



# What I Need to Know about Students with Disabilities in County and Local Jails

GCASE

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# Purpose

- Discuss the Child Find and Free Appropriate Public Education (FAPE) requirements for students with disabilities in county and local jails
- Discuss the model Memorandum of Understanding (MOU) between local educational agencies (LEAs) and local correctional facilities
- Discuss appropriate reporting of students with disabilities in county and local jails
- Share tips and resources to assist with implementation

# What is Child Find?

- Affirmative requirement that local educational agencies (LEAs) have in effect policies and procedures to ensure that all suspected children with disabilities regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated.
- The policies and procedures shall provide for the screening and evaluation of all children with suspected disabilities through age 21 to include:
  - Children who are detained or incarcerated in city/county operated jails or correctional facilities. State Board Rule 160-4-7-.03(1)

# Points to Remember

- All IDEA and State Child Find policies must be implemented.
- Child Find includes students never identified as a student with a disability prior to their entry in a local or county jail who:
  - Are 21 years of age or younger and
  - Have not received a regular high school diploma.
- Evaluations must be completed in a timely manner even if the student will not be in a local or county jail long enough to complete the evaluation or the student transferred to a local or county jail after the evaluation began.

# Additional Points to Remember

- Include the appropriate professionals in the Child Find discussions, such as:
  - Intake staff in County and Local Jails
  - Social Workers
  - Probation Officers
  - Truant Officers
  - Police
  - Medical and Mental Health Professionals

# Tips from LEAs

- Obtain weekly inmate list from local or county jail
- Add questions to inmate intake process
- Include “Child Find language” in local or county jail inmate handbook
- Create Child Find informational presentation to play in local or county jail common areas
- Include contact information for LEA Special Education Department in jail resource information for departing inmates

# Free Appropriate Public Education (FAPE)

- Absent a specific exception, all IDEA protections apply to students with disabilities in correctional facilities and their parents.
- Absent a specific exception, all IEP content requirements apply to students with disabilities in correctional facilities.
- Transfer students must receive comparable services in their IEP, or a new IEP must be developed.
- Special factors
  - Positive behavioral interventions and supports
  - Other strategies to address behavior
- Transition Plan

# Free Appropriate Public Education (FAPE) continued

- Possible Related Services
  - Counseling
  - Parent Counseling and Training
  - Psychological Services
  - Social Work Services
- Parental Engagement
  - Parents do not lose their rights while the student is incarcerated.
  - Correctional facility may not assume the role of the parent under IDEA.



# FAPE Points to Remember

- IEP Development (Specific to the student)
  - Present Levels of Academic Achievement and Functional Performance
  - Annual Goals
  - Special Education and Related Services
  - Transition Plan
  - Assistive Technology
  - Behavior Intervention Plan
- Compensatory Services

# Educational Records

- General Supervision
  - Written procedures for sending and receiving records
  - Assign staff to be responsible
- Transfer records expeditiously
- No undue interruption in providing services

# Shared Responsibility

- **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 and regardless of whether the agency receives funds under IDEA Part B.

# Student in jail within jurisdiction of his/her LEA of residence

- The LEA where the jail is located is responsible for providing special education services to students in that jail.
- The LEA must convene an IEP Team meeting and determine appropriate special education services.
- Students incarcerated in local jails in the LEA's jurisdiction should remain enrolled in the LEA and receive special education services.

# Student in jail within outside the jurisdiction of his/her LEA of residence

- The LEA where the jail is located is responsible for providing special education services even though the student is not a resident of the county/city where the jail is located.
- It is best practice for the LEA where the student resides to work with the LEA where the jail is located and participate in the IEP Team meeting to determine appropriate services.
- The two LEAs should collaborate to do what is most appropriate for the student. The student may be withdrawn from their LEA of residence and enrolled in the LEA where the jail is located. If this occurs, the LEA where the jail is located will provide the services

# Memorandum of Understanding (MOU) with County and Local Jails

- The goal is to collaboratively establish an agreement to ensure students with disabilities are identified and receive all required special education related services while incarcerated in county and local jails.
- A MOU is not required unless necessary for implementation.

# Model Interagency Agreement

- Includes responsibilities for the following parties:
  - All parties involved
  - Juvenile court
  - Department of Probation
  - Department of Health or similar agency
  - School Superintendent
  - Law Enforcement Chief or Sheriff
  - State attorney or district attorney
- [JAIBG Bulletin: Model Interagency Agreement \(ncjrs.gov\)](https://www.ncjrs.gov/panda/html/bulletin.asp?id=1100)
- This example is geared toward the juvenile justice system but can be used as a framework for the local or county jail system.

# MOU Tips

- Include appropriate “players” from each agency
  - Research and identify your local jailer to make contact
- Open communication
  - Open dialogue to explain IDEA, FAPE, and IEP services with your local jail officials
- Be proactive
  - Emphasis the benefactors of the partnership (e.g., community, LEA, jail, families of the incarcerated)
- Provide training
  - Include appropriate training needed for each agency staff, if applicable



# Possible items to include in MOU

- Child Find Procedures (e.g., weekly reports, intake process)
- Evaluation Process
- IEP Team meetings (e.g., notice, participants, location)
- Special education and related services (e.g., staff, security, location, resources)
- State Assessments
- Educational records
- Student Discipline

\*not an exhaustive list

# Resources

- [OSEP DEAR COLLEAGUE LETTER on the Individuals with Disabilities Education Act for Students with Disabilities in Correctional Facilities \(December 5, 2014\)](#)
- [JAIBG Bulletin: Model Interagency Agreement \(ncjrs.gov\)](#)
- [JAIBG Bulletin: Policy Issues \(ncjrs.gov\)](#)
- [IDEA Compliance for youth with disabilities within correctional facilities \(osepideasthatwork.org\)](#)
- [Guidance for Serving Youth who are Detained or Incarcerated- FINAL 11.2.20.pdf \(gadoe.org\)](#)

# Incarcerated Students and Data Reporting



# FY22 and 23: Count of Students Reported\* as Served in Correctional Facilities

LEA	FY22	FY23
DOC	134	141
DJJ	212	207
Foothills	138	155
Effingham, Fayette, Cobb, Sumter, and McDuffie Counties	21	
Coweta, Dalton, DeKalb, Douglas, Effingham, Glynn, Gordon, Henry, McDuffie, Morgan, Peach, Stephens		38
<b>*Total Alternate School Code = 5555 in Student Class</b>	<b>505</b>	<b>541</b>

# Incarcerated Students with Disabilities (SWD): Served / Reported Discrepancy

- **If your LEA has SWD who are incarcerated, why aren't they reported?**
  1. My services to incarcerated SWD are a work in progress, and more information is needed.
  2. I did not previously understand that my LEA is required to report students we are serving in the local jails.
  3. I did not previously understand that SWD who were arrested and incarcerated in my jurisdiction while living in the jurisdiction of another LEA must still be served and reported by my LEA.
  4. My LEA is serving and reporting incarcerated SWD, but they were not properly coded.

# Responsibility for Incarcerated SWD

- The LEA in which the jail or detention center is geographically located is responsible for the serving students in those facilities.
- The LEA serving the students **must** report the students served in local jails or detention centers. Failure to report these students is not an option.
- Exception: It is permissible for youth to maintain enrollment in their home LEA while detained or incarcerated in your LEA if the home LEA prefers to maintain enrollment, provide services, and report the student. (see [Guidance for Serving Youth who are Incarcerated or Detained](#))
- These youth **must be** reported by one of the LEAs.

# FIND Your Students

- The local jail should be providing your LEA with a weekly list of those who became incarcerated during the preceding week.
- Work with the appropriate facilities to obtain that information.
- Determine how and when that information will be shared.
- Determine what information will be shared
  - Full name
  - Date of birth
  - Copy of driver's license if available
  - Last known address
  - Last School attended
  - Parent names and contact information

# Review Information in SIS

- Use that list and search in your own SIS to determine if you have information from current or prior enrollments.
  - If currently enrolled in your LEA, and if this is a SWD, do not withdraw student from your LEA. (Students without disabilities may be withdrawn as incarcerated.)
  - For SWDs, maintain enrollment in the same School, or transfer to another school in your LEA. GaDOE has no preference regarding the school. This is an LEA choice.



# Review Information in GUIDE

- If there is no information in your SIS for a student, look for the student in GUIDE.
  - Go to the Sp Ed History Report
  - Use the new option, “By Unclaimed GTID” to preview special education information and determine whether this is a student with a disability. This is the last button in the top row below.

The 'By Unclaimed GTID' option is only available if the portal role is Special Ed Director or Special Ed Staff. If you need assistance with your portal roles, please reach out to your local portal security officer.

By GTID	E799 Records	By Claim Date	By Last Name	By Unclaimed GTID
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GTID:

Get History

# What Will I Find in GUIDE?

- The Special Education History report provides information on the Primary Area, the Special Education Events and dates, whether there is current year event data from Student Record, and if there is an FTE Exit Event.
- The 'By Unclaimed GTID' option allows special education personnel (Special Ed Director and Special Ed Staff) to look up the special education history of a student that is currently incarcerated in a local jail.

# What Will I Find in Guide? continued

- This will allow you to determine if the student is currently a student with a disability.
- If so, claim the student for a school in your LEA.
- The “By Unclaimed GTID” option is available if your portal role is Special Ed Director or Special Ed Staff. If you need assistance with your portal roles, please reach out to your local portal security officer or the GaDOE HELPDESK.

# Reporting Incarcerated Students: FTE

- **SPECIAL ED ENVIRONMENT** = '8'
- **ENVIRONMENT** (residential environment, not Sp. Ed. Environment) – leave this field null since none apply
- All other reporting requirements are the same as all other students.
- Report segments in the same manner as they are reported for Hospital Homebound students.

# Reporting Incarcerated Students: SR

- All reporting requirements are the same as all other students.

# Reporting Incarcerated Students: Student Class

- Students must receive instruction allowing them to make progress in the general curriculum, earn grades and credits when appropriate, and receive a diploma when appropriate. This means they must be enrolled and reported in appropriate courses with appropriate teachers. Like teachers serving hospital/homebound students, they might remain enrolled in the same courses in which they were enrolled prior to their arrest, or a new schedule may need to be developed.
- If the teacher(s) serving the student are working with a different teacher of record, the teacher of record might continue to be the primary teacher.

# Reporting Incarcerated Students: Student Class continued

- The student must have an IEP reflecting the services he should receive while incarcerated. Services should be identified in the IEP as “out of general ed” and “small group or individual” and should be reported in Student Class with either a **DELIVERY MODEL** of ‘6’ or ‘7’. The **DELIVERY MODEL** of ‘7’ should be used if a different teacher of record continues to be the primary teacher.
- **ALTERNATE SCHOOL CODE** = the pseudo code of ‘5555’ – in a local jail or correctional facility
- **ALTERNATE SYSTEM CODE** = system providing services
- **COURSE TEACHER CODE** = teacher providing services
- All other reporting requirements are the same as all other students.

# Delivery Model 6: Specialized Placement - Individual or Small Group, Outside Regular Class

Delivery Model Code	6
Description, Comments	<ul style="list-style-type: none"><li>➤ The special education teacher provides instruction to students with disabilities in a separate classroom, outside the regular classroom.</li><li>➤ Reported for courses in a separate day school or program and residential settings that serve only SWD.</li><li>➤ No additional teacher; no <b>INCLUSION CODE</b></li></ul>



# Delivery Model 6: Specialized Placement - Individual or Small Group, Outside Regular Class

<b>COURSE TEACHER CODE</b>	➤ Special Education Teacher with appropriate grade and Content Certification in addition to appropriate Sp Ed Service Certification (General or Adapted Curriculum) as needed. (NOTES: Pseudo Courses do not require Content Certification.
<b>ADDITIONAL TEACHER</b>	➤ No
<b>COURSE NUMBER</b>	➤ Content Area Course Number for the class is xx.8

# Incarcerated Student with Primary Teacher as Computer Program for a Content Area and Special Education Teacher as Second Teacher

- The **COURSE TEACHER CODE** (teacher identifier) is 444444444. In most cases, the **ADDITIONAL COURSE TEACHER CODE 1** is the SSN # of the teacher. Codes such as the 444444444 are only used in unique circumstances (see the Student Class Data Element Detail).
- The **SPECIAL EDUCATION DELIVERY MODEL** must be '7' with a .8 course number as identified in the IEP.

# Student Information Systems (SIS)

## Local Attendance Codes

Attendance Codes		Reported to GaDOE	
Local description			
Code	Description	Counts ADA	Presence
	Present		
A	Unexcused Absence	Yes	Present
E	Excused Absence	Yes	Absent
T	Tardy to school	Yes	Absent
X	Excused Tardy	Yes	Present
B	Homebound	Yes	Present
L	Administratively Excused	Yes	Present

The SIS allows LEAs the option to create locally developed attendance codes. Local Attendance Codes allow the LEA to track attendance for students that are reported to GaDOE as present or absent but are not physically in an LEA school building.

# Student Information Systems (SIS) Local Attendance Codes

Attendance Codes

Local description		Reported to GaDOE	
Code	Description	Counts ADA	Presence
	Present	Yes	Present
A	Unexcused Absence	Yes	Absent
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T	Tardy to school	Yes	Present
X	Excused Tardy	Yes	Present
B	Homebound	Yes	Present
L	Administratively Excused	Yes	Present

These codes can be developed for unique groups of students, including those served while incarcerated. A single code can be used for all (such as preschool community, expelled SWDs, Hospital Homebound Home-based) or a unique code can be created for each group. This “Present” code would be used each day as appropriate to indicate all IEP services were provided that week.

# Power School Local Attendance Code Screenshot

**Attendance Codes**

New

Code	Description	Teachers Assign	Counts ADA	Presence	Sort
	Present	Yes	Yes	Present	1
A	Unexcused Absence	Yes	Yes	Absent	2
E	Excused Absence		Yes	Absent	3
T	Tardy to school		Yes	Present	4
X	Excused Tardy		Yes	Present	5
B	Homebound		Yes		
C	Religious		Yes		
D	Death/Family		Yes		
F	Field Trip		Yes		
G	Tardy to class		Yes		
I	In-school Suspension		Yes		
J	Parent Excused Tardy		Yes		
K	Special Programs		Yes		
L	Legal/Court		Yes		
O	Office		Yes		
P	Deployment		Yes		
S	Out-of-school Suspension		Yes		
V	Activity		Yes		
Z	Administratively Excused		Yes		

**Edit Attendance Code**

Label	Value
Code	B
Description	Homebound
Presence Status	<input checked="" type="radio"/> Present <input type="radio"/> Absent
Code Categories	<input type="checkbox"/> Excused <input type="checkbox"/> Unexcused <input type="checkbox"/> Tardy
Points	0
Teacher can assign	No
This attendance code is considered in ADA calculations	<input checked="" type="checkbox"/>
This attendance code counts towards membership	<input checked="" type="checkbox"/>
Sort order for display	6

Note: The code you set up for 'Present' (usually just a blank) should be given a sort order of 1 and be listed first. This is necessary to take attendance properly.

The screens in Power School show the local codes that an LEA has created. Additional screens will allow the creation of new local codes and designate how they will report, both locally and during Student Record.

# Infinite Campus Local Attendance Code Screenshot

The screenshot displays the 'Attendance Codes' section of the Infinite Campus system. On the left is a sidebar with a search bar and a list of navigation items: Fees, Grading & Standards, Medicaid, Program Admin, Ad Hoc Reporting, User Communication, Assessment, and System Administration (expanded). Under System Administration, 'Attendance' is selected, and 'Attendance Codes' is highlighted. Below this is an 'Excuse Code Copier' link.

The main area is titled 'Attendance Codes' and includes buttons for '+ New', 'Save', and 'Delete'. Below these is the 'AttendanceExcuses Editor' table:

Code	Description
COE	ChkOutEx
COP	Check Out Present
COU	ChkOutUnx
CV	College Visit
DMU	Days Made Up
EXC	Excused
FTR	Field Trip
HBD	Homebound
ISS	InSchSusp
PV	Present Virtual
SAT	School Activity or Test
SKP	Skipping
SUS	Suspension
TDE	Tardy - E
TDU	Tardy - U
UNX	Unexcused
UNXV	Unexcused Virtual

To the right of the table is the 'AttendanceExcuse Detail' form for the 'UNX' code. It includes fields for '\*Code' (UNX) and '\*Description' (Unexcused). There are two dropdown menus: 'Status' (set to 'Absent') and 'Excuse' (set to 'Unexcused'). A dropdown menu for 'Status' is also shown, listing: Absent, Tardy, Early Release, and Present. The 'Excuse' dropdown lists: Unexcused, behavior resolution, and virtual attendance posting.

The screens in Infinite Campus show the local codes that an LEA has created. Additional screens will allow the creation of new local codes and designate how they will report, both locally and during Student Record. Other SIS systems have similar functionality.

# QUESTIONS

# Contact Us – GO-IEP & Data Team

## *We're Here to Help!*

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