

CORRECTIONAL EDUCATION COLLABORATION

SEPTEMBER 8, 2022

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(AUTHORITY: 20 U.S.C. 1221E-3 AND 3474)

Introduction

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[Monitoring and State Improvement Planning \(MSIP\) | OSEP Ideas That Work](#)

Correctional Education Partners

- ▶ Office of Special Education and Rehabilitative Services / Office of Special Education Programs
- ▶ Monitoring and State Improvement Planning Division / Research to Practice Division
- ▶ Rehabilitation Services Administration
- ▶ Office of Career, Technical, and Adult Education
- ▶ Office of Elementary and Secondary Education/Title I Part D/Office of School Support and Accountability
- ▶ U.S. Department of Justice
- ▶ National technical Assistance Center on Transition: The Collaborative
- ▶ The National Assistance Center for The Education of Neglected or Delinquent Children & Youth
- ▶ Pennsylvania Department of Education, Bureau of Special Education
- ▶ Michigan Department of Education, Office of Special Education
- ▶ Coalition for Juvenile Justice



AGENDA

- ▶ Introduction
- ▶ Purpose of Collaboration
- ▶ Office of Special Education Programs(OSEP)/Research to Practice (RTP) /Rehabilitation Services Administration (RSA)
- ▶ National Technical Assistance Center on Transition: The Collaborative (NTACT:C)
- ▶ Office of Elementary and Secondary Education (OESE)/Title I Part D/Office of School Support and Accountability(OSSA)
- ▶ National Technical Assistance Center For The Education of Neglected or Delinquent Children & Youth (NDTAC)
- ▶ U.S. Department of Justice (DOJ)
- ▶ U.S. Department of Education, Office of Career, Technical, and Adult Education (OCTAE)
- ▶ Pennsylvania Department of Education (PDE) / Bureau of Special Education (BSE)
- ▶ Michigan Department of Education/Office of Special Education (MDE/OSE)
- ▶ Coalition For Juvenile Justice
- ▶ Questions and Answers/ Collaborative Resources



Purpose

To provide real-life demonstrations and examples of collaborative activities between different types of agencies which support juvenile justice education by addressing challenges, recognizing trends, and celebrating success.

OSEP: Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education (FAPE) to eligible children with disabilities throughout the nation and ensures special education and related services to those children. <https://sites.ed.gov/idea/about-idea/#IDEA-Purpose>

Purpose

- ▶ To ensure that all 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.
- ▶ To ensure that **the rights of children with disabilities and parents** of such children are protected;
- ▶ **To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities.**
- ▶ **To ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities;** coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services.

Coordination and Collaboration

- Enables agencies to appropriately address Free Appropriate Public Education (FAPE) as it pertains to the high rate of mobility of students with or without disabilities in education settings.
- **Facilitates communication between key partners:** federal/state/schools/courts/and facilities (e.g., entry/ transfer of records/ educational programs/re-entry; data collections, monitoring, and parent involvement).
- Facilitates models that emphasize State re-entry options (e.g., virtual and evening/alternative schools, dual enrollment high school college programs and GED).
- Enhances the availability of flexible and reliable funding.
- **Enables synchronization of activities and timelines (e.g., joint monitoring, professional development activities and joint webinars).**
- **Strengthens collaboration** with community-based organizations (e.g., probation and parole officers and other social services).

Correctional Education: Concerns

Entry concerns: Intake

- **Transfer of records from home school through juvenile court system to correctional facility.**
- **Ensure Methods of Services: Limited or no collaboration or interagency coordination agreements.**
- Conduct intake educational and vocational assessments.
- Monitor and track youth's progress.
- **Communicate with families and including in transition planning.**
- **Child find policies and procedures** to identify students with disabilities (SWD)

Residence concerns:

- **Biological and Surrogate Parents Involvement.**
- **Continue to include family input in transition plan.**
- Monitor and track youth's progress and update records.
- Pre-release transition planning.
- Provide opportunities for community engagement.
- Establish procedures and interagency agreements.

Residence concerns: Educational Programming

- **Timely implementation of IEP goals and objectives...special education and related services.**
- **Credit-granting course (educational programming)** that results in a letter grade or a pass/fail designation and... complete a program of study and **receive a high school diploma.**
- **Secondary Transition Services:** appropriate transition assessments to training, education, employment and independent living skills.

Re-entry concerns: Exiting

- **Policies and Procedures for preparing records & transcripts.**
- **Providing records information to community school, etc.**
- **Transition Team Meeting(s).**
- Communicating with services providers...social services, etc.
- **Communicating with community school and probation officer.**
- **Communicating with parents.**
- Establishing peer supports.

IDEA: Part B Provision of Services

The Office of Special Education Programs (OSEP), within the U.S. Department of Education's (Department) Office of Special Education and Rehabilitative Services, has issued a Question and Answer (Q & A) document in response to inquiries concerning implementation of the Individuals with Disabilities Education Act (IDEA) Part B procedural safeguards in the current COVID-19 environment.

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-provision-of-services-idea-part-b-09-28-2020.pdf>

- **No matter what primary instructional delivery approach is chosen, State Education Agencies (SEAs), Local Education Agencies (LEAs), and IEP Teams remain responsible for ensuring FAPE is provided to all children with disabilities.**
- If State and local decisions require schools to limit or not provide in-person instruction due to health and safety concerns, SEAs, LEAs, and IEP Teams are not relieved of their obligation to provide FAPE to each child with a disability under IDEA.
- The department resources specific to the education of students with disabilities in the wake of the COVID-19 (Coronavirus) pandemic. <https://sites.ed.gov/idea/topic-areas/#COVID-19>
- [Center for Disease Control \(CDC\): Guidance on Prevention and Management of Coronavirus Disease 2019 \(COVID-19\) in Correctional and Detention Facilities | CDC](#)

OSEP's State Correctional Education Self-Assessment Tool (SCES)

The SCES is a voluntary tool that was developed by OSEP to assist States in self-assessing their systems for providing a free appropriate public education (FAPE) to students with disabilities in correctional facilities.

The self-assessment is not a monitoring tool; however, it can be used to support monitoring activities and identify non-compliance. It is a technical assistance tool designed to assist States in tracking implementation of applicable IDEA Part B requirements as they evaluate relevant policies and procedures at the State and local level.

The self-assessment is organized into three main areas:

- ▶ The first area highlights requirements for **interagency agreements** between SEAs and other public agencies, including responsible noneducational public agencies, involved in the provision of special education and related services to students with disabilities in correctional facilities.
- ▶ The second area provides a tool to **evaluate and track the State's progress** in addressing States' and SEAs' responsibilities to students with disabilities in correctional facilities.
- ▶ The third area provides a tool to **evaluate and track how the IDEA requirements are being addressed by public agencies** in your State, including LEAs, and correctional facilities that operate as LEAs, and noneducational public agencies that are responsible for providing education to students with disabilities in correctional facilities.



IDEA 2014 Correctional Education Dear Colleague Letter

ED's Office of Special Education and Rehabilitative Services (OSERS) clarifying State and public agency obligations under the Individuals with Disabilities Education Act (**IDEA**) to ensure the provision of a free and appropriate public education to eligible students with disabilities in correctional facilities.

Some Key Points in the IDEA Dear Colleague Letter:

- *Shared Responsibility to Provide FAPE*
- *SEA Responsibility and Personnel Qualifications*
- *Interagency Coordination*
- *Child Find and Evaluation*
- *FAPE in Least Restrictive Environment*
- *Due Process and Discipline*

Link to **SCES and IDEA DCL**: [Individuals with Disabilities Education Act \(IDEA\) Topic Areas](#)

OSEP: Research To Practice Resources

Research to Practice Division: <https://www2.ed.gov/about/offices/list/osers/osep/rtp.html>

▶ **Professional Development Modules.** IRIS TA Center developed a two-part series of modules for personnel development related to corrections education:
<http://iris.peabody.vanderbilt.edu/about/>

- [Youth with Disabilities in Juvenile Corrections Part 1: Improving Instruction](#) focuses on developing evidence-based instruction in correctional education programs.

▶ **Parent Resources.** OSEP's Center for Parent Information and Resources has developed resources for professionals working with parents of juvenile justice-involved students with disabilities: <http://www.parentcenterhub.org/>

Juvenile Justice Toolkit: <https://www.parentcenterhub.org/juvenile-justice-toolkit>

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OSERS: Rehabilitation Services Administration Resources

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[Rehabilitation Services Administration \(RSA\) - Home Page \(ed.gov\)](#)

The Rehabilitation Services Administration (RSA) Programs

- ▶ **The Rehabilitation Services Administration (RSA)** provides leadership and resources to assist state and other agencies in providing vocational rehabilitation and other services to individuals with disabilities to maximize their employment, independence, and integration into the community and the competitive labor market.
- ▶ **RSA** is a component of the [Office of Special Education and Rehabilitative Services \(OSERS\)](#) within the [U.S. Department of Education](#). The mission of OSERS is to improve early childhood, educational, and employment outcomes and raise expectations for all people with disabilities, their families, their communities, and the nation. OSERS' vision is that all Americans with disabilities will live and thrive with their disabilities in their own communities.
- ▶ **RSA Programs:** <https://rsa.ed.gov/about/programs>
 - Disability Employment Programs
 - Advocacy Programs
 - Independent Living Program
 - Technical Assistance Centers
 - Training Programs
 - Demonstration Programs
 - Underserved Populations

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National Technical Assistance Center on Transition: The
Collaborative

www.transitionta.org

National Technical Assistance Center on Transition: the Collaborative (NTACT:C)



NTACT:C is a Technical Assistance Center co-funded by the U.S. Department of Education's Office of Special Education Programs (OSEP) and the Rehabilitation Services Administration (RSA).

Purpose: NTACT:C provides information, tools, and supports to assist multiple stakeholders in delivering effective services and instruction for secondary students and out of school youth with disabilities.

NTACT:C builds state agency capacity to:

- Use data-driven decision-making processes
- Strengthen interagency partnerships
- Provide quality professional development

So that ALL students and youth with disabilities experience increased (a) Enrollment in postsecondary education, (b) Graduation, (c) Credential attainment, (d) Competitive integrated employment, and (e) Community engagement

Website: <https://transitionta.org/>

Contact us: #transitionTA | transitionTA.org | ntact-collab@uncc.edu

Survey of State Correctional Education Personnel Education Personnel

- ▶ At request of OSERS, NTACTION: C developed a survey to identify current services and needs of correctional education programming.
- ▶ Survey was administered between December 2021 – March 2022.
- ▶ The survey was sent to identified state correctional education leads and if no one was identified it was sent to the state special education transition lead or state director of education.
- ▶ Total of **48 respondents** representing **35 States, jurisdictions, and territories.**
- ▶ Included representatives from both juvenile and adult correctional education personnel.

Familiar with OSEP Correctional Education Self-Assessment?

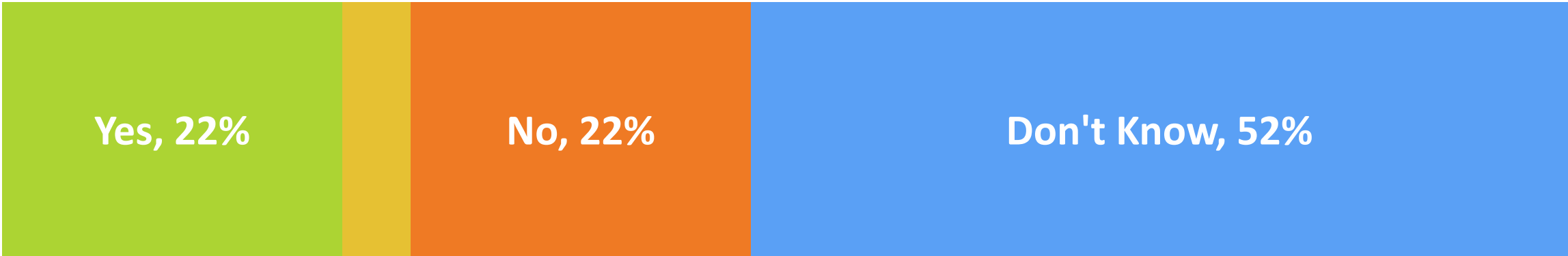


0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

N = 45



Of those who said yes (n=22) , has your state completed the Self-Assessment?



Partially, 4%

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%



Title I Part D: Office of School Support and Accountability

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National Evaluation and Technical Assistance Center (NDTAC)



THE
NATIONAL TECHNICAL
ASSISTANCE CENTER
FOR
THE EDUCATION OF
NEGLECTED OR DELINQUENT
CHILDREN & YOUTH

The mission of the National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk (NDTAC) is to improve educational programming for youth who are considered to be neglected, delinquent or at-risk of academic failure.

NDTAC's mandates are to:

- provide information, resources, and direct technical assistance to States
- assist States and providers with reporting data and evaluating their services
- serve as a facilitator to increase information-sharing and peer-to-peer learning at State and local levels

For additional information on NDTAC, visit the center's website:

<https://neglected-delinquent.ed.gov>

Contact us: NDTACCommunications@LongevityConsulting.com

Collaboration

- ▶ The Title I, Part D (TIPD) program office and officers work VERY closely with NDTAC to provide support and guidance to States/State coordinators. This relationship allows a shared vision and deep collaborations to "move the needle" on established goals of the TIPD program.
- ▶ TIPD State coordinators are critical to this effort and their participation and dedication drives our joint progress.
- ▶ The Department and NDTAC jointly collaborate with other Federal Department program offices (such as Title I, 21st Century Community Learning Centers, and Education for Homeless Children and Youth), other TA Centers, National and State Subject Matter Experts (SMEs), researchers and policy change advocates, etc.
- ▶ These and future collaborations ensure content expertise and are strategically aligned to TIPD program success.

Collaboration, cont.

- ▶ The Department and NDTAC aim to assist States who are experiencing challenges. States are encouraged to share ideas that may assist with the design and implementation of evidence-based solutions to these challenges.
- ▶ Through NDTAC service deliveries, open communication between States, Facilities, Families, the Department and NDTAC are encouraged and often facilitated to help find solutions to challenges experienced.

What is being done well?

The Department:

- ▶ Implementing new monitoring plan, beginning with three states.
- ▶ Working to improve data collection through EDFacts and the Consolidated State Performance Report (CSPR) revision process and improved guidance.
- ▶ Developing revisions to non-regulatory guidance.
- ▶ Focus on customer service, building staff capacity, and fostering collaboration among related programs.

What is being done well?, cont.

NDTAC:

- ▶ TIPD State coordinators are engaged with multi-tiered levels/s of support that include:
 - Communities of Practice (CoP's)
 - Open Office Hours
 - Intensive Training and Technical Assistance (ITTA)
 - Website and resources
 - TA Center helpdesk
 - Webinars and annual conference
 - New Coordinator Orientations (NCO's)
 - and more!

Current Trends

- ▶ The Program Office has seen an **increase in successful criminal justice reform** across States/the Nation.
- ▶ The lower rates of incarceration and fewer youth being sent to adult facilities are evident in data collected and shared via the NDTAC website and other Federal sites.
- ▶ The apparent trend of increased diversion and lower rates of youth detainment will require further investigation and additional years to capture and conclude.
- ▶ **Mental health** is of great concern in all areas of Education and is extremely evident within the student population served by TIPD. States are actively seeking and/or designing ways to shift toward appropriate mental health treatment within their facilities.

Title I, Part D (TIPD): Current Trends

Across the Nation we are seeing a decrease in number of children and youth served

SY 2017-18: 259,039

SY 2018-19: 249,408

SY 2019-20: 215,231

We are also seeing an increase in the percentage of students served by At Risk Programs

SY 2017-18: 19%

SY 2018-19: 20%

SY 2019-20: 22%

And- a decrease in the percentage of students served by both Juvenile Detention and Juvenile Corrections:

Juvenile Detention: SY 2017-18: 50%

SY 2018-19: 49%

SY 2019-20: 49%

Juvenile Corrections: SY 2017-18: 20%

SY 2018-19: 19%

SY 2019-20: 18%



Current Trends, cont.

- ▶ NDTAC's Fast Facts Web pages present National and State longitudinal data (3 concurrent SY's) on funding, program types, and student demographics for children and youth who are neglected, delinquent or at-risk and enrolled in TIPD Subpart 1 and Subpart 2 programs.

Link: [Fast Facts | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk](#)

- ▶ New this year- NDTAC has implemented a Data Explorer available on our website. This interactive tool provides access to data visualizations with user enabled filters for displaying Title I, Part D data and includes 5 years of historical data.

Link: [Data Explorer | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk](#)

Challenges

- ▶ Limitations on how funding can be used to support students who are at risk – how can we best support students who are not placed in correctional facilities?
- ▶ Limitations on data collection at State and subgrantee levels – challenging to show the impact of this program.
- ▶ Complex needs of the student population served by this program, including ELs, students with disabilities, and students experiencing homelessness or in the foster care system.
- ▶ Funding for this program has remained level for years, which means fewer resources, less support for grantees.
- ▶ Stress, burnout increased during COVID, resulting in staff shortages, particularly for staff that serve this student population.
- ▶ TIPD State coordinator turnover is a challenge for States. NDTAC provides New Coordinator Orientation, webinars, resources, and small group discussion on topics relevant to new and to ALL State coordinators (such as Health and Wellness, Transition Planning) to assist with this challenge.

U.S. Department of Justice

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<https://www.justice.gov/crt/rights-juveniles>



U.S. Department of Justice, #1

DOJ's Civil Rights Division has a long history of addressing the civil rights of children in correctional facilities, including the special education rights of children with disabilities.

Findings of Investigations

► Child Find:

- Lack of policies and practices to identify students who are in need of special education services
- Failure to promptly obtain records from the students' home school districts

U.S. Department of Justice, #2

Findings of Investigations (cont.)

▶ FAPE:

- Failure to promptly obtain IEPs from students' home school districts.
- Reductions in special education and related services.
- Failure to implement modifications and accommodations.
- Failure to provide related services.
- Failure to provide special education services when children are in isolation/lockdown.
- Reliance on computer-based/packet-based instruction that is not individualized in accordance with a child's IEP.

Findings of Investigations (cont.)

▶ Behavioral Supports and Response

- Failure to provide adequate behavioral supports.
- Failure to conduct manifestation determinations.

▶ Transition Services:

- Failure to develop adequate transition plans.
- Lack of transition services and supports.

Office Career, Technical And Adult Education (OCTAE)

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<https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/correctional-education.html>

Office of Career, Technical, and Adult Education

Young Adult Diversion Project:

Information and resources for jurisdictions who want to provide their justice-involved young adult population with alternatives to prosecution and/or incarceration, including special education, career and technical education, and other workforce development opportunities. Find out more at <https://cte.ed.gov/yadiversion/>

Juvenile Justice Reentry Education Project:

A suite of tools to provide technical assistance to practitioners in the field to help them design and implement CTE programs that improve reentry outcomes for young people connected to the juvenile justice system.

Find out more at: <https://cte.ed.gov/initiatives/cte-correctional-education>

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<https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/correctional-education.html>

Pennsylvania Department of Education

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<https://www.pattan.net/>

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Data Casting

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Link to website:

[Information Equity Initiative | informationequity.org](http://informationequity.org)

Pennsylvania Department of Education # 1

Juvenile and State Adult Correctional Education:

How Pennsylvania State Educational Agency ensures A Free Appropriate Public Education to students with disabilities

What is being done well:

- Retrieval of Records in a timely manner
- Cyclical Monitoring for the Provision of FAPE

Collaboration:

- Team building: Bureau of Special Education Advisor, Records Center, Special Education Consultants, Department of Corrections Chief, School Psychologist, Student Services associate
- Collaborative effort with WITF for Data-Casting in County Prisons

Pennsylvania Department of Education # 2

Juvenile and State Adult Correctional Education:

Current trends:

- Data Casting
- Professional Learning Community for Principals and Special Education Teachers as part of Attract, Prepare, Retain Initiative
- Presentation at OSEP and Corrections Education Association conferences

Challenges:

- Least Restrictive Environment (LRE) court remanded to the facility or going to the host school district on site
- Path of funds from Resident district to Host District
- Tracking of credits, grades (piecing this together) *new law in PA to rectify this

Pennsylvania Department of Education, Data Casting #3

Juvenile and State Adult Correctional Education:

Datacasting and public education: Opening pathways to learning within justice-involved facilities

- PBS stations can deliver curated digital content to nearly every correctional facility in the United States
- [Information Equity Initiative | informationequity.org](http://informationequity.org) (IEI) is a nonprofit established by PA PBS stations whose mission is to partner with teachers to provide quality educational resources to learners who lack access to reliable broadband
- Pilots in three youth and adult correctional facilities - charges no fees to learners or their families
- Through our cloud platform, teachers curate their own classes, while also gaining free access to a globally available library to allow for content sharing and collaboration amongst teachers and facilities.

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[Link to Full Presentation on Program w/ Video](#)



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Link to website: <https://www.michigan.gov/mde/services/special-education>

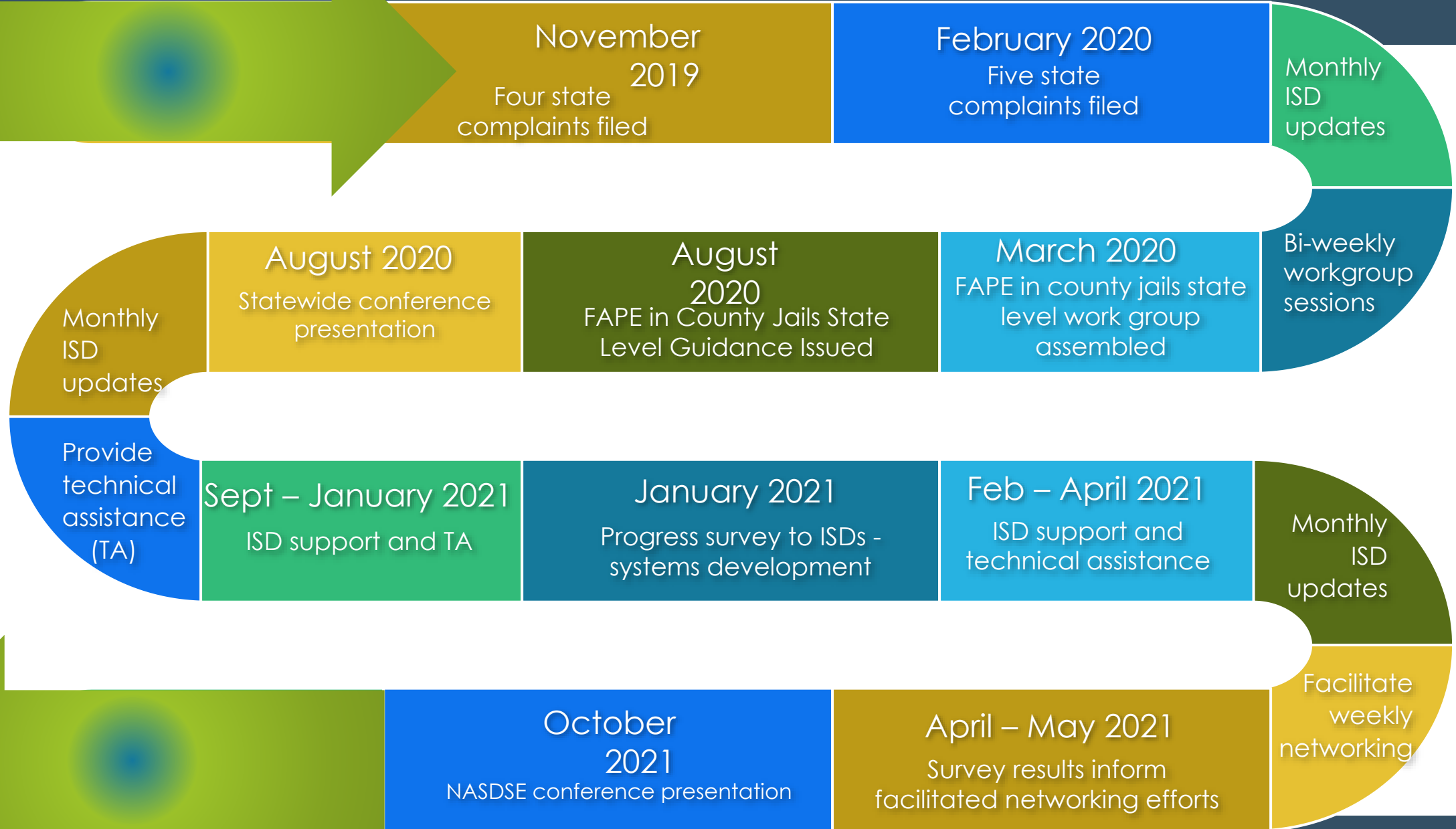
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Journey to Ensure FAPE in MI County Jails



Michigan Department of Education (MDE)

- ▶ Michigan Mandatory Special Education birth to 26
 - 211,000 children and students with disabilities
 - 56 Intermediate School Districts, 82 county jails
 - 828 member districts
- ▶ Exclusive focus on Michigan county jails
 - No specific Michigan law or rule related to education in county jails
 - Minimal existing guidance from MDE

MDE: Statewide Work Group 2019-2020

- ▶ MDE Availability and Commitment
- ▶ Internal MDE Team
- ▶ Initial research and outreach
- ▶ Statewide Work Group
- ▶ Broadened stakeholder involvement

“Approach the jail administrators with partnership thinking. Explain the value to the correctional institution. Understand the primary responsibility of the jail is confinement, but second is education. We want people to be successful and not return to jail.” - Jail Administrator

MDE: Challenges and Collaborative Conversations

- ▶ The Constant: Student centered
- ▶ Different starting points
 - Jails: Confinement and safety
 - Districts: Education
- ▶ Assumptions
- ▶ Relationships
- ▶ Systems

“A student’s confinement is an opportunity for ISDs to engage in rich collaboration with county jails to impact the trajectory of a student’s life.”

MDE's Role: What Is Being Done Well

- ▶ MDE was the conduit and facilitated relationships, a common understanding, and systems development.
- ▶ MDE reinforced the ISD authority as subrecipient, to ensure FAPE for all children, students, and young adults within the boundaries of the ISD.
- ▶ MDE did not develop a one size fits all system. Permitted the development of unique systems that are adaptable and flexible to local needs.
- ▶ Continued fostering partnership between MDE and jail administrators, sheriff departments, and ISDs.
- ▶ Developed statewide FAPE in the County Jail guidance.

MDE: Moving Forward

- ▶ Promote statewide FAPE in the County Jails guidance.
- ▶ Provide individual technical assistance to ISDs and jails.
- ▶ Provide ongoing feedback and updates to all ISDs.
- ▶ Have OSE staff dedicated to jails and juvenile justice on a go forward basis.
- ▶ Participate in local, state, and national presentations to share the work and build awareness.
- ▶ Engage in related work with juvenile justice and adult education.
- ▶ Develop monitoring activity to ensure child find and the provision of FAPE for youth held in county jails.

Coalition for Juvenile Justice

Coalition For Juvenile Justice (CJJ)

Executive Director, Naomi Evans

(202) 287-9751

Link to website: www.juvjustice.org

Coalition For Juvenile Justice – Who We Are

Who we are:

National non-profit founded nearly 40 years ago.

CJJ is a nationwide coalition of State Advisory Groups (SAGs) and allies dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system.

The Coalition for Juvenile Justice (CJJ) envisions a nation where fewer children are at risk of delinquency and if they are at risk or involved with the justice system, they and their families receive every possible opportunity to live safe, healthy, and fulfilling lives.

Coalition For Juvenile Justice – Challenges and Opportunities

Challenges and Opportunities

- ▶ Since 2019 detention facilities, and educational organizations across the country have faced challenges in securing and retaining staff.
- ▶ This has resulted in students inside detention facilities having limited accessing to programs, and challenges to their educational success.
- ▶ An opportunity exists as we emerge from the pandemic to recruit different types of staff for the positions that are now open.

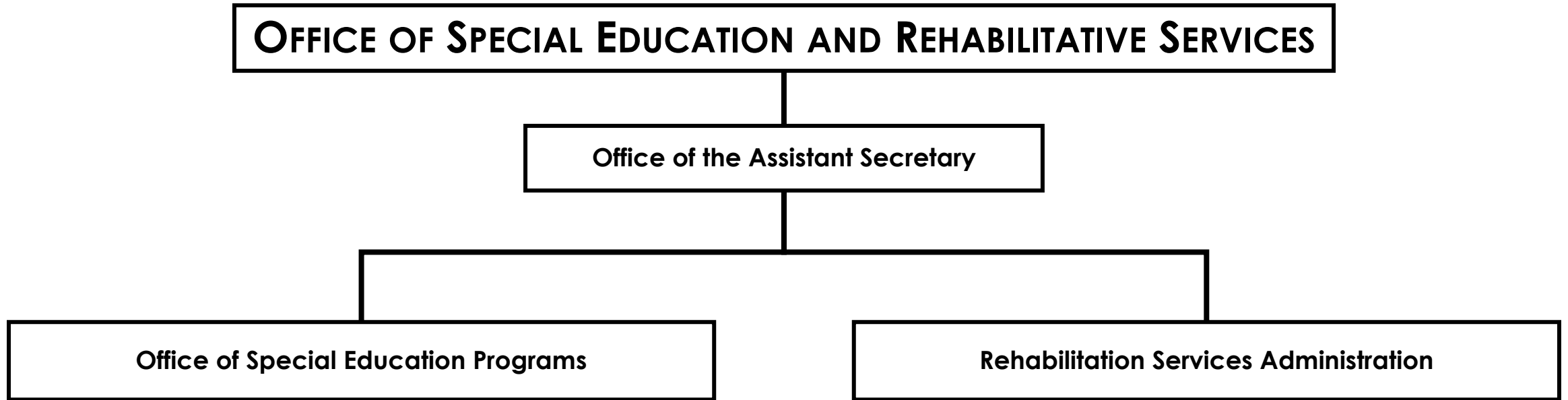
OSEP Remarks –Questions And Answers

- ▶ Questions and Answers
- ▶ Closing remarks: Gregg Corr- OSEP/MSIP Division Director
- ▶ Resources are available at the end of the PowerPoint

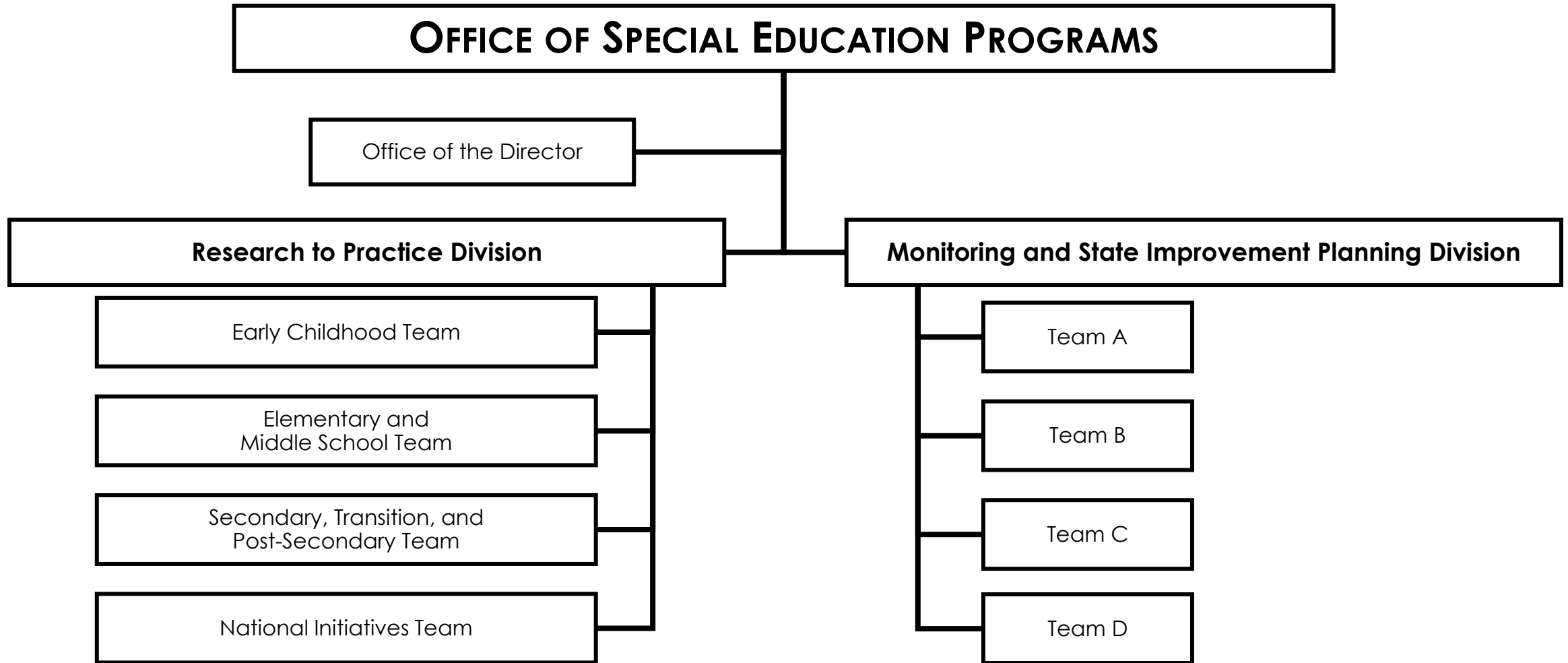
Available Resources

**Federal | State | Technical Assistance Center |
and
Advocacy Group**

Organizational Chart: OSERS



Organizational Chart: OSEP, cont.



OSEP: Monitoring and State Improvement Planning

The Monitoring and State Improvement Planning Division (MSIP) within OSEP is responsible for administering formula grants to States and entities under IDEA Parts B and C. State Performance Plan /Annual Performance Report (SPP/APR), State Systemic Improvement Plans (SSIP), the formula grant application process, monitoring and fiscal oversight, please visit: [Resources for Grantees - Individuals with Disabilities Education Act](#)

- **Correctional Education Guidance Package:**
<https://www2.ed.gov/policy/gen/guid/correctional-education/index.html>
- **Students with Disabilities in Correctional Facilities, January 29, 2019:**
<https://sites.ed.gov/idea/idea-files/osep-letter-jan-29-2019-letter-to-duncan/>
 - Letter on whether a State... fails to provide a free appropriate public education (FAPE) under Part B of IDEA to students with disabilities when the state offers such students only a General Education Development (GED) credential rather than the opportunity to earn a regular high school diploma because the students are incarcerated in a particular adult corrections facility.

OSEP: KEY Component of the SCES – Section I

Section I: Methods of Ensuring Services

- The State requirements in IDEA, Part B apply to all political subdivisions of a State that provide special education and related services to students with disabilities, including State, local juvenile and adult correctional facilities, regardless of whether that agency receives funds under Part B (34 CFR §§300.2(b)(1)(iv) and (2)).
- **Interagency or Coordination Agreements to provide special education and related services (34 CFR §300.154(a))**. This may include
 - Financial responsibility of each agency for providing special education and related services, including reimbursement terms;
 - The resolution of interagency disputes; and
 - The coordination and delivery of special education and related services

Model Interagency Agreement: Medaris, Campbell, and James (1997) outlined goals of a model interagency agreement for partners of an information-sharing program that includes representatives from juvenile court, probation, social services, education, law enforcement, and prosecution. The following model agreement is adapted from that document.

- **Link:** [Establishing and Maintaining Interagency Information Sharing \(ojp.gov\)](https://www.ojp.gov/ncj/vol101/nr101010.html)

ED OCR: Educational Programming

U.S. Department of Education, Office of Civil Rights: First Look updated 10/28/2016

- ▶ **Justice facility educational program:** a program for children and youth (not beyond grade 12) served at a justice facility that consists of **credit-granting courses and classroom instruction in at minimum, basic school subjects, such as reading, English language arts, and mathematics.** Classroom instruction in vocationally-oriented subjects may also be considered part of the program.
- ▶ Neither the manufacture of goods within the facility nor activities related to facility maintenance are considered classroom instruction.
- ▶ **Credit-granting refers to any course** that results in a letter grade or a pass/fail designation and is required of a student to move to the next grade level or complete a program of study and **receive a high school diploma.**



MSIP: Coordination and Collaboration

National Level

- **U.S. Department of Education:**
- (OESE- Title I Part D, OSERS/OSEP/OCTAE/ED-OCR)
- U.S. Department of Justice (DOJ)
- Office of Juvenile Justice and Delinquency Prevention (OJJDP)
- Correctional Education Association (CEA)
- American Institute of Research
- National Technical Assistance for the Education of the Neglected or Delinquent Children and Youth
- National Technical Assistance Center on Transition: The Collaborative (NTACT:C)

State Level

- State Department of Education, Special Education Director
- State Department of Education, State Title I Part- D Director
- State Department of Education, Correctional Education Director
- State Special Education Advisory Panel (SEAP)
- State Correctional Education Association
- Juvenile Justice Facilities Superintendents
- State Juvenile Court System Organization (Judges)
- State Police Organization
- Department of Corrections and/or Department of Youth Services
- Parent Technical Assistance Center
- OSEP Funded Technical Assistance Centers
- Department of Social Services (Social Workers)

Regional and Local Level

- Local Education Agencies- School Districts/ (SPED Director); Department of Corrections; Juvenile Justice Facilities as a (LEA)/ and Group Homes, etc.
- Non-Education Public Agencies- Contracted and Private
- Local Juvenile Court Systems- to include Probation Officers and Counselors
- Local Police and Sheriff (City and/or County)
- Parent Technical Assistance Center

TIPD/NDTAC Resources

- ▶ NDTAC homepage: <https://neglected-delinquent.ed.gov>
- ▶ NDTAC Helpdesk: NDTAC@Longevityconsulting.com
- ▶ CSPR: [Consolidated State Performance Reports - Office of Elementary and Secondary Education](#)
- ▶ Fast Facts: [Fast Facts | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk](#)
- ▶ Data Explorer: [Data Explorer | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk](#)
- ▶ Other Related Topics: [Topic Areas | NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk](#)

U.S. Department of Justice: Statutory Authority

Special Litigation Section | Civil Rights Division | U.S. Department of Justice

<https://www.justice.gov/crt/rights-juveniles>

Statutory Authority

- U.S. Attorney General has authority to remedy a “pattern or practice” of conduct that violates the constitutional or federal statutory rights of youth in correctional facilities (**Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997; 34 U.S.C. § 12601**).
- CRIPA and 34 U.S.C. Section 12601 allow DOJ to seek remedies for pattern and practice violations of students’ IDEA rights in correctional facilities.
 - In the Civil Rights Division, this work is done by the Special Litigation Section.

In addition to IDEA, DOJ can seek remedies for violations of these federal civil rights laws

- **Title VI** – prohibits discrimination on the basis of race, color or national origin by recipients of federal financial assistance.
- **Title IX** – prohibits discrimination on the basis of sex by recipients of federal financial assistance.
- **Section 504 of the Rehabilitation Act** – prohibits discrimination on the basis of disability by recipients of federal financial assistance.
- **ADA Title II** – prohibits discrimination on the basis of disability by state and local government entities, regardless of whether they receive federal financial assistance.



Department of Justice: Statement of Interest

DOJ Statement of Interest in *Charles H. v. D.C.* (Washington, DC) (May 2021):

<https://www.justice.gov/crt/case-document/file/1404361/download>

Key Principles:

- **Children with disabilities in juvenile and adult correctional facilities are entitled to receive special education and related services.**
- **Agencies are not relieved of their responsibility to provide special education and related services because of a pandemic.**

*“SEAs, LEAs, and schools must ensure that, **to the greatest extent possible**, each student with a disability can be provided the special education and related services identified in the student’s IEP developed under IDEA, or a plan developed under Section 504.”*

U.S. Dep’t of Educ., *Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak* (March 2020),

<https://sites.ed.gov/idea/files/qa-covid-19-03-12-2020.pdf>



Pandemic-Related Considerations

Factors to Consider:

Did the SEA, LEA, and the school offer educational services to children in the general school district and/or to children in the facility who do not require special education and related services?

“If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE.”

U.S. Dep’t of Educ., *Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak (March 2020)*,

<https://sites.ed.gov/idea/files/qa-covid-19-03-12-2020.pdf>



Pandemic-Related Considerations, cont.

Factors to Consider (cont.):

Did the educational agencies use federal IDEA allocations to support any necessary enhancements to ensure FAPE?

- A state educational agency can use a portion of its special education allocation to fund excess costs necessary to provide special education and related services. (34 C.F.R. § 300.202(a)(2)).
- State and Local education agencies can use a portion of their IDEA funds for excess costs necessary to train staff and students to use technology, or to hire staff to deliver the instruction and related services. (34 C.F.R. § 300.704(b)(4)(vii)-(viii)).
- State educational agencies can request approval to use a portion of its IDEA funds to “alter existing facilities” if it would improve the State’s ability to comply with its IDEA requirements. (34 C.F.R. § 300.718(a)).

U.S. Dep’t of Educ., *IDEA Part B Use of Funds in the COVID-19 Environment Q & A Document* (June 25, 2020), <https://sites.ed.gov/idea/files/qa-part-b-use-of-funds-06-25-2020.pdf>



FAPE Factors to Consider

Factors to Consider (cont.):

If educational services were provided, were they designed to meet a student's unique needs?

- Students with disabilities must receive a “free *appropriate* public education. ” (20 U.S.C. § 1412(a)(1)(A)-(B)).
- The education must be “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” *Endrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 137 S. Ct. 988 (2017).
 - Must be “specially” designed to meet a child’s “unique needs.”
- The use of self-study packets may violate the IDEA if the instructional method and/or content are not tailored to a student’s individual needs.

Compensatory Education Factors to Consider

Factors to Consider (cont.):

Did the SEA, LEA, and the school offer compensatory education for any educational services that were missed?

Department of Education guidance on when compensatory education should be considered:

1. When a local education agency closed to stop the spread of COVID-19 and provided no educational services;
2. When a local education agency continued to provide services but needed to alter how a particular educational or related service was provided; and
3. When a student missed school for an extended period as a result of COVID-19.

U.S. Dep't of Educ., *Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak* (March 2020), <https://sites.ed.gov/idea/files/qa-covid-19-03-12-2020.pdf>

Pennsylvania Department Education Links

Pennsylvania Department of Education

<https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/default.aspx>

- Tools, Resources, and recommendations
- Answers to FAQs...Messages to School Communities

Pennsylvania Department of Education

<https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/IncarceratedStudent.aspx>

- A Basic Education Circular (BEC) provides the Department of Education's guidance on the implementation of law, regulation and policy.
- BEC on responsibilities of LEA for students who are incarcerated

Pennsylvania Training and Technical Assistance Network (PaTTAN) Corrections Education website

<https://www.pattan.net/about-us/partners/corrections-education/>

- Corrections Education
- Multi-Tiered System of Support, Graduation/Post Secondary Outcomes and Disabilities

Pennsylvania Department of Education Websites

State Correctional Institutions website

<https://www.cor.pa.gov/Pages/default.aspx>

- Facilities and Community Reentry

State Juveniles website

<https://www.dhs.pa.gov/Services/Children/Pages/Juvenile-Justice.aspx#>

- Educational Services, Career and Technical Training and Work Training Program

Information Equity website (Data-Casting)

[Information Equity Initiative | informationequity.org](https://www.informationequity.org)

- A nonprofit established by PA PBS stations whose mission is to partner with teachers to provide quality educational resources to learners who lack access to reliable broadband

Michigan Department of Education Links

FAPE in County Jails Guidance:

<https://www.michigan.gov/-/media/Project/Websites/mde/specialeducation/iep/FAPEandCountyJails.pdf>

Child Find: [https://www.michigan.gov/mde/-](https://www.michigan.gov/mde/-/media/Project/Websites/mde/specialeducation/eval-eligibility/ChildFind.pdf)

[/media/Project/Websites/mde/specialeducation/eval-eligibility/ChildFind.pdf](https://www.michigan.gov/mde/-/media/Project/Websites/mde/specialeducation/eval-eligibility/ChildFind.pdf)

MDE OSE Information Line

mde-ose@michigan.gov

888-320-8384

FAPE for Adult Learners: [https://www.michigan.gov/mde/-](https://www.michigan.gov/mde/-/media/Project/Websites/mde/specialeducation/iep/FAPE_AdultLearners.pdf)

[/media/Project/Websites/mde/specialeducation/iep/FAPE_AdultLearners.pdf](https://www.michigan.gov/mde/-/media/Project/Websites/mde/specialeducation/iep/FAPE_AdultLearners.pdf)



Correctional Education

THANK YOU

