

What I Need to Know about Students with Disabilities in County and Local Jails

Special Education Directors Webinar
August 13, 2024

Child Find Data Reminders

Special Education Directors' Webinar
August 13, 2024

Office of Federal Programs

The Georgia Department of Education, Office of Federal Programs provides technical assistance, program monitoring, and resources to local educational agencies (LEA) implementing federal Every Student Succeeds Act (ESSA) grants and Individuals with Disabilities Education Act (IDEA) grants. Additionally, this office provides the necessary infrastructure to support local school districts in their efforts to provide special education-related services for students with disabilities and services and supports for English learners.

Office of Federal Programs - Organizational Chart

Division of Federal ESSA Programs

Division of Special Education Services and Supports



Shaun Owen
Deputy Superintendent



Kathleen Yarbrough
State Director (ESSA)



John Wight
Associate Superintendent



Vacant
State Director (IDEA)

Program Managers



Christopher Leonard
Title IIA



Dawna Hatcher
Title IVA



Eric McGhee
Grants Unit



James Barnett
21st CCLC



Sunita Holloway
Outreach



Margaritta Munoz
Title IC



Ken Banter
Title IA



Meg Baker
Title III / ESOL



Brittan Ayers
Coordinated Programs

Program Managers



Danielle Smith
Budget and Grants



Felicia Peavy
RDA Compliance



Lynn Holland
Programmatic Supports



Vickie Cleveland
GNETS



Malissa Roberts
Budget/Grants



Linda Castellanos
Data/GO-IEP



Belinda Tiller
Outreach



Katherine Johnson
Instruction/Systemic Improvement



Jamila Pollard
Dispute Resolution



Kriszti Kilpatrick
RDA Compliance



Scott Smith
Dispute Resolution

Purpose

- Discuss the Child Find and Free Appropriate Public Education (FAPE) requirements for students with disabilities in county and local jails
- Recommended steps and best practices for LEAs
- Discuss the model Memorandum of Understanding (MOU) between local educational agencies (LEAs) and local correctional facilities
- Reporting Incarcerated Students

LEGAL OBLIGATIONS



What is Child Find?

- Affirmative requirement that local educational agencies (LEAs) have in effect policies and procedures to ensure that all suspected children with disabilities regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated.
- The policies and procedures shall provide for the screening and evaluation of all children with suspected disabilities through age 21 to include:
 - Children who are detained or incarcerated in city/county operated jails or correctional facilities. State Board Rule 160-4-7-.03(1)

Points to Remember

- All IDEA and State Child Find policies must be implemented.
- Child Find includes students never identified as a student with a disability prior to their entry in a local or county jail who:
 - Are 21 years of age or younger and
 - Have not received a regular high school diploma.
- Evaluations must be completed in a timely manner even if the student will not be in a local or county jail long enough to complete the evaluation or the student transferred to a local or county jail after the evaluation began.

Points to Remember (continued)

- Include the appropriate professionals in the Child Find discussions, such as:
 - Intake staff in County and Local Jails
 - Social Workers
 - Probation Officers
 - Truant Officers
 - Police
 - Medical and Mental Health Professionals

FAPE

Free Appropriate Public Education

Purpose of IDEA

Purpose of IDEA (34 C.F.R. § 300.1)

“The purpose of [IDEA is]... [t]o ensure that children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living...””

Free Appropriate Public Education (FAPE)

- Absent a specific exception, all IDEA protections apply to students with disabilities in correctional facilities and their parents.
- Absent a specific exception, all IEP content requirements apply to students with disabilities in correctional facilities.
- Transfer students must receive comparable services in their IEP, or a new IEP must be developed.
- **Reminder: FAPE may look different in county jails.**

Free Appropriate Public Education (FAPE)

- Possible Related Services
 - Counseling
 - Parent Counseling and Training
 - Psychological Services
 - Social Work Services
- Parental Engagement
 - Parents do not lose their rights while the student is incarcerated.
 - Correctional facility may not assume the role of the parent under IDEA.

Notification to Ensure FAPE Guidance

- **Who is responsible for providing services for students with disabilities in county jails?**

-The LEA in which the jail or detention center is geographically located is responsible for providing services to students in those facilities.

- **How does the jail notify the LEA of newly incarcerated students?**

-The LEA shall receive a weekly printout from the county jail of incarcerated students ages 17-21. LEAs will review the weekly printout to identify any students with disabilities. The GaDOE data base should be used to verify the students.

- **When will the DJJ notify the LEA of incarcerated students with disabilities who are transitioning to county jails?**

-The DJJ will notify the special education director of the LEA of any students that are transitioning to county jails via the GaDOE portal.

Student incarcerated within jurisdiction of his/her LEA of residence

- The LEA where the jail is located is responsible for providing special education services to students in that jail.
- The LEA must convene an IEP Team meeting and determine appropriate special education services.
- Students incarcerated in local jails in the LEA's jurisdiction should remain enrolled in the LEA and receive special education services.

Student incarcerated outside the jurisdiction of his/her LEA of residence

- The LEA where the jail is located is responsible for providing special education services even though the student is not a resident of the county/city where the jail is located.
- It is best practice for the LEA where the student resides to work with the LEA where the jail is located and participate in the IEP Team meeting to determine appropriate services.
- The two LEAs should collaborate to do what is most appropriate for the student. The student may be withdrawn from their LEA of residence and enrolled in the LEA where the jail is located. If this occurs, the LEA where the jail is located will provide the services.

FAPE for Students Incarcerated in DJJ/GDC

- Incarcerated students eligible for special education services who have an IEP and who are in a facility operated by the Georgia Department of Juvenile Justice (DJJ) or the Georgia Department of Corrections (GDC) must receive their educational programs.

FAPE for Students Incarcerated in DJJ/GDC

- Each of these agencies provides the services to students within their facilities in Georgia. Each agency has the responsibility to identify, evaluate, determine eligibility, and provide special education and related services to students.
- These agencies will contact the most recent public school attended by a student to obtain copies of educational records so that FAPE can be provided.

FAPE Points to Remember

- IEP Development (Specific to the student)
 - Present Levels of Academic Achievement and Functional Performance
 - Annual Goals
 - Special Education and Related Services
 - Transition Plan
 - Assistive Technology
 - Behavior Intervention Plan
- Compensatory Services
- **FAPE is not just working on IEP goals and objectives with the student.**

FAPE Points to Remember

Provide FAPE to IDEA eligible youth:

1. Meet with parents/guardians regarding services
2. Determine what district personnel will provide services.
3. Provide services as soon as possible.
4. Work with the jail officials to determine a safe process to provide the services.
5. Review professional visitation policies.
6. Determine when and how the services can be provided.

Incarcerated Students Checklist

- Where are the local jails in your LEAs geographic region?
- Do you have a formal or informal agreement between the jail(s) and the LEA?
- What and when will data be shared?
- Who at the jail provides the weekly list of students who became incarcerated the previous week to the LEA?
- Who receives the list from the Local Jail?
- What happens after the list is received?
- *not an exhaustive list

Educational Records

- General Supervision
 - Written procedures for sending and receiving records
 - Assign staff to be responsible
- Transfer records expeditiously
- No undue interruption in providing services

Shared Responsibility

- **Every agency** at any level of government that is involved in the provision of special education and related services to students with disabilities in correctional settings **must ensure the provision of FAPE**, even if other agencies share that responsibility and regardless of whether the agency receives funds under IDEA Part B.

Memorandum of Understanding (MOU) with County and Local Jails

- The goal is to collaboratively establish an agreement to ensure students with disabilities are identified and receive all required special education related services while incarcerated in county and local jails.
- A MOU is not required unless necessary for implementation.

Model Interagency Agreement

- Includes responsibilities for the following parties:
 - All parties involved
 - Juvenile court
 - Department of Probation
 - Department of Health or similar agency
 - School Superintendent
 - Law Enforcement Chief or Sheriff
 - State attorney or district attorney

MOU Tips

- Include appropriate “players” from each agency
 - Research and identify your local jailer to make contact
- Open communication
 - Open dialogue to explain IDEA, FAPE, and IEP services with your local jail officials
- Be proactive
 - Emphasis the benefactors of the partnership (e.g., community, LEA, jail, families of the incarcerated)
- Provide training
 - Include appropriate training needed for each agency staff, if applicable

Possible items to include in MOU

- Child Find Procedures (e.g., weekly reports, intake process)
- Evaluation Process
- IEP Team meetings (e.g., notice, participants, location)
- Special education and related services (e.g., staff, security, location, resources)
- State Assessments
- Educational records
- Student Discipline

*not an exhaustive list



Reporting Incarcerated Students

Reporting Incarcerated Students: FTE

- **SPECIAL ED ENVIRONMENT = '8'**
- **ENVIRONMENT** (residential environment, not Sp. Ed. Environment) – leave this field null since none apply
- All other reporting requirements are the same as all other students.
- Report segments in the same manner as they are reported for Hospital Homebound students.

Reporting Incarcerated Students: Student Class continued

- The student must have an IEP reflecting the services he should receive while incarcerated. Services should be identified in the IEP as “out of general ed” and “small group or individual” and should be reported in Student Class with either a **DELIVERY MODEL** of ‘6’ or ‘7’. The **DELIVERY MODEL** of ‘7’ should be used if a different teacher of record continues to be the primary teacher.
- **ALTERNATE SCHOOL CODE** = the pseudo code of ‘5555’ – in a local jail or correctional facility
- **ALTERNATE SYSTEM CODE** = system providing services
- **COURSE TEACHER CODE** = teacher providing services
- All other reporting requirements are the same as all other students.

Resources

- [OSEP DEAR COLLEAGUE LETTER on the Individuals with Disabilities Education Act for Students with Disabilities in Correctional Facilities \(December 5, 2014\)](#)
- [IDEA Compliance for youth with disabilities within correctional facilities \(osepideasthatwork.org\)](#)
- [Guidance for Serving Youth who are Detained or Incarcerated- FINAL 11.2.20.pdf \(gadoe.org\)](#)

QUESTIONS

www.gadoe.org

   @georgiadeptofed

 youtube.com/user/GaDOEmedia



**EDUCATING
GEORGIA'S FUTURE**

