

State Correctional Education Self-Assessment (SCES)

Introduction

In December 2014 the U.S. Department of Education (ED) released the Correctional Education Guidance Package to emphasize the importance of improving education programs in juvenile justice secure care settings. This guidance package included the Office of Special Education and Rehabilitative Services (OSERS) Dear Colleague Letter (Dec. 5, 2014) [referred to here as the OSERS DCL] regarding the obligations of States and their public agencies, including responsible noneducational public agencies, to ensure the provision of a free appropriate public education to eligible students with disabilities in correctional facilities under the Individuals with Disabilities Education Act (IDEA).¹ The package also included a Dear Colleague letter, issued by ED's Office for Civil Rights and the U.S. Department of Justice, regarding the civil rights protections for students in juvenile justice residential facilities, which also addressed requirements to provide a free appropriate public education to elementary and secondary students with disabilities under Section 504 of the Rehabilitation Act of 1973 (Section 504).² Ensuring students with disabilities in correctional facilities receive appropriate special education and related services is a shared responsibility and is critical to improving future outcomes for this unique population of students. As OSERS emphasized in its DCL, absent a specific exception³, all IDEA protections apply to students with disabilities in correctional facilities and their parents. Accordingly, OSERS explained further "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 (34 CFR §300.2(b)(1)(iv)). Regardless of the structure in a State, the State, as the IDEA, Part B grantee, has ultimate responsibility for ensuring FAPE is made available to all eligible students with disabilities residing in the State and local juvenile and adult correctional facilities. This responsibility applies to correctional facilities with which the State contracts to provide

¹ The definition of a correctional facility varies from State to State. For the purposes of this self-assessment, "correctional facility" refers to juvenile justice facilities, detention facilities, jails, and prisons where students with disabilities are, or may be, confined. Under 34 CFR §300.2(b)(1)(iv) and (2) the requirements in 34 CFR part 300 apply to State and local juvenile and adult correctional facilities and are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving Part B funds.

² OCR and DOJ's DCL is available at: <http://www2.ed.gov/policy/gen/guid/correctional-education/index.html>. In addition to the IDEA protections referred to in this self-assessment and explained more fully in the OSERS DCL, the rights of students with disabilities in correctional facilities are also protected by two other Federal laws: Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits disability discrimination in programs or activities of entities, such as public schools and correctional agencies that receive Federal financial assistance (29 U.S.C. §794, 34 CFR part 104); and Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits disability discrimination by public entities, including public schools and correctional agencies, regardless of whether they receive Federal financial assistance (42 U.S.C. §§12131-12134, 28 CFR part 35). More information about these laws is available at: www.ed.gov/ocr.

³ There are some provisions of the IDEA that are not applicable to certain students with disabilities ages 18 through 21 in adult correctional facilities. See fn. 10 of the OSERS DCL for references to these provisions and an explanation of when they do not apply. In addition, as explained in fn. 13 of the OSERS DCL, the Governor, or another individual pursuant to State law, may assign to any public agency in the State the responsibility for ensuring that the requirements of IDEA are met with respect to students with disabilities who are convicted as adults under State law and incarcerated in an adult prison (34 CFR §300.149(d)). However, such an assignment does not relieve the State, or the assigned public agency, of its responsibility to meet all the requirements of IDEA, even if the public agency does not receive IDEA, Part B funds (34 CFR §300.2(b)(2)). This self-assessment does not address the circumstances covered by 34 CFR §300.149(d).

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education, including special education and related services (34 CFR §§300.2(b)(1)(iv), 300.101, and 300.149(a)).”

The Office of Special Education Programs (OSEP) has developed this voluntary self-assessment to assist States in self-assessing their systems for providing special education and related services to students with disabilities in correctional facilities. This voluntary self-assessment addresses some, but not all, of the requirements of Part B of the IDEA (or IDEA, Part B) as they apply to States, State educational agencies (SEAs), and public agencies (including local educational agencies (LEAs), and responsible noneducational public agencies) in educating these students.

This self-assessment is not a substitute for a careful review of the IDEA statute, its implementing regulations, and other applicable OSERS policy guidance. We suggest that you familiarize yourself with the OSERS DCL as you review this self-assessment.

This 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.

Because the responsibilities of public agencies serving students with disabilities in correctional facilities in certain areas overlap, some matters are addressed more than once in this self-assessment.

State Directors of Special Education may find it helpful to collaborate with Elementary and Secondary Education Act (ESEA), Title I, Part D Personnel, Correctional Education Directors, and/or State Commissioners of Corrections in completing the self-assessment.

Completion of the State Correctional Education Self-Assessment (SCES) is voluntary. A State may choose to request technical assistance from OSEP regarding its SCES. To request technical assistance, please email the request to your OSEP State Lead and copy the email to OSEP’s Correctional Education Lead -- Curtis Kinnard at Curtis.Kinnard@ed.gov. If you have questions about the SCES, please contact Dr. Kinnard at 202-245-7472.

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States may use this assessment tool to evaluate their current correctional education status in relationship to IDEA requirements and, if necessary, to assist in the development and tracking of technical assistance and next steps.

State: _____

Date Assessment Completed: _____

Section I: Methods of Ensuring Services⁴

Instructions: After each question the State is encouraged to provide information indicating whether this requirement is met and if not what if any next steps should be taken to meet this requirement.

Does your State have an interagency agreement or other mechanism for interagency coordination between the SEA and a noneducational public agency or agencies when that agency or agencies are responsible for providing or paying for special education and related services needed to ensure FAPE for students with disabilities in correctional facilities? If yes, below are some of the important IDEA requirements that need to be assessed.

- Does the interagency agreement or other mechanism address the requirements in 34 CFR §300.154(a), (b), and (c)? Specifically, under 34 CFR §300.154(a), interagency agreements, or other mechanisms for interagency coordination, must include provisions relating to:
 - (1) the financial responsibility of each agency for providing special education and related services;
 - (2) the conditions, terms and procedures under which an LEA must be reimbursed by other agencies;
 - (3) procedures for resolving interagency disputes (including procedures under which LEAs may initiate proceedings to secure reimbursement from other agencies);
 - (4) the coordination and timely and appropriate delivery of special education and related services described in 34 CFR §300.154(b)(1) (e.g. §300.5 relating to assistive technology devices, §300.6 relating to assistive technology services, §300.34 relating to related services, §300.42 relating to supplementary aids and services, and §300.43 relating to transition services).

⁴ Methods of Ensuring Services (34 CFR §300.154); see also pages 6 and 7 of the OSERS DCL.

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Please consider adding Questions and State responses here:

State Response

- What are the mechanisms in place in your State to establish responsibility for services, as required in 34 CFR §300.154(a)? As specified in 34 CFR §300.154(c), these mechanisms include:
 - State statute or regulation;
 - Signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or
 - Other appropriate written methods as determined by the Chief Executive Officer of the State or designee of that officer and approved by the Secretary of Education.

State Response

- Which entity in your State is responsible for providing special education and related services to students with disabilities in correctional facilities? (e.g. the SEA as a provider of direct services pursuant to 34 CFR §300.227, the correctional facility if it operates as an LEA, the LEA where the correctional facility is located, another LEA, or another noneducational public agency?)

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State Response

- Has your SEA provided written guidance on the implementation of interagency agreements or other methods for interagency coordination addressing responsibility for providing or paying for special education and related services to students with disabilities in correctional facilities? Does your State contract with correctional facilities to provide education, including special education and related services, to students with disabilities in correctional facilities?

State Response

- Is there a plan to address SEA procedures for determining whether LEAs or other public agencies have an interagency agreement or other mechanism for interagency coordination such as memoranda of agreement or memoranda of understanding, with other LEAs or noneducational public agencies that are responsible for providing special education and related services to students with disabilities in correctional facilities? If so, explain the State's procedures.

State Response

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- Has your State assigned the responsibility for providing or paying for special education and related services that are needed to ensure FAPE to students with disabilities in correctional facilities to a noneducational public agency? If yes: What is the mechanism for interagency coordination between the SEA and that public agency (e.g. interagency agreement, a State statute or regulation or other appropriate written methods as determined by the Chief Executive Officer of the State or designee of that officer and approved by the Secretary of Education?)

If your State does not have a mechanism for interagency coordination between the SEA and a noneducational public agency, what steps will be taken to develop such a mechanism?

State Response

In addition to IDEA requirements, it may be helpful to assess plans for providing or facilitating entry and reentry services:

- Is there a plan to address providing entry and reentry services? Briefly describe your State's plan. (Re-entry services are described on page 19 in the Dec. 5, 2014 OSERS DCL).

State Response

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If your State wishes to receive technical assistance regarding IDEA’s interagency coordination requirements described above, you may request technical assistance from your State Lead and OSEP’s Correctional Education Lead (contact information is provided on page 2 above).

In addition to the information above, to assist ED in tailoring the technical assistance it provides to your State, the following information would also be helpful.

- Provide the names and roles of all noneducational public agencies (e.g. Department of Corrections, Department of Youth Services, and County Jail(s)), within the State that are responsible for providing or paying for special education and related services for students with disabilities in correctional facilities.

State Response

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Section II: SEA’s Responsibilities to Students with Disabilities in Correctional Facilities

Instructions: Review each component and provide a response that highlights critical information and if necessary any next steps. Use the check boxes for each component to indicate if the component is being implemented or if additional data are needed.

SEA’s Responsibilities to Students with Disabilities in Correctional Facilities						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
SEA Responsibility for General Supervision⁵						
a. Unless covered by an exception, as addressed in fn.3 above, how does the SEA exercise general supervision over all educational programs for students with disabilities in correctional facilities to ensure that the educational programs for such students meet the educational standards of the SEA and IDEA, Part B requirements? This responsibility includes monitoring public agencies						

⁵ General Supervision (34 CFR §300.149(a)).

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SEA's Responsibilities to Students with Disabilities in Correctional Facilities						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
that are responsible for providing FAPE to students with disabilities in correctional facilities ⁶ .						
b. Does your State monitor public agencies that are responsible for ensuring the provision of FAPE to students with disabilities in correctional facilities?						
Student Participation in IEP Team Meetings						
a. For IEP Team meetings, does the SEA ensure that public agencies invite the student to the meeting, whenever appropriate ⁷						

⁶ State monitoring and enforcement (34 CFR §§300.149(b) and 300.600).

⁷ State policies and procedures regarding IEP requirements (34 CFR §300.112.); IEP Team requirements for participation of students (34 CFR §300.321(a)(7) and (b)(1)-(2)).

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SEA's Responsibilities to Students with Disabilities in Correctional Facilities						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
<p>and unless there is an applicable exception⁸, invite the student to attend an IEP Team meeting if a purpose will be the consideration of postsecondary goals and the transition services needed to assist the student in reaching those goals?</p> <p>If yes, what steps does the State take to ensure these requirements are met?</p> <p>If the State does not have a mechanism to ensure these requirements are met, what steps will be taken to meet these requirements?</p>						
Participation In Required Assessments, Data Collection, and Reporting						

⁸ Transition services requirements are not applicable to students with disabilities convicted as adults under State law and incarcerated in adult prisons and to those students whose eligibility for IDEA services will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release (34 CFR §300.324(d)(1)(ii)).

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SEA's Responsibilities to Students with Disabilities in Correctional Facilities						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
<p>a. Does the SEA ensure that students with disabilities who are required to be included in State and districtwide assessment programs⁹ receive individual appropriate accommodations and alternate assessments, where necessary, on the State and districtwide assessments that they are required to take while they are in correctional facilities?</p> <p>If yes, what steps does the State take to ensure this occurs?</p> <p>If no, how does the SEA ensure that students with disabilities in correctional facilities who cannot take the required regular State or districtwide assessment receive appropriate</p>						

⁹ The requirements in Section 612(a)(16) of the IDEA and 34 CFR §300.320(a)(6) (relating to participation of students with disabilities in general assessments) do not apply to students with disabilities who have been convicted as adults under State law and incarcerated in adult prisons. 34 CFR §300.324(d)(1)(i).

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SEA's Responsibilities to Students with Disabilities in Correctional Facilities						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
accommodations or take an appropriate alternate assessment?						
<p>b. How does the SEA ensure that annual determinations under section 616(d) of IDEA are made for those correctional facilities that operate as LEAs?</p> <p>If the State does not make annual determinations for these LEAs, what steps will be taken to ensure that annual determinations are made for these LEAs?</p>						
<p>c. Does the SEA have procedures in place to accurately collect and report data, including data reported in connection with IDEA section 618 data submissions and in the State's Annual Performance Report for students with disabilities in correctional</p>						

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SEA's Responsibilities to Students with Disabilities in Correctional Facilities						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
<p>facilities? (e.g. Child Count and Educational Environment; Personnel; Exiting Special Education; Discipline, and participation in Assessments¹⁰)?</p> <p>If so, briefly explain.</p> <p>If no, please explain how the State will provide required data reporting elements for students with disabilities in correctional facilities.</p>						
Personnel Qualifications¹¹						
<p>a. Does the SEA ensure that personnel who provide special education and related services to students with disabilities in correctional facilities meet IDEA's personnel qualification requirements, i.e., that they are</p>						

¹⁰ More information on IDEA section 618 data requirements is available at: <http://www2.ed.gov/programs/osepidea/618-data/collection-documentation/index.html>

¹¹ Personnel qualifications (34 CFR §300.156).

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SEA's Responsibilities to Students with Disabilities in Correctional Facilities						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
<p>appropriately and adequately prepared and trained, including that they have the content knowledge and skills to serve students with disabilities in correctional facilities?</p> <p>b. Does the State ensure that related services personnel, paraprofessionals, and special education teachers providing special education and related services to students with disabilities in correctional facilities meet applicable State personnel qualification standards?</p> <p>If yes, what steps does the State take to ensure this occurs?</p> <p>If no, what steps is the SEA taking to ensure these personnel meet State personnel qualifications?</p>						

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SEA's Responsibilities to Students with Disabilities in Correctional Facilities						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
Child Find¹²						
<p>a. Has the SEA developed child find policies and procedures that address identifying, locating, and evaluating age-eligible students with disabilities who need special education and related services in correctional facilities?¹³</p> <p>If yes, how are these policies and procedures implemented?</p> <p>If not, when will the SEA develop the necessary policies and procedures?</p>						
Surrogate Parents¹⁴						

¹² Child Find (34 CFR §300.111).

¹³ There is no obligation for States to identify, locate and evaluate those students with disabilities in adult correctional facilities for whom the State is otherwise not required to provide FAPE. See fn. 20 of the OSERS DCL.

¹⁴ Surrogate Parents (34 CFR §300.519)

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SEA's Responsibilities to Students with Disabilities in Correctional Facilities						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
<p>a. Does the SEA make reasonable efforts to ensure the assignment of surrogate parents, in accordance with IDEA's selection criteria, not more than 30 days after a public agency determines that students with disabilities in correctional facilities need surrogate parents?</p> <p>If so, explain the process.</p> <p>If no, explain what steps will be taken to meet this requirement.</p>						
Procedural Safeguards and Due Process Protections ¹⁵						
<p>a. Does the SEA ensure that all of the procedural safeguards and due process protections under</p>						

¹⁵ Procedural Safeguards (34 CFR §300.121)

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SEA's Responsibilities to Students with Disabilities in Correctional Facilities						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
<p>the IDEA extend to eligible students with disabilities in correctional facilities and their parents?</p> <p>If yes, how does the SEA ensure that this occurs?</p> <p>If no, what steps will be taken to ensure that this occurs?</p>						
<p><u>What technical assistance is needed related to the State's and SEA's Responsibilities:</u></p>						

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Section III: Responsibilities of Public Agencies, Including LEAs, Correctional Facilities, and Noneducational Public Agencies

Responsibilities of Public Agencies, Including LEAs, Correctional Facilities, and Noneducational Public Agencies						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
IEPs for Transfer Students and Transmittal of Records¹⁶						
a. How does the public agency ensure that there is no undue interruption in the provision of special education and related services when students are confined to correctional facilities? How does the public agency ensure that requirements for IEPs for transfer students are met for in-State and out-of-State transfer students with IEPs who transfer into new public agencies in the same school year, including requirements for providing FAPE through services comparable to those						

¹⁶ IEPs for transfer students and transmittal of Records (34 CFR §300.323(e), (f), and (g) and with respect to education records 34 CFR §99.31(a)(2) of the regulations implementing the Family Educational Rights and Privacy Act (FERPA)).

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Responsibilities of Public Agencies, Including LEAs, Correctional Facilities, and Noneducational Public Agencies						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
described in the student’s IEP from the previous public agency when a student with an IEP initially transfers to an educational program in a correctional facility in the same school year?						
b. Does the public agency have in effect policies and procedures to ensure the transmittal of relevant records for those students who move to, and from, correctional facilities so that these students’ educational records can be transferred as expeditiously as possible ¹⁷ ?						

¹⁷ The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; 34 CFR part 99, generally requires that school districts and schools obtain the prior written consent of a parent or eligible student (i.e., a student 18 years of age or older or enrolled in a postsecondary institution) before disclosing personally identifiable information from education records; however, there are a number of exceptions to this prior consent requirement. The IDEA also contains confidentiality of information provisions that require prior written consent for disclosure of personally identifiable information from education records and that generally incorporate the FERPA exceptions to the prior consent requirement. 20 U.S.C. 1417(c) and 34 CFR §300.622. The FERPA exception to the prior consent requirement that would be most relevant to a school district’s or school’s disclosure of education records of students who are entering a correctional facility is in 34 CFR §§99.31(a)(2) and 99.34 of FERPA regulations, which permits schools and school districts that are subject to FERPA to disclose personally identifiable information from education records without prior written consent to officials of another school or school district, including a school or school district run by a juvenile justice agency, where a student is enrolled, or seeks or intends to enroll, so long as the disclosure is for purposes related to the student’s

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Responsibilities of Public Agencies, Including LEAs, Correctional Facilities, and Noneducational Public Agencies						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
<p>(The Every Student Succeeds Act also includes a similar provision regarding the sharing of relevant records of children and youth in correctional facilities.¹⁸)</p> <p>If so, please briefly describe the policies and procedures designed to ensure the transmittal of relevant records.</p> <p>If policies and procedures are not in place to ensure compliance with these requirements please describe the State's plans to develop a plan to meet these requirements.</p>						

enrollment or transfer. See <http://www2.ed.gov/policy/gen/guid/ptac/pdf/idea-ferpa.pdf> for further clarification regarding the IDEA and FERPA confidentiality provisions and the transmission of education records to the correctional facility.

¹⁸ Section 1425 of the Every Student Succeeds Act requires that each correctional facility entering into an agreement with an LEA to provide services to children and youth shall: upon the child's or youth's entry into the correctional facility, work with the child's or youth's family members and the LEA that most recently provided services to the child or youth (if applicable) to ensure that the relevant and appropriate academic records and plans regarding the continuation of educational services for such child or youth are shared jointly between the correctional facility and LEA in order to facilitate the transition of such children and youth between the LEA and the correctional facility.

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Responsibilities of Public Agencies, Including LEAs, Correctional Facilities, and Noneducational Public Agencies						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
Child Find and Evaluations¹⁹						
a. What process do LEAs use to work with individuals most likely to come into contact with students in the juvenile justice system so that age-eligible students suspected of having disabilities are identified?						
b. What is the process that the public agency uses to ensure that the initial evaluations of students in correctional facilities take place within the relevant timeframe—i.e., the 60-day IDEA timeframe or the State-established timeframe for conducting the evaluation ²⁰ ?						

¹⁹ Child Find and Evaluation requirements (34 CFR §§300.111, 300.201 and §§300.300-300.311)

²⁰ 34 CFR §300.301(c)

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Responsibilities of Public Agencies, Including LEAs, Correctional Facilities, and Noneducational Public Agencies						
Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
Personnel Development²¹						
a. How do LEAs ensure that all personnel necessary to carry out Part B of IDEA are appropriately and adequately prepared? ²²						
Individualized Education Programs (IEPs)²³						
a. How does a public agency ensure that all IEP requirements are met for students with disabilities in Correctional Facilities? Does the public agency ensure that IEP Teams comply with the requirement to consider the special factor relating to positive						

²¹ Personnel Development (34 CFR §300.207)

²² Examples may include training on the use of Positive Behavioral Interventions and Supports (PBIS), IDEA’s discipline procedures, cross-agency staff discussions, etc.

²³ Individualized Education Programs (IEPs) (34 CFR §§300.320-300.324). An explanation and overview of IDEA IEP requirements can be found at: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C10%2C>

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Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
behavioral interventions and supports and other strategies to address behavior in developing, reviewing, and revising IEPs of students with disabilities in correctional facilities whose behavior impedes the student's learning or that of others? ^{24 25}						
Least Restrictive Environment²⁶						
a. How does the public agency ensure that all LRE requirements are met for students with disabilities in correctional facilities, including that a continuum of alternative placements is available, to the						

²⁴ Consideration of special factors (34 CFR §300.324(a)(2)(i) and (b)).

²⁵ In States that have opted to make available FAPE to students with disabilities convicted as an adult under State law and incarcerated in an adult prison, the LEA may modify an IEP for such a student if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated (34 CFR §300.324(d)(2)). See fn. 28 in the OSERS DCL.

²⁶ Least Restrictive Environment (34 CFR §§300.114-300.118). For students with disabilities who are convicted as adults under State law and incarcerated in adult prisons, the IEP Team of a student with a disability may modify the student's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated and the requirements of §§300.320 (relating to IEPs) and 300.112 (relating to LRE) do not apply with respect to the modifications. 34 CFR §300.324(d)(2).

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extent necessary to implement the student's IEP?						

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Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
Secondary Transition²⁷						
a. How does the public agency ensure that, unless an incarcerated student is convicted as an adult under State law and is incarcerated in an adult prison or will reach the age of majority before leaving the correctional facility, that the first IEP to be in effect for a student who turns 16, or younger if determined appropriate by the IEP Team, and updated annually thereafter, includes appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate independent living skills; and the transition services (including courses of study) needed to assist the						

²⁷ Secondary Transition (34 CFR §§300.320(b) and 300.321(b) and 300.324(d)(1)(ii))

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Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
student in reaching those goals?						
Procedural Safeguards and Due Process Protections²⁸						
a. How does the public agency ensure that all of the procedural safeguards and due process protections under the IDEA extend to eligible students with disabilities in correctional facilities and their parents?						

²⁸ Procedural Safeguards and Due Process Protections (34 CFR §§300.500-300.518). For an overview of due process protections view <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C16%2C>

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Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
Discipline Procedures²⁹						
a. How does the public agency ensure that students with disabilities in a correctional facility who violate the code of student conduct are afforded the protections that must be afforded to all students with disabilities (e.g. change of placement, manifestation determination, provision of services beginning with the 11 th cumulative day of removal in a school year)?						
What technical assistance is needed related to Responsibilities of Public Agencies, Including LEAs, Correctional Facilities, and Non-educational Public Agencies, to Ensure FAPE:						

²⁹ Discipline procedures (34 CFR §§300.530-300.536) For an overview of the IDEA discipline procedure view <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C6%2C>. See also pages 16 and 17 of the OSERS' DCL.

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Self-Assessment Components	State Response	Not Implemented	Partially Implemented	Fully Implemented	Data Available	Data Not Available
Re-entry Considerations³⁰						
a. How do public agencies ensure appropriate IEPs and placements are determined when eligible students with disabilities, who previously resided in correctional facilities, reenter public school?						
<u>What technical assistance is needed related to Re-entry:</u>						

³⁰ For further information regarding strategies to reenroll youth with disabilities after exiting the correctional system, see Reentry Programs for Out of School Youth with Disabilities, Julia Wilkins, National Drop Out Center for Students with Disabilities, July 2011, and A Reentry Education Model Supporting Education and Career Advancement for Low-Skill Individuals in Corrections at <http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/reentry-model.pdf>.