**Section 405.50 Adult Basic Education Attendance**

a) All persons committed to the Adult Division of the Department on or after January 1, 1987 whose period of incarceration is at least two years or more or who have been committed as sexually dangerous persons shall be required to receive a composite achievement test score of 6.0 or greater in reading and mathematics or attend a minimum of 90 instructional days in an Adult Basic Education program for reading and mathematics, except those person's identified in subsection (b) of this Section.

b) The requirements in this Section do not apply to:

1) Those persons serving life or death penalty sentences;

2) Other persons who are specifically exempted from this requirement by the Chief Administrative Officer of the facility where the committed person is assigned and the Superintendent based on, but not limited to, security or health reasons, the facility's inability to meet the committed person's unique educational needs, or the facility's inability to provide or complete instruction in the time remaining prior to the committed person's release or discharge date;

3) Those persons who, upon completion of 45 instructional days, have received the required composite achievement test score; or

4) Technical violators who have previously completed the 90 instructional day program and who received the required composite achievement test score upon completion of the program.

c) Credit for class attendance shall only be given by the Educational Administrator for those days in which the committed person actively participates in the program in accordance with Section 405.20(f).

d) Where a committed person's 90 instructional day program has been terminated due to excessive absenteeism in accordance with Section 405.20(g) and (h), the 90 instructional day program shall recommence with no credit given for days previously attended.

e) When a committed person is transferred to another facility prior to completion of the program, a record of the person's attendance shall be submitted to the receiving facility. His program shall be continued at the receiving facility, whenever feasible, upon enrollment in the program or the committed person shall be placed on a waiting list if one exists, unless the committed person is no longer required to participate in the program in accordance with subsection (b) of this Section.

f) Refusal by any committed person to attend the Adult Basic Education program required by this Section shall constitute grounds for disciplinary action in accordance with 20 Ill. Adm. Code 504.Subpart A.

g) Upon completion of the 90 instructional day program, the committed person shall be retested, and if the required composite achievement test score is not received, the person shall be encouraged, but not required, to remain in an educational program.

h) Committed persons subject to the provisions of this Section who have not attained the required achievement level shall not be eligible for any job assignment pay that exceeds the level of pay received for attendance in the Adult Basic Education program, unless an exemption is granted by the Chief Administrative Officer and the Superintendent due to the committed person's educational handicap, documented by his educational records, which would preclude any reasonable expectation that the committed person could attain the required achievement level; the projected length of time the committed person may have to wait prior to enrollment in the Adult Basic Education Program; or the reasons provided in subsection (b) of this Section; or as otherwise approved by the Department.

i) The Department may conduct pilot programs to determine the value and feasibility of implementing increased educational requirements of committed persons. All provisions of this Section shall apply to pilot programs, except the Department may increase the educational achievement level and attendance requirements.

1) Committed persons affected by the pilot program shall be informed in writing of the educational achievement level and attendance requirements of the program.

2) The requirements of a pilot program shall apply to all committed persons who are assigned to a facility designated for the pilot program, except for those persons:

A) Specified in subsection (b) of this Section;

B) Who have previously completed the Adult Basic Education Program required by this Section, regardless of the educational level achieved; or

C) Who were enrolled and attending the required Adult Basic Education program at the facility prior to commencement of the pilot program, provided they continue through completion of the program.

(Source: Amended at 16 Ill. Reg. 10449, effective July 1, 1992)