

Juvenile Detention and Special Education

RESPONSIBILITY FOR INSTRUCTION

Guidance

Education of Children Housed in Juvenile Detention Facilities

Every public school district in this state within which is located a detention facility housing juvenile offenders pursuant to court order shall provide, subject to rules of the state board of education, instruction in accredited courses, by a certified instructor, for the juvenile offenders under twenty-one (21) years of age who are housed in the detention facility for juvenile offenders, and shall upon satisfactory completion of required public school courses or correspondence course from a state institution of higher learning in Idaho, issue credits or a diploma evidencing such achievement. Every student served by a public school district pursuant to this section shall be counted as an exceptional child by the district for purposes of state reimbursement (Idaho Code 33-2009; see also IDAPA 08.02.02.240.).

It is in the best interest of all students for the home school district and the district that houses the Juvenile Detention Center (JDC) to work together to ensure smooth transitions and optimal educational opportunities and the home district is required to provide pertinent status information as requested by the JDC. However, it is ultimately the responsibility of the district that houses the JDC to provide an instructional program for each student within 2 school days of their enrollment.

Frequently Asked Questions

Which district is considered the home district?

For the purpose of this guidance, “home district” refers to the district or charter in which the student was most recently enrolled and to which the student will most likely return. In cases where this is unclear, the home district would be the district within which the student’s documented residence is located.

PROVISION OF SPECIAL EDUCATION SERVICES

Guidance

Services to Youth Detained in Juvenile Detention Centers (JDC)

The district in which the facility is located has the responsibility for the provision of FAPE to eligible youth. Typically, detention in a JDC is short-term, and the student will most likely return to his or her home district. If a district has a student who is detained in a JDC not located within the district boundaries, they may find it beneficial to coordinate school

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assignments through the JDC's education staff while the student is in the facility. Idaho Special Education Manual, 2018 (Chapter 2.3.C.2; IDAPA 08.02.02.240.01.j.)

In addition to the responsibility of providing an instructional program for a minimum of 4 hours during each school day for all students, the district that houses the JDC is responsible for providing a free and appropriate public education (FAPE) to students with disabilities as part of the instructional program.

Frequently Asked Questions

Which district is responsible when an IEP or eligibility becomes due while the student is detained in a JDC?

The district that houses the JDC is responsible for ensuring that all requirements under IDEA are met and that each student is provided with FAPE. This includes the responsibility of conducting initial evaluations, triennial evaluations and annual IEP reviews. However, in order to ensure smooth transitions in and out of the detention facility, it is in the best interest of all parties (team members from the home district and the district in which the JDC is located) to work closely together on completing these reviews and documents. The home district will most likely be the primary implementer of the student's IEP, so it is important that they participate in the process of reviewing and updating the IEP and eligibility information.

STUDENT ENROLLMENT

Guidance

When a student is placed in a Juvenile Detention Center, they are enrolled in the district that houses the JDC and is associated with that facility.

Frequently Asked Questions

Can we keep the student enrolled in the home district while the student is in JDC?

Yes. When it is in the student's best interest and ensures smooth transitions and continuity in their instructional programs, the home district can keep the student "on their books." The State Department of Education (SDE) ISEE team will recognize and identify these instances and correct them to reflect only enrollment in JDC. The time in JDC should not adversely impact attendance rates.

Keeping the student enrolled in the home district does not equate to dual enrollment, as that is not an option (Idaho Code 33-203), and ISEE reporting will ultimately reflect only enrollment in JDC during this time.

Can the student be dually enrolled in the district that houses the JDC and the home district?

No. While detained in JDC, the student's enrollment status will only reflect enrollment in the JDC. Dual enrollment is not an option while the student is in JDC. However, see the above question: *Can we keep the student enrolled in the home district while the student is in JDC?* for more information about options for managing the student within your student information system (SIS) and reporting for ISEE.

RESOURCES

[***Idaho Special Education Manual, 2018***](#)

[**Idaho Code 33-2009**](#)

[**Dual Enrollment Q&A**](#)

[**Idaho Code 33-203**](#)

For Questions Contact

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