

MEMORANDUM

To: Glenna Gallo, Director of Special Education Services
From: Utah Special Education Advisory Panel
Subject: Youth in Custody
Date: February 23, 2017

In our role as an advisory panel, we would like to provide input and recommendations to the Special Education Section of the Utah State Board of Education (USBE) to improve services for youth in custody with disabilities. Students who find themselves in state custody present an interesting dilemma for districts when determining the need for special education services. These students may experience multiple placements in a short period of time. Educational records, specifically special education records, may not always be a part of their portfolio. Guardians or case managers may not always know that a student requires special education services. Thus, it is important that all parties look carefully at the process that is used to place these students into school.

Recommendations:

- The Utah State Board of Education should expedite the use of a statewide Individualized Education Program (IEP) form and/or expedite the transfer of necessary records through the Local Educational Agency's (LEA's) electronic student information system.
- Students have the right to promptly be enrolled in public education and enrollment should not be delayed.
- The USBE should provide technical assistance to LEAs to develop a process by which they identify a student who was in custody who is eligible for special education services or may be eligible and proceed with either placing the student in the appropriate educational setting or determining if an evaluation is warranted.
- If the student is entering without special education records and the parent/guardian reports/indicates that the student was receiving special education services in a previous school this DOES NOT alleviate an LEA's responsibility from providing special education and related services based on the information they have.
- If a student is suspected of having a disability requiring special education and related services then the LEA should provide it, if agreed to by the parent/guardian, until records or an evaluation are available (See OSERS Dear Colleague, December 5, 2014, Page 11).

Thank you for your time and consideration in reviewing these recommendations. We as a panel appreciate all of your efforts on behalf of children with disabilities throughout the State of Utah.