



JUVENILE JUSTICE INITIATIVE

# RISE

**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.**

### **Reaching**

families where they are,

### **Inspiring**

families and youth to advocate for their educational rights,

### **Supporting**

them through the process and

### **Empowering**

families and youth to become effective advocates for themselves.

## **TO CONTACT:**

**Find us on Facebook and Twitter**

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## **THE EVALUATION PROCESS**

### **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 Prior Written Notice to parents or guardians whether a disability is suspected and an evaluation will be done.

### **THE STATES CHILD FIND RESPONSIBILITY**

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.

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.

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

For the initial evaluation only, 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](http://sites.ed.gov)**

**Correctional Education Guidance Package  
OSEP Dec. 2014 Dear Colleague Letter**