

**Are youth with disabilities entitled to special education services when they are in the juvenile justice system?**

- Youth with disabilities who are eligible for services under the Individuals with Disabilities Education Act 2004 (IDEA) have the right to a free, appropriate public education (FAPE), including special education and related services, wherever they live or attend school. This includes juvenile correctional placements and, with certain exceptions, adult correctional facilities. Youth with disabilities also may be entitled to services under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act of 1973.

**Can parents of youth with disabilities be involved in making decisions regarding their youth's education while the youth is in the juvenile justice system?**

- Parents/guardians of youth who are in the juvenile justice system should be involved in the development of their child's Individualized Education Program (IEP). If the parents/guardians are not able to attend IEP meetings in a juvenile justice facility, they can participate through telephone conferencing.

- If parents/guardians are not available to participate in the IEP process, surrogate parents may be appointed by the agency funding the youth's education. A surrogate parent assumes the rights with respect to special education that parents normally have. The surrogate parent cannot be an employee of any agency that might have a conflict of interest with the provision of special education services.
- Whenever possible, it is advisable that the IEP meeting include representation from the youth's IEP team in his or her home school district. If a representative of the home school cannot attend the IEP meeting in person, the representative can provide input by phone, mail or fax.

**What records are needed for a youth to receive special education services in the juvenile justice system?**

- When a youth is transferred to a juvenile justice facility, an IEP or 504 plan must be developed that specifies the services the youth needs while in the juvenile justice facility. If the youth's home school district has not sent the youth's educational records including the IEP or 504 plans to the juvenile justice facility, parents/guardians may obtain a copy of those records from the home school district and send them to the juvenile justice facility.

**What are a parent's rights regarding getting special education services for their youth in juvenile justice facilities?**

- If a parent/guardian feels that their youth in a juvenile justice facility is not receiving appropriate special education and related services, the parent has the same rights under the IDEA to mediation and due process that are afforded to parents whose children attend school in the community.

**If a youth has not been identified as having a disability before being sent to the juvenile justice system, do the parents have a right to request that their youth be evaluated regarding a need for special education services while the youth is in the juvenile justice system?**

- If a parent/guardian has a reason to believe that the youth may have a disability and be in need of special education, the parent can submit a written request for an evaluation. The juvenile justice facility is obligated to consider the written request and to determine if the youth has special needs.

# Education Rights for Youth with Disabilities Who Are In the Juvenile Justice System

## Parent/Guardian Information Brochure



### What transition services should be provided for youth in the juvenile justice system?

- If a youth is over age 14 and eligible for special education services, a Transition Plan must be included as part of the IEP. Transition plans include the skills and services the youth will need once the youth leaves public school. Transition services can include instruction in life skills, social skills, assistance in returning to high school, job seeking skills, pre-vocational and vocational training and supports in the community either from the educational agency or from adult service agencies.
- When a youth leaves a juvenile justice facility, he or she will need an aftercare plan. Ideally, planning for release back into the community should begin when a youth enters the juvenile justice facility. An aftercare plan includes what the youth must do to stay out of trouble, including academic goals and school attendance, ongoing mental health services, substance abuse classes, and meetings with a probation officer. The aftercare plan should be similar to and may be coordinated with the Transition Plan.

### Where can parents in Ohio go for assistance when they need support to get special education services for youth in juvenile justice facilities?

- **Ohio Legal Rights Service**  
50 West Broad St., Ste. 1400  
Columbus, OH 43215-5923  
Phone: 1-800-282-9181 (Toll-free in Ohio only) or (614) 466-7264  
TTY: 614-728-2553 or  
1-800-858-3542;  
Web: <http://olrs.ohio.gov>
- **Ohio Coalition for the Education of Children with Disabilities (OCECD)**  
Chase Bank Building  
165 West Center St., Suite 302  
Marion, OH 43302-3741  
(740) 382-5452 or (800) 374-2806  
E-mail: [ocecd@ocecd.org](mailto:ocecd@ocecd.org)  
Web: [www.ocecd.org](http://www.ocecd.org)