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M&M’s Study Hall: School Law Updates



ODE releases guidance for school districts serving students with disabilities in community corrections facilities and juvenile detention centers

On February 3, 2016, the Director of the Office for Exceptional Children of the Ohio Department of Education (“ODE”) released a memorandum to provide guidance to school districts whose students with disabilities are, or may be, confined to community corrections facilities (“CCFs”) or juvenile detention centers (“JDCs”). The school district of residence must comply with Ohio law and the Individuals with Disabilities Education Act, including:

1. Child Find
2. Free appropriate public education (“FAPE”) requirements
3. Ensuring access to appropriate special education and related services
4. Placing students with disabilities in the least restrictive environment
5. Appropriately and adequately trained personnel must provide services

Child Find obligations extend to students in CCFs and JDCs. If a student in a CCF or JDC is suspected of having a disability, and is in need of special education and related services, the student must be evaluated by the district of residence. This evaluation must be timely and comply with state law (just as any other Child Find evaluation).

Individualized Education Programs (“IEPs”) apply to students with disabilities in CCFs and JDCs (unless a specific exception applies). Additionally, “[s]tudents with disabilities who are in adult county jails must continue to receive FAPE during incarceration” (barring security and safety exceptions). While the school district of residence is responsible for providing FAPE, the school district where the student is located typically provides the special education and related services (and the costs of these services are charged to the school district of residence). All IEP services must be administered, despite the student’s confinement in a CCF or JDC or the length of the stay.

Each school district must have policies and procedures in place to transfer all “relevant records of students with disabilities” to CCFs or JDCs “as quickly as possible.” These records include copies of the IEP, ETR, and any other related records.

SAVE THE DATE

- Marshall & Melhorn’s School Leaders Series:
March 15th, 2016 – 8:30am-11:45am

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