

Correctional Education Guidance Package

Frequently Asked Questions (FAQs)

U.S. Department of Education

December 8, 2014

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A. General Information Regarding the Correctional Education Guidance Package

A.1. Why are ED and DOJ asking for education reform in juvenile justice settings?

One of the key federal partners in this effort upholds the following as its mission statement: “The Office of Juvenile Justice and Delinquency Prevention (OJJDP) envisions a nation where our children are healthy, educated, and free from violence. If they come into contact with the juvenile justice system, the contact should be rare, fair, and beneficial to them.” Toward that end, the U.S. Departments of Education (ED) and Justice (DOJ) are committed to advancing reform efforts that both prevent the need for juvenile justice confinement and provide confined students the best chance for a bright future. In 2014, ED and DOJ released a School Discipline Guidance Package to assist schools in reducing the use of exclusionary discipline practices that may increase students’ risk of contact with the juvenile justice system. In the meantime, there are youth currently confined in detention centers, secure settings and other residential facilities, and ED and DOJ are committed to ensuring these youth have equal access to the educational services they need to continue on a college or career pathway after their release.

In addition to enhancing opportunities for youth to succeed, the potential economic benefits of providing youth with the supports they need to avoid recidivism cannot be overstated. Confinement is the most expensive option for addressing adolescent behavior, with costs averaging between \$66,000 and \$88,000 per youth annually. Doing all we can to ensure that youth reenter their communities with clear pathways for pursuing college and/or a career is the best option for these youth and for their communities.

A.2. What is included in the Correctional Education Guidance Package?

The Correctional Education Guidance Package contains four parts:

- The [Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings](#) (Guiding Principles), jointly issued by ED and DOJ, to provide juvenile justice secure care facilities, and the local juvenile justice and education agencies that work with and support them, with recommendations for ensuring that youth in confinement receive education services on par with those available to their peers in community schools.
- A [Dear Colleague Letter on the Individuals with Disabilities Education Act for Students with Disabilities in Correctional Facilities](#) (IDEA in Correctional Facilities DCL) from ED’s Office of Special Education and Rehabilitative Services to clarify State and public agency obligations to ensure the provision of a free appropriate public education (FAPE) to IDEA-eligible students with disabilities in correctional facilities.
- A [Dear Colleague Letter on the Civil Rights of Students in Juvenile Justice Residential Facilities](#) (Civil Rights in JJ Facilities DCL) from ED’s Office for Civil Rights (OCR) and DOJ’s Civil Rights Division to clarify that juvenile justice residential facilities that receive funding from ED or DOJ must comply with Federal civil rights laws enforced by those agencies.

- A [Dear Colleague Letter on Access to Federal Pell Grants for Students in Juvenile Justice Facilities](#) (Pell in JJ Facilities DCL) from ED’s Office of Postsecondary Education to clarify the circumstances under which a youth in a juvenile justice residential facility may qualify for Pell grant assistance.

A.3. What are the Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings (Guiding Principles)?

The Guiding Principles are intended to provide juvenile justice and education stakeholders – particularly those at the local level – with a roadmap to improve the quality of and access to education services in juvenile justice secure care facilities. The Guiding Principles are as follows:

- Principle 1 -- A safe, healthy facility-wide climate that prioritizes education, provides the conditions for learning, and encourages the necessary behavioral and social support services that address the individual needs of all youths, including those with disabilities and English learners.
- Principle 2 -- Necessary funding to support educational opportunities for all youths within long-term secure care facilities, including those with disabilities and English learners, comparable to opportunities for peers who are not system-involved.
- Principle 3 -- Recruitment, employment, and retention of qualified education staff with skills relevant in juvenile justice settings who can positively impact long-term student outcomes through demonstrated abilities to create and sustain effective teaching and learning environments.
- Principle 4 -- Rigorous and relevant curricula aligned with state academic and career and technical education standards that utilize instructional methods, tools, materials, and practices that promote college- and career-readiness.
- Principle 5 -- Formal processes and procedures – through statutes, memoranda of understanding, and practices – that ensure successful navigation across child-serving systems and smooth reentry into communities.

The Guiding Principles were developed by ED and DOJ following thorough consideration of the available research, practitioner experiences, and promising practices from around the country on improving education services in secure care settings. The Guiding Principles do not set forth any new legal requirements or require States, school districts, or schools to take action.

A.4. What does the Dear Colleague Letter on the Individuals with Disabilities Education Act for Students with Disabilities in Correctional Facilities (IDEA in Correctional Facilities DCL) address?

The IDEA in Correctional Facilities DCL explains, among other things, State and public agency obligations under the IDEA, to ensure that eligible students with disabilities in correctional facilities

have available and are provided a free appropriate public education (FAPE). Below are a few of the major points stated in the IDEA in Correctional Facilities DCL:

- Absent a specific exception, all IDEA protections apply to eligible students with disabilities in correctional facilities and their parents.
- A State’s required annual determinations on the performance of each local educational agency (LEA) must include annual determinations on the performance of a correctional facility that operates as an LEA in that State.
- SEAs and LEAs must ensure that eligible students with disabilities in correctional facilities are included in all general State and districtwide assessments, with appropriate accommodations and alternate assessments, where necessary. This responsibility includes assessments described in the Elementary and Secondary Education Act of 1965, as amended, (ESEA), if the ESEA requires that those eligible students be included in ESEA assessments.
- Public school special education teachers in correctional facilities must be “highly qualified,” as defined by IDEA.
- Public agencies must identify, locate, and evaluate students who are in correctional facilities who need special education and related services, consistent with the State’s child find criteria, including students never before identified as a student with a disability prior to their entry into the facility.
- In general, correctional facilities may not exclude eligible students with disabilities from educational programming as a method, or consequence of, disciplinary procedures, if doing so will deprive the student of their right to FAPE under the IDEA. A removal from the current educational placement that results in a denial of educational services for more than 10 consecutive school days in a school year or a series of removals that constitutes a pattern and totals more than 10 school days in a school year is a change in placement, which, in turn, requires a manifestation determination under the IDEA, among other protections.

A.5. What does the Dear Colleague Letter on the Civil Rights of Students in Juvenile Justice Residential Facilities (Civil Rights in JJ Facilities DCL) address?

The Civil Rights in JJ Facilities DCL reminds juvenile justice residential facilities receiving Federal funding from either ED or DOJ to comply with their obligations under Federal civil rights laws enforced by OCR and DOJ’s Civil Rights Division and Office of Justice Programs. These civil rights laws include:

- Title VI of the Civil Rights Act of 1964 (prohibiting discrimination based on race, color, or national origin by recipients of Federal financial assistance);

- Title IX of the Education Amendments of 1972 (prohibiting discrimination based on sex by recipients of Federal financial assistance); and
- Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (both prohibiting discrimination based on disability, the former by recipients of Federal financial assistance, and the latter by public entities, regardless of whether they receive Federal funds).

DOJ also has enforcement authority under:

- Title IV of the Civil Rights Act of 1964 (prohibiting discrimination on the basis of race, color, national origin, sex, or religion in elementary and secondary institutions, institutions of higher education, and technical and vocational schools above the secondary school level that are operated by a State or local agency or operated wholly or predominantly from or through the use of governmental funds or property); and
- the Equal Educational Opportunities Act of 1974 (prohibiting discrimination on the basis of race, color, national origin, or sex by SEAs and LEAs and requiring them to take appropriate action to overcome language barriers that impede equal participation by students in their instructional programs).

The Civil Rights in JJ Facilities DCL does not attempt to summarize the entire body of Federal civil rights laws or to explain all of the responsibilities of juvenile justice residential facilities to comply with those provisions. Instead, it briefly addresses a few of the subjects that have arisen in the juvenile justice context.

A.6. What does the Dear Colleague Letter on Access to Federal Pell Grants for Students in Juvenile Justice Residential Facilities (Pell in JJ Facilities DCL) address?

The Pell in JJ Facilities DCL is accompanied by two attachments: a fact sheet for students entitled “*Federal Student Aid Eligibility for Students Confined in Adult Correctional or Juvenile Justice Facilities*” and a detailed Questions and Answers document for campus financial aid administrators entitled “*Federal Pell Grant Eligibility for Students in Juvenile Justice Facilities*.” Together, these documents clarify the circumstances under which students committed to juvenile justice facilities are eligible to receive Federal postsecondary financial aid during their confinement. In particular, the Pell in JJ Facilities DCL clarifies that juvenile justice facilities are not considered to be Federal or State penal institutions for purposes of Pell grant assistance, regardless of what governmental entity operates or has jurisdiction over the facility, including the Federal government or a State. Therefore, a student who is confined or incarcerated in a juvenile justice facility and who otherwise meets applicable eligibility criteria is eligible for Pell grant assistance.

B. Getting More Information

B.1. Where can I find information about the Correctional Education Guidance Package in a language other than English?

You may request language assistance services for more information on any of the publicly available documents in the Correctional Education Guidance Package. These language assistance services are available free of charge. If you need more information about language assistance services, please call 1-800-USA-LEARN (1-800-872-5327) (press option 3 for assistance in any language, including español, 中文: 繁體版, Việt-ngữ, □□□, Tagalog, and Русский), or 1-800 877-8339 (TTY / ASCII). You may also email us at Ed.Language.Assistance@ed.gov or write to: U.S. Department of Education Information Resource Center, LBJ Education Building, 400 Maryland Ave., S.W., Washington, DC 20202.

B.2. Where can I find the Correctional Education Guidance Package in an accessible format?

Individuals with disabilities can obtain the Correctional Education Guidance Package in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to Paul Steenen, U.S. Department of Education, 550 12th Street SW, Room 5123, Washington, DC 20202. Telephone: (202) 245-6721. Email: Paul.Steenen@ed.gov.

B.3. How can I get help if I believe that a juvenile justice residential facility is providing education services in a discriminatory manner?

If you believe that a juvenile justice residential facility is providing education services in a manner discriminatory to you, your child, or someone else, you can file a complaint with OCR or DOJ's Civil Rights Division. A complaint of discrimination can be filed by anyone who believes that a juvenile justice residential facility that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability, or age. The person or organization filing the complaint need not be a victim of the alleged discrimination, and may complain on behalf of another person or group. For information on how to file a complaint with OCR, visit <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or contact OCR's Customer Service Team at 1-800-421-3481. For information on how to file a complaint with DOJ's Civil Rights Division, visit <http://www.justice.gov/crt/complaint/> or contact the Civil Rights Division, Educational Opportunities Section at 1-877-292-3804 or education@usdoj.gov.

C. What the Correctional Education Guidance Package Means for Stakeholders

C.1. I'm an educator – what does the Correctional Education Guidance Package mean for me?

The Guiding Principles are suggested as a framework for implementing promising practices to provide high-quality education in juvenile justice secure care settings. Each guiding principle is accompanied by supportive core activities for consideration by agencies and facilities seeking to improve existing education-related practices or implement new ones. The document also includes reminders that certain practices – especially those that address disparities in access to services and ensure the provision of educational and related services for students with disabilities – are also required by Federal law. For additional information regarding these statutes, please see the Civil Rights in JJ Facilities DCL and the IDEA in Correctional Institutions DCL.

C.2. I'm a student – what does the Correctional Education Guidance Package mean for me?

The Correctional Education Guidance Package helps students understand the elements of a high-quality education in a secure care setting as well as the legal rights they have to an equal education while confined.

The Guiding Principles highlight best practices for providing a high-quality education in juvenile justice facilities. The Civil Rights in JJ Facilities DCL explains that Federal civil rights laws guarantee students equal access to education regardless of race, color, national origin, sex or disability. Additionally, the IDEA in Correctional Facilities DCL explains the legal obligations of facilities to make available and provide FAPE to eligible students with disabilities. Students can use these resources to identify potential areas where IDEA requirements are not being followed at facilities and to advocate for increased quality in the educational services provided to confined students. Lastly, the Pell in JJ Facilities DCL and its attachments clarify that students incarcerated in locations that are not Federal or State penal institutions, including local or county jails and juvenile justice facilities, and who otherwise meet applicable eligibility criteria, are eligible for Pell grant assistance to help support the cost of a postsecondary education.

C.3. I'm a family member of an incarcerated student – what does the Correctional Education Guidance Package mean for me?

Family members should use the resources provided in the Correctional Education Guidance Package to work with facilities to strengthen educational opportunities and outcomes for their children. The Correctional Education Guidance Package provides valuable information to help parents understand the education-related legal obligations that facilities have to students under Federal civil rights laws and the IDEA. The package also includes important resources to help parents advocate for high-quality educational services for their children while they are confined to juvenile justice facilities. Where appropriate, family members can use them as a resource when seeking to have a responsible entity investigate and/or address potential legal violations at such facilities, including through administrative and judicial complaints.

C.4. I'm a community stakeholder or advocate – what does the Correctional Education Guidance Package mean for me?

The Correctional Education Guidance Package includes important information that can help advocates support students receiving educational services in a juvenile justice facility. The Guiding Principles outline several key characteristics of high-quality education programs in correctional facilities. Advocates can use the Guiding Principles as a best practices guide to encourage reforms and improvements in the facilities in their community.

The Civil Rights in JJ Facilities DCL explains the civil rights obligations of juvenile justice residential facilities to provide equal access to education for all students. If you think that a facility is discriminating against students, you can file a complaint with OCR or DOJ's Civil Rights Division. A complaint of discrimination can be filed by anyone who believes that a juvenile justice residential facility that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability, or age. The person or organization filing the complaint need not be a victim of the alleged discrimination, and may complain on behalf of another person or group. For information on how to file a complaint with OCR, visit <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or contact OCR's Customer Service Team at 1-800-421-3481. For information on how to file a complaint with DOJ's Civil Rights Division, visit <http://www.justice.gov/crt/complaint/> or contact the Civil Rights Division, Educational Opportunities Section at 1-877-292-3804 or education@usdoj.gov.

Finally, the IDEA in Correctional Facilities DCL explains the protections the IDEA affords eligible students with disabilities in correctional facilities and their parents. Advocates can use this letter to support students and parents in working with the facility to ensure that eligible students with disabilities are provided FAPE.

C.5. I'm a local education or juvenile justice official – what does the Correctional Education Guidance Package mean for me?

The Correctional Education Guidance Package is intended primarily for local education and juvenile justice officials. The Guiding Principles outline practices and procedures that secure care facilities should put in place to support high-quality education programming for confined youth and highlight the ways in which local agencies can support these reforms. The IDEA in Correctional Facilities DCL addresses the responsibilities of public agencies, which include LEAs as well as correctional facilities that operate as LEAs to ensure that FAPE is made available and provided to students with disabilities. The letter also clarifies the obligations of both education and juvenile justice entities to ensure that FAPE is provided to eligible students with disabilities. In addition, the Civil Rights in JJ Facilities DCL reminds entities that both receive Federal funds from ED or DOJ (either directly or indirectly through another State or local agency) and provide educational services in juvenile justice residential facilities that they are subject to Federal civil rights laws and the specific legal obligations discussed in the letter.

C.6. I'm a State official – what does the Correctional Education Guidance Package mean for me?

The IDEA in Correctional Facilities DCL included in the Correctional Education Guidance Package explains each SEA's responsibilities for ensuring that FAPE is made available and provided to eligible students with disabilities in a juvenile justice facility. The IDEA in Correctional Facilities DCL also provides information to States and public agencies, including noneducational public agencies, about IDEA's statutory and regulatory requirements, discipline procedures and due process protections. At the State level, the IDEA in Correctional Facilities DCL highlights several issues including, but not limited to: the importance of interagency agreements or other mechanisms for interagency coordination; the importance of IDEA transition services for this unique population, and emphasizes that all IDEA protections apply to students with disabilities confined to correctional facilities and their parents, absent a specific exception.