on the location of the facility.

Figure 1

Participant Supervisors Professional Experiences

Participant Supervisor 1 (PS1)	Participant Supervisor 2 (PS2)	Participant Supervisor 3 (PS3)
10 years supervisory experience at an Intermediate Unit (IU)	13 years supervisory experience at an Intermediate Unit (IU)	4 years supervisory experience at an Intermediate Unit (IU)
Supervises 2 classroom teachers and 1 correctional facility	Supervises 4 classroom teachers and 3 correctional facilities	Supervises multiple county correctional facilities
Averages 6 student-inmates per day	Largest facilities average 20-30 student-inmates	Averages 1-6 student-inmates across all facilities
	Smaller facilities average 0-5 student-inmates	

Participant Teacher 1 (PT1). PT1 is dually certified in secondary special education and

general education core content subject areas. PT1 is a seasoned teacher who has been employed by a local school district for 20 plus years. On average, five to eight student-inmates are enrolled in PT1 program. PT1 job responsibilities include teaching student-inmates with and without disabilities including in RHU environments.

Participant Teacher 2 (PT2). PT2 is certified in secondary special education teacher and provides special education services to student-inmates housed in general population and RHU's. PT2 is employed by an educational institution that provides a secondary education program to student-inmates housed in a county correctional facility. PT2 indicated that student-inmate enrollment size averages 8 to 12 students daily.

Participant Teacher 3 (PT3). PT3 is a certified as a secondary special education teacher and provides classroom instruction and special education services at multiple county prisons. PT3 disclosed that the student-inmate population has declined due to prison policies associated with COVID guidelines. Currently, PT3 has a total of 10 student-inmates who agreed to receive educational services while incarcerated at an adult correctional facility.

Figure 2

Participant Special Education Teachers Professional Experiences

Participant Teacher 1 (PT1)	Participant Teacher 2 (PT2)	Participant Teacher 3 (PT3)
20 years experience as a special education teacher at a public school	14 years experience as a special education teacher at a public school	22 years experience as a special education teacher including 2 years teaching at correctional facilities
Provides special education services at 1 county correctional facility	Provides special education services at 1 county correctional facility	Provides special education services at multiple county prisons
Averages 5-8 student-inmates per day	Averages 8-12 student-inmates per day	Averages 10 student-inmates per day

Summary of Data Analysis

Examination of the participants responses revealed three major themes influencing student-inmates access to FAPE in a county correction facility. These themes include

institutional barriers, meaningful educational opportunities and making sense of the prison work environment for student-inmates housed in highly restrictive facilities.

Institutional Barriers

The interviewees were asked to describe the institutional barriers they experienced that played a major role in preventing the delivery of appropriate special education services in restricted housing units. The participants offered a wide range of obstacles which are unique to their respective prisons. However, all three special education supervisors reported similar barriers with limited access to student-inmates when they are locked down for 22 hours or more a day, lack of classroom space, low quality education leading to zero hours of live instruction due to their maximum-security status. One of the respondents, PS1, appeared frustrated with restricted housing rules.

We can't even see them. It's a matter of putting cell study packets together. The kids were not motivated, and the teachers said this over and over again. If we could just see them, they would do more of this work than they are doing right now. They can't go anywhere. They can't see anybody (PS1).

Another respondent, PS2, echoed the experiences of PS1.

I know how it affects us in terms of providing an education for those students. We have some students, of course, that are in behavioral status, where they're not allowed to transition within the prison setting, so in a case like that, we actually have to go to their (RHU) cell to provide an education for them, and that's in all three county prisons we have situations like that (PS2).

The third respondent, PS3, shared similar lived experiences of student-inmates being housed in RHU's. However, PS3, communicated a different set of rules for student-inmate juveniles in RHU's than student-inmates who are at least 18 years old.

We give them the study materials and then we try to get on as much as possible, collecting materials, provide any feedback we can to them, grade them and then get them more materials. The facilities work well with us on that piece of getting materials when they're in the restricted housing units (PS3).

A special education supervisor added to the challenges of different set of rules within the

prison as experienced by the lived experiences of PS3. The supervisor is responsible for overseeing secondary educational programming at 3 different county prisons. This unique position allowed the supervisor to compare the delivery of special education services and general education programming from one county prison to another. He replied:

Amongst the three prisons that I work with, there is, I don't know how to say it, there's a difference in the way that they allow freedom of the inmates within the hallways. You'll walk into one prison particularly, and you'll never see an inmate in the hallway. They're really broken down into pods and no one ever leaves their pod. You walk into another prison, our largest prison, and there's constantly an in and out, and you'd never walk down a hallway without seeing four or five prisoners most of the time without a correctional guard. There is such a difference in the philosophy there between the prisons and how they deal with such things (PS3).

Meaningful Educational Opportunities

RHU Student-Inmates Access to FAPE

All study participants were asked a series of questions regarding their ability to provide FAPE and the delivery of appropriate special education services for students housed in RHU's. They described their experiences with parental involvement in IEP meetings for student-inmates in highly restrictive settings, the use of cell study packets as compared to live instruction, and the impact of COVID 19 on live instruction.

Parental Involvement

Most participants stated that parents are involved in attending IEP meetings although some creative solutions had to be implemented for in-house IEP meetings if the prison was locked down or if student-inmates were confined to a RHU. One special education teacher explained how IEP meetings were conducted when a student-inmate was locked down 22 hours or more a day.

I would have the parents, guardians, legal guardians, whoever is involved in the team meeting. Home districts, host districts, everybody's invited, and then we would all meet in a particular area, and the student would come even if the student was for lack of better description cuffed and shackled to the facility, they would just have the officer present (PT2).

A special education supervisor at a county correctional facility reflected on the difficulty of contacting parents to participate in the IEP process:

That's always a challenge. Really, with a lot of our inmate students, we have difficulty getting hold of parents under good circumstances. Those students that are in those special housing units and are not allowed to transition within the classroom, basically, we have to review the IEP with the student, get feedback from the student, that type of thing, but then actually present the IEP to the parent without the student (PS2).

Another special supervisor had a more direct response about parent participation in IEP meetings:

It is hit or miss (PS3).

For this special supervisor contacting parents was a struggle and in-person IEP was challenging due to individual prison rules. However, the spread of COVID 19 in correction facilities have naturally brought about a creative way to include parents in IEP meetings. Inmate access to the internet was highly restricted or prohibited due to the safety and security of county correction facilities.

Cell Study Packets v. Live Instruction

Student-inmates with disabilities access to a FAPE have been hindered by prison lockdowns where no live instruction occurs. Additionally, student-inmates housed in RHU's for disciplinary reasons have increased the reliance on the use of teacher created cell study packets. The interviewer asked the participants about their experiences with the use of cell study packets in RHU settings. All six participants reported that they used cell study packets for student-inmates with disabilities who are placed in secured cells for 22 hours a day or more. One interviewee responded:

Who likes to do that as a teacher? Who likes to do that as a student? Not very many people. It's necessary in a short-term goal (cell-study packets), or however long they're going to be in there (RHU). It's truly up to the student whether they're going to follow

the rules and regulations of the facility. You give the packet out, you explain it, write extra directions on the packets on there to explain, then they start to work on it (PT2).

Supervisors and special education teachers expressed the unfortunate need to rely on self-study packets in certain situations. Some used self-study packets as a necessity while another respondent described his personal situation:

That's how we have to do it the majority of the time. We give them the study materials and then we try to collect materials, provide any feedback we can give to them, grade them and then get them some more materials when they're in the restricted housing units (PS3).

Another participant gave a more positive outlook when distributing cell-study packets to student-inmates with disabilities:

As much as possible, we direct our teachers to actually try to sit outside of that cell and give them some personal attention, not just be a hand-off and go type of thing. I'll be honest with you, I think sometimes it ends up being based on many different circumstances. I supervise classrooms in public schools, alternative education programs, and it's all about relationships. That doesn't stop at the prison door as far as I'm concerned and as far as our staff are concerned, so we're really trying to establish a rapport with our students, and that includes our student-inmates, and can't do that by dropping and going (PS2).

Making Sense of Work Environment

Participants were asked to reflect and describe their experiences on how the prison work environment plays a role in providing a FAPE while student-inmates are incarcerated in a restrictive housing unit. All participants, special education teachers and special education supervisors, were asked to expand on the delivery of special education services by describing a typical school day for student-inmates with disabilities who are locked in their cells for a minimum of 22 hours a day or more. One supervisor participant described a common educational experience for student-inmates housed in RHU's:

Sometimes our students, and you probably know this, aren't even allowed to have writing utensil. Sometimes they have those little plastic pencils that don't really write very well. All of those type of things are really barriers to providing what a traditional general education student would receive. To answer your question, sometimes it is a

drop and go, but our teachers are directed to touch base, to have a conversation, to try to directly instruct students in that situation (PS2).

Respondent, PT1, offered a much gloomier typical school day for RHU student-inmates:

If you are a juvenile and you're in a holding cell, you are locked down pretty much 23 out of 24 hours a day. You are in a cell by yourself. In those cells the don't go off, there's no TV, there's nothing. You, your toilet, and the bunk. The other restrictive housing, I had to do a little research on that because I wasn't quite sure, being that I don't work for the prison, I asked very few questions. I'm a guest here, so I do my job and I pretty much do what they ask me to do when they want me to do it. I do my job, I go home (PT1).

The interviewer asked if the delivery of education is the same for RHU student-inmates with disabilities as compared to student-inmates without disabilities who reside in general population where movement is less restrictive. PT2 described the number of live instruction hours that RHU student-inmates receive:

As much as I try to get there (RHU students) because I have to teach the other kids here as well, general population kids as well. I'm going to say an hour. If they don't need me, then that's fine but I can make myself available to come and be with them, answer questions, whatever (PT2).

PT2 continued by describing the number of daily live instruction hours that student-inmates without disabilities receive who are housed in general population with the majority of the inmates. Inmates in general population have more freedom of movement, access to special privileges and not confined to their cell for 22 hours a day or more. PT2 remarked:

Well, they're the ones where a minimum per week, per state guidelines, is 10 to 15 hours a week. I'm following in those particular guidelines. COVID-19 affects everything. I'm not going to lie, it's difficult when you have to segregate units. I'm not sure of any county that hasn't been affected by that (PT2).

The participants' understanding of limited live instructional hours for RHU student-inmates due to the safety and security of the prison emphasizes the importance of unique instructional barriers that occur within prisons. Most participants expressed the normalcy of limited teaching opportunities for RHU students by accepting the role of cell-study packets in

certain situations. One participant appeared to be discouraged that RHU student-inmates can't be pulled out for live instruction but understood the dynamics of prison rules. Most participants agreed that cell-study packets are not ideal instructional tools, especially for student-inmates who require additional teacher support. The participants kept a positive outlook even though institutional barriers play a crucial role in providing a FAPE or a quality education for RHU student-inmates:

I think that no education would be a horrible situation. I think that it could be as meaningful as the teacher and the student make it. That's really where I am with that because we already talked about the different types of reasons that they might be in a particular place (RHU setting). It's all about taking the frown and turning it upside down. I'm a goofy teacher. My kids just generally cheer up when I walk through that door. "Hey, what are you doing?" How's everybody (PT2)?

PS1 shared a similar positive outlook for educational services for student-inmates housed in general population but was less encouraged by inmates locked down 22 hours a day or more.

The ones that can come in person, I would say, are getting a good education. It is not perfect. It can always be better, but for the most part, I it's fair between fair and good. Those that are on restriction, no, it's poor (PS1).

Key Findings

For Research Question 1, (What role do institutional barriers play in RHU student-inmates' ability to access a free an appropriate public education?) The special education supervisors and special education teachers have reported that RHU's make it increasingly difficult to provide a FAPE for student-inmates with disabilities. Student-inmates housed in RHU's for disciplinary reasons were often relegated to cell-study packets with no live instruction due to their problematic behaviors. Education was still provided but it usually occurred at the student-inmates cell door with the special education teacher standing outside the cell door. It was revealed that this approach is not an ideal situation but is still provided the student-inmates an opportunity to learn and develop academic skills.

For Research Question 2, (What are the experiences of public-school special education supervisors and special education teachers providing a FAPE for student-inmates with disabilities who are housed in RHU's?) One realization started to emerge when the participants discussed their experiences with a FAPE for RHU students. Some participants described the difficulty of inviting parents and other team members to IEP meetings due to the safety and security of the prison. COVID-19 played an additional role in complicating IEP team meetings but allowed some participants to begin using ZOOM meetings as an alternative to in-person meetings. Most participants believed that ZOOM meetings were a beneficial alternative especially for parents who were reluctant to meet at a prison.

For Research Question 3, (How do high school teachers working in a county correctional facility ensure that non-sentenced RHU student-inmates are receiving services in the same manner and to the same extent as a student who has been placed in the host district's alternative educational placement?) The participants attempted to make sense of their work environment by describing their experiences of comparing a typical school day for RHU student-inmates with general population students. There was an agreement among the participants that educational services were vastly different between these two groups of students. In some cases, RHU student-inmates were prohibited from having pencils and were unable to complete their cell-study packets and unable to leave their RHU cells to attend live instruction. Most participants expressed a frustration with this approach, but the safety and security of other inmates and staff members superseded the student-inmates educational needs.

Summary

The participants' lived experiences have shared similar experiences about the difficulty of providing a FAPE for student-inmates housed in RHUs. The majority of the participants have relied on distributing cell-study packets as a means for providing an education for student-inmates prohibited from participating in live instruction. The participants believed they were

offering a secondary education program with special education services despite facing institutional barriers. Some indicated that cell-study packets and academic instruction at an inmate's cell door is not ideal but some education is better than no education. Chapter 5 will discuss the results of whether cell-study packets and conducting class at an inmate's cell door satisfies the legal responsibility of providing a FAPE. Future research should focus on obtaining more data on classroom instruction or lack thereof for student-inmates housed in RHUs.

Chapter V

Introduction

The purpose of this research study was to determine if student-inmates with disabilities are receiving a FAPE while housed in RHUs. Student-inmates confined to cells 22 hours a day or more have insufficient opportunities to attend live classroom instruction and receive adequate special education services due to their lock-in status. The key finding of this study revealed that student-inmates housed in RHUs receive instruction at their cell door or through the use of cell-study packets. A secondary education is still provided but does it meet the requirements of providing a FAPE.

Interpretation of Findings

The purpose of this study was to answer the following research questions:

Research Question 1: What are the experiences of public school special education supervisors and special education teachers, working in a county correctional facility, regarding 9-12 secondary education student-inmates' ability to access a FAPE while confined to RHUs.

Research Question 2: How do high school teachers working in a county correctional facility ensure that non-sentenced RHU student-inmates are receiving educational services in the same manner and to the same extent as a student who has been placed in the host district's alternative education placement?

Research Question 3: What role do institutional barriers play in RHU student-inmates' ability to access a FAPE?

The researcher reviewed the participants narratives and the results suggest that special

education teachers are providing a secondary education even when institutional restrictions prevent live instruction for RHU student-inmates as evidenced by using cell-study packets for RHU student-inmates. Furthermore, the participants responses indicated that the delivery of a secondary education program by using cell-study packets and one-to-instruction at a cell door was adequate considering the prison guidelines for RHU student-inmates. Unfortunately, the researcher was unable to obtain enough data on whether the participants view of cell-study packets and one-to-one instruction at an inmate's cell door fulfilled the LEA's legal responsibility of providing a FAPE. PS3 offered this viewpoint on the use of cell-study packets:

That's how we have to do it the majority of the time. We give them the study materials, and then we try to give them as much as possible, collecting materials, provide any feedback we can to them, grade them and then get them more materials. The facilities work well with us on that piece of getting materials when they're in the restricted housing units (PS3).

PT2 expanded upon her experience with cell-study packets as an effective alternative to providing an appropriate education:

It's a necessary short-term goal, or however long they're going to be in there (RHUs). It's truly up to the student whether they're going to follow the rules and regulations of the facility. This is when that is always adapted to their reading level, their, math level, their writing level, or whatever. Some things I do. You give the packet out, you explain it, write extra directions on the packets to explain it, then they start to work on it. I stand there and wait, "Do you have any questions?" Yes, I can do this. "Ma'am, I think I can do this on my own. "Okay, good." Just like we would in a classroom, you got to wait till they can do this on their own feel comfortable (PT2).

It is the researcher's own interpretation that there was a tentativeness with participants to fully explain their experiences with providing a FAPE for student-inmates placed on lockdown status. The researcher's experience with teaching in a county correctional facility and providing a FAPE for RHU students has contributed to personal biases when interpreting the data.

Acknowledging whether RHU student-inmates with disabilities are receiving a FAPE could lead

to potential legal issues and a power struggle between prison administrators and LEAs.

Limitations

There are numerous studies reporting on the quality of education programs inside adult prisons. However, the concentration of these studies has been adult education programs including G.E.D. and vocational programs. A few studies have focused on education programs within juvenile correction facilities or secured treatment facilities for school-aged students. The data on these education programs have come primarily from civil and criminal lawsuits stemming from institutional abuse and failure to provide a FAPE. A limitation exists due to the scarce research on the quality of secondary education programs and the ability to provide FAPE for student-inmates working towards their high school diploma while incarcerated.

Another limitation of this study is the small sample size consisting of 6 participants. The results of this study can be improved with a wider range of research participants who have professional experience in secondary education programming for student-inmates with disabilities confined to cells 22 hours or more a day. A small sample size with limited data cannot be generalized and authentically represent the delivery of a FAPE for RHU student-inmates housed in various county correctional facilities where institutional rules vary among prison administrators.

Recommendations for Future Research

To the best of the researcher's knowledge, no study has focused on the delivery of special education services for RHU student-inmates enrolled in a high school education program. Future research in this area can help identify existing institutional barriers and develop solutions for overcoming those barriers that impede the LEA's ability to provide a FAPE for student-inmates housed in RHU's. Follow up questions after conducting participant interviews would benefit the researcher in determining whether educational programming within RHUs adhere to IDEA

regulations. Participants in this study should have been asked several follow-up questions that specifically focused on a FAPE:

Follow-Up Question 1: In your personal experience, how does the practice of providing cell-study packets for RHU student-inmates meet the standards of a FAPE?

Follow-Up Question 2: What is your professional viewpoint on RHU student-inmates being prohibited from attending live instruction and its effect on providing a FAPE?

Follow-Up Question 3: What is your professional opinion on whether RHU student-inmates are receiving a free and comparable education when compared to student-inmates without disabilities housed in general population?

Follow-Up Question 4: In your current educational setting, how do you ensure that RHU student-inmates with disabilities are getting their individual academic needs met, as required by a FAPE?

Follow-up questions could provide more insight into special education teachers and supervisors struggle with providing a FAPE to RHU student-inmates. Additional areas of future research should focus on one-to-one interviews with RHU student-inmates, parental experience with the delivery of special education services within RHU settings, and comparing the implementation of a FAPE across local, state, and federal prisons. All prisons have different rules, standards, and policies that may or may not interfere with a FAPE and valuable information may present itself when comparing multiple correctional facilities.

One-to-One Interviews with Student-Inmates

Additional contributions can examine the lived experiences of high school student-inmates through one-to-one interviews provided that proper guidelines are followed for vulnerable research subjects. Interviewing student-inmates will allow the researcher to randomly select from a group of eligible student-inmates to avoid the perception of coercion if selected by institution officials. Student-inmates can offer a unique perspective about their daily experiences of participating in a secondary education program and expand upon their knowledge of receiving support for special education services while confined to prison cells with little to no inmate

movement.

Parents' Lived Experience with Special Education Services inside Prisons

Relatively little is known about parental participation in the IEP process and their understanding of the delivery of special education services for their child with a disability who resides in a RHU and is prohibited from receiving a good quality education. Communication with parents and legal guardians is often complicated and challenging. Obtaining more parental input would be valuable in better understanding the academic needs of student-inmates and assist teachers in providing a FAPE.

Comparing a FAPE Among Local, State, and Federal Prisons

No study has examined whether student-inmates with disabilities are receiving a FAPE in RHUs and compared the delivery of special education services among county correction facilities, state prisons, and federal prisons. Institutional rules vary from prison to prison and opportunities for providing a FAPE may be more practical at one institution and non-existent at another facility. Future research should examine whether institutional policies supersede the LEAs legal obligation to provide a FAPE for student-inmates housed in RHUs. Gathering detailed information would be beneficial in determining how prison administrators accommodate the LEAs responsibility to provide a good quality secondary education program and special education services when student-inmates are confined to a cell 22 hours or more a day.

Implications

Considerable research attention has been devoted to institutional barriers at correction facilities which negatively impact student-inmates access to special education services in prison. Ample evidence exists to support the research participants' view that institutional barriers is the primary cause of a sub-standard prison education program (Rose, 2004). A number of studies have suggested that indiscriminate application of inmate movement (Runell, 2016), program

interruption due to inmate reclassification (Westrheim & Manger, 2014) and administrative security requirements (Platt et al, 2015; Michals & Kessler, 2015) are the key barriers negatively impacting a good quality education for adult education prison education programs. Relatively little is understood about the impact of institutional barriers on the delivery of special education services for student-inmates enrolled in a high school education program and the feasibility of the LEA's to provide a FAPE. Most correction education program research studies have focused mainly on education programs for adult inmates housed in state or federal prisons. The evidence points to low quality prison education programs when institutional barriers complicate the delivery of instruction. However, the role of these barriers and its impact on the delivery of special education services is poorly understood especially for student-inmates requiring individualized instruction.

Conclusion

Considerable research attention has been devoted to educational programs for adult inmates, ages 21 and over, but few attempts have been made to investigate the responsibility of the LEA to provide a FAPE for student-inmates who are eligible to receive special education services. Ensuring a FAPE in a correctional facility is challenging due to the many institutional barriers. The delivery of educational services is compounded when student-inmates are housed in RHUs where access is highly restricted and participation in a quality secondary education program is virtually non-existent.

The purpose of this phenomenological study was to interview special education teachers and supervisors who have direct experience with special education programs in county correctional facilities. Personal experiences were captured from 3 special education teachers and 3 special education supervisors. The common thread that was highlighted by all 6 participants

were their experiences with institutional barriers. Although all participants acknowledged institutional barriers there were mixed reactions on its impact on the delivery of special education services. Three out of the six participants likened barriers to institutional policies that value safety and security over the effectiveness of educational programming. The remaining three participants expressed some professional satisfaction with providing an education for RHU student-inmates through the use of cell-study packets and one-to-one instruction when barriers prevented live instruction. Overall, three common themes were evident in the participant responses: (1) the use of cell-study packets for RHU student-inmates was a replacement at institutions where access to live instruction was prohibited, (2) safety and security policies that amplified institutional barriers superseded student-inmates educational rights, and (3) access to educational programming was immeasurably different between non-RHU student-inmates and RHU student-inmates.

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Appendix A Interview Schedule

Interviewer Directions to Participants: You are participating in a phenomenological research study consisting of an introductory section followed by Part I and Part II. The purpose of this semi-structured interview is to study human experiences to a particular phenomenon. Please respond to the prompts and probing questions in a way that openly expresses your feelings, beliefs, experiences, and personal/professional knowledge. The primary goal in this interview is to understand how you perceive student-inmates' educational choices and its impact on FAPE.

Introduction

- 1) Can describe your current job responsibilities at the correctional facility?
- 2) Describe your county's various restrictive housing units.
- 3) What is your experience with holding manifestation determination hearings for student-inmates placed in RHUs for disciplinary infractions?
- 4) Based on your experience, can you provide a detailed process of teaching student-inmates with disabilities in RHU settings?

Probe: What is your experience with holding IEP meetings with students housed in RHUs?

Probe: What is your experience with cell-study packets?

Probe: Can you tell me about related services for eligible student-inmates who are housed in RHUs?

Part 1: The phenomenon is the impact of prison institutional barriers on the LEA's ability to provide a FAPE for student-inmates housed in RHU's.

- 1) Can you discuss a situation or two (in detail) where prison barriers prevented a student-inmate from receiving a FAPE?

Probe: Can you tell me more about the prison barriers that you encountered?

- 2) As an educational supervisor/special education teacher, how would it make you feel or respond if you realized that institutional barriers prevented student-inmates from receiving a free and appropriate education as required by federal law?

Probe: Can you describe a situation or two that prevented you from teaching because any of the following barriers: phone time, meeting with lawyer, recreation time, showers, counseling groups, law library, institutional lockdowns, haircuts?

Probe: Can you tell me some areas where correctional facilities can improve on eliminating some barriers, so they do not interfere with student-inmates access to a FAPE?

Probe: What do you think are some solutions to avoid this problem?

Part II. The phenomenon is the effectiveness of program delivery of special education services when student-inmates are housed in restrictive housing units for 22 hours a day or more.

- 1) Describe a typical school day for a student-inmate with disabilities who is housed in a RHU for at least 22 hours a day or more.
- 2) Describe a typical school day for a student-inmate with disabilities who is housed in solitary confinement?
- 3) How much weekly live instruction do student-inmates housed in general population receive versus student-inmates in RHUs? Solitary confinement?
- 4) Can you tell me more about the different type of special education services that are impacted when prison barriers prevent educational services?
- 5) What are the main differences in educational program delivery for a RHU student-inmate and a student housed in general population?

Probe: Can you tell me more about that?

- 6) How do RHU student-inmates receive a meaningful educational benefit while being locked down for 23 hours or more a day?

- 7) How do you make sense of providing legally mandated special education services for student-inmates housed in RHUs when institutional barriers hinder the process?
- 8) Have the problems with prison institutional barriers changed the way you think or feel about the delivery of special education services inside a correctional facility?