

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-93
Subject: INCARCERATED YOUTH WITH DISABILITIES – EDUCATIONAL SERVICES	Issued: 11/2/11
Preparing Office: OFFICE OF THE SUPERINTENDENT	Amended: 9/13/18

I. Policy

II. Definition

Incarcerated Youth with Disabilities – Individuals up to the age of 21 years who are in a local adult correctional facility (LACF) in Frederick County and who are eligible to receive special education and related services.

Note: Provisions of this regulation do not apply to students who are in a juvenile residential facility. Those students are served by the Maryland State Department of Education, Juvenile Services Education System, or Department of Juvenile Services.

III. Responsibilities

A. Upon notification by the LACF, the director of Special Education and Psychological Services, or designee, shall:

1. Take reasonable steps to promptly obtain the student's records, including the Individualized Education Program (IEP) and supporting documents from the previous public agency in which the student was enrolled.
2. Review the student's records to determine if the student was properly identified as a special education student.
3. Initiate services for the student that has a current IEP. If the current IEP cannot be implemented, ensure that an IEP meeting takes place as soon as possible and all of the required steps are taken prior to conducting the IEP team meeting.
4. Initiate services for the student identified as in need of services but not previously receiving services.
5. Ensure that an IEP is in effect before special education and related services are provided to the student with disabilities incarcerated in an LACF.
6. Work cooperatively with the LACF to develop, adopt or implement a new or existing IEP. If the IEP has expired, the director of Special Education and Psychological Services, or designee, will work with the LACF to develop a new IEP according to established policy and procedure.

7. Coordinate and assign qualified personnel to the incarcerated youth for educational and related services as dictated by the student's current IEP.
8. In the event that no IEP or special education-related records can be obtained, proceed in a similar manner as for those students transferring school systems either within or from outside the state.

IV. Refusal of Services

If the student refuses educational services, such refusal is to be documented by the director of Special Education and Psychological Services, or designee, and filed in the student's educational record.

V. Eligibility If Student Has Left School Prior to Incarceration

If a student had been previously identified as eligible for special education and related services but left school prior to incarceration, the youth is eligible to receive special education and related services during incarceration.

VI. Eligibility for Transition Services

Transition services* will be provided to eligible incarcerated youth.

* According to the Individuals with Disabilities Education Act (IDEA), the term 'transition services' means a coordinated set of activities for a child with a disability that:

- A. is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- B. is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and
- C. includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. (Statute: TITLE I / A / 602 / 34)

VII. Procedural Safeguards

The director of Special Education and Psychological Services, or designee, will provide the Maryland Procedural Safeguards Notice (Procedural Safeguards) in accordance with federal and state requirements. (See FCPS Special Education Department website: <https://www.fcps.org/academics/special-education-parent-resources>)

Transfer of Age of Majority guidelines outlined in Procedural Safeguards apply to the incarcerated youth.

The incarcerated youth legal guardian/parent surrogate is to be invited to IEP team meetings where services for the incarcerated youth are determined if Age of Majority rights have not been transferred to the incarcerated youth.

Approved:

original signed by

Theresa R. Alban
Superintendent