inmate’s use of any workshop or class-
room to six months to make room for
new students. Hobbycraft participants
may be rotated to allow for maximum
utilization of the resources.

(7) Disciplinary action may be taken
against inmates found with unauthor-
ized hobbycraft materials in their pos-
session. This action may include the
removal of the inmate from the
hobbycraft program.

Subpart E—Mandatory English-as-
a-Second Language Program
(ESL)

Source: 59 FR 14724, Mar. 29, 1994, unless
otherwise noted.

§ 544.40 Purpose and scope.

Pursuant to the Crime Control Act of
1990 (18 U.S.C. 3624(f)), limited English
proficient inmates confined in Federal
Bureau of Prisons institutions are re-
quired to attend an English-as-a-Sec-
ond Language (ESL) program until
they function at the equivalence of the
eighth grade level in competency
skills. Waivers to this requirement
may be granted by the Warden in ac-
cordance with §§ 544.41 and 544.42.

§ 544.41 Applicability: Who must at-
tend the ESL program.

(a) All Federal prisoners who have
limited English proficiency skills shall
attend an ESL program except:
(1) Pretrial inmates;
(2) Inmates committed for purpose of
study and observation under the provi-
sions of 18 U.S.C. 4205(c) or, effective
November 1, 1987, 18 U.S.C. 3552(b);
(3) Sentenced aliens with a deporta-
tion detainer;
(4) Other inmates whom, for docu-
mented good cause, the Warden may
excuse from attending the ESL pro-
gram.

(b) Staff shall document in the in-
mate’s education file the specific rea-
sons for not requiring the inmate to
participate in the ESL program.

§ 544.42 Procedures.

(a) The Warden at each federal insti-
tution shall ensure that inmates who
at their initial classification are found
to be limited English proficient are en-
rolled in the ESL program. Determina-
tion of limited English proficiency is
made by staff on the basis of personal
interviews and placement testing.

(b) An inmate who returns to the
Federal Bureau of Prisons on a new
sentence or as a parole violator, and
who has not achieved or is unable to
demonstrate verified achievement of
the eighth grade level, must provide
verification or enroll in the ESL pro-
gram until that inmate achieves such a
grade or is granted a waiver for cause.

(c) The Warden or designee shall as-
sign to an education staff member the
responsibility to coordinate the insti-
tution’s ESL program. The ESL coor-
dinator or designee shall meet with the
inmate for the purpose of enrolling the
inmate in the ESL program. The ESL
coordinator shall be responsible for the
completion of the official ESL Pro-
gram Record, and shall place it in the
inmate’s education file.

(d) Ordinarily, there will be no time
limit for completion of the ESL mand-
datory program. However, after 240 in-
structional hours of continuous enroll-
ment in an ESL program, excluding
sick time, furloughs, and other excused
absences from scheduled classes, the
Warden shall have the authority to
grant a waiver from further program
participation. This waiver may be
granted when it is determined that the
inmate will not benefit from further in-
struction. Each exemption determina-
tion shall be made on an individual
basis and shall be supported by docu-
mentation.

[59 FR 14724, Mar. 29, 1994, as amended at 62
FR 39916, July 24, 1997]

§ 544.43 Incentives.

The Warden or designee shall estab-
lish a system of incentives to encour-
age an inmate to meet the mandatory
ESL program requirements.

§ 544.44 Disciplinary action.

As with any other mandatory pro-
grams, such as work assignments, staff
may take disciplinary action against
an inmate when that inmate refuses to
enroll and participate in, or to meet
the minimum requirements of the
mandatory ESL program.

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