

**Empowering families
to advocate for
themselves so that
children with special
educational needs
can reach their full
potential in
education and life –
through support,
training, and
education.**

TO CONTACT:

**Missouri Parents Act (MPACT)
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**JUVENILE
JUSTICE
INITIATIVE**

{FAPE}

**A Free Appropriate Public
Education Is For All Students
With Disabilities, Including
Those Who Are In The
Juvenile Justice System.**



WHAT IS THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)?

The Individuals With Disabilities Education Act (IDEA) is a federal law that ensures that all children with disabilities, including justice-involved youth, have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.

MY CHILD IS INCARCERATED, ARE THEY STILL ENTITLED TO FAPE?

Students with disabilities do not lose their right to FAPE just because they become involved with the justice system. It is the responsibility of the school district where the justice center is located to provide the student with FAPE even if the child will reside in the justice center. The school district must follow the process set forth within the Missouri Office of Special Education Compliance Standards & Indicators when handling in-state and out-of-state transfers. These transfers must be handled in the same manner as they would have been handled if the student was not involved in the justice system.

THE IEP TEAM SHOULD BE PREPARED TO MEET TO DISCUSS ANY COMPENSATORY SERVICES THAT MIGHT BE APPROPRIATE TO ADDRESS GAPS IN SERVICES.

HOW DOES JUSTICE-INVOLVED YOUTH RECEIVE FAPE?

Once the student's records are received and the district has accepted the existing IEP or created a new one, the school district is required to carry out the child's IEP in accordance with IDEA. Ultimately, even though the student is placed at the justice center, the responsibility to provide services is with the public school where the justice center is located.

RESOURCES

<https://dese.mo.gov/special-education/compliance/juvenile-detention-facilities>

Guiding Principals for Providing High-Quality Education in Juvenile Justice Secure Care Settings

<https://www2.ed.gov/policy/gen/guid/correctional-education/guiding-principles.pdf>

DESE-Special Education for Students in Missouri Juvenile Justice Centers

<https://dese.mo.gov/sites/default/files/GuidDocMOJuvJustCtrs-MO.pdf>

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EVALUATIONS

**All protections provided under IDEA,
including the obligation to identify
and evaluate students with
disabilities...apply to eligible
students with disabilities in
correctional facilities and their
parents.**

IF MY CHILD IS IN A CORRECTIONAL FACILITY AND I SUSPECT THE NEED FOR SPECIAL EDUCATION SERVICES, CAN I REQUEST AND EVALUATION?

Yes. Evaluation requests should be made in writing submitted to the school district where the justice facility is located and a copy of the letter can be provided to the correctional facility's education director. Each State Education Agency (SEA) must have child find procedures and policies in place to locate, identify and evaluate youth who are in correctional facilities, who may have a qualifying disability under IDEA and are in need of special education and related services.

Evaluations must occur even if the student will not remain in the facility long enough to complete the evaluation. In Missouri, Districts have 30 calendar days from the date of the request for an evaluation to respond with a Notice of Action to parents or guardians.

The evaluation report is placed in the child's educational file and a copy is provided to parents within reasonable time, generally 20 days after the EDM. No undue delay can occur in providing special education or related services. IEP implementation must occur 10 days after Notice of Meeting has been sent to parents unless parents waive the 10 days. The IEP is written based on the child's Present Level and specific needs. am.

As SEA's carry out their child find responsibilities, it is encouraged by the US Department of Education that they adopt policies that include the input of individuals who come in contact with students in the juvenile justice system, including intake staff, probation officers, and mental health professionals, to name a few. These individuals can initiate the evaluation process if they suspect the need for special education services.

IDEA requires completion of initial evaluations within 60 days of receiving parental consent for the evaluation or within the State-established time frame.

WHAT IF A STUDENT'S PARENTS CANNOT BE LOCATED TO OBTAIN INFORMED CONSENT TO EVALUATE?

The public agency is not required to obtain informed consent from the child's parent if:

- the child is a ward of the State,
- the public agency cannot discover the whereabouts of the parents, or
- the rights of the parent to make educational decisions have been subrogated.

If a parent does not provide consent or fails to respond to a request to provide consent, the public agency may still pursue the initial evaluation of the child.



RESOURCES:

sites.ed.gov/idea/regs/b/d/300.300

<https://www2.ed.gov/policy/gen/guid/correctional-education/fact-sheet.pdf>

<https://www2.ed.gov/policy/gen/guid/correctional-education/idea-letter.pdf>