

DRAFT

**Provision of Programs and Services
to Incarcerated Youth in County and City Jails**

October 2008

Purpose: This procedure addressed how incarcerated youth in county and city jails who have an individualized education program (IEP) under Part B of the Individuals with Disabilities Education Act (IDEA) will receive their educational services.

Proposed Procedure: As the guarantor of the implementation of all viable IEPs, a State Educational Agency (SEA) must have a procedure in place that will account for the offer of special education programs and services to incarcerated youth in county and city jails. Therefore, the required provision of educational services must be completed by all Intermediate School Districts (ISD) and Regional Educational Service Areas (RESA) and submitted to the Office of Special Education and Early Intervention Services (OSE-EIS) for approval through their respective ISD Plans. The OSE-EIS recommends that the following steps be taken to assure compliance with this provision:

1. Contact the office of the chief enforcement officer (Sheriff, Chief of Police, etc.) of the county and city jails to apprise them of the IDEA requirements.
2. Develop a plan with the office of the chief enforcement officer that will ensure that the ISD is made aware when an incarcerated youth with a viable IEP arrives at the county and city jails.
3. Develop a plan for the offer/provision of educational services to the incarcerated youth to the extent possible with respect to § 300.324(2) of the IDEA implementing regulations.

Federal IDEA Citations:

FAPE Requirements § 300.101 Free appropriate public education (FAPE)

(a) *General.* A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in § 300.530(d).

The provision of these educational services applies not only to state and local juvenile facilities, but also to adult correctional facilities as noted by § 300.102.

§ 300.2 Applicability of this part to State and local agencies.

(a) *States.* This part applies to each State that receives payments under Part B of the Act, as defined in § 300.4.

(b) *Public agencies within the State.* The provisions of this part—

(1) Apply to all political subdivisions of the State that are involved in the education of children with disabilities, including:

...

(iv) State and local juvenile and adult correctional facilities; ...