

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective By Memorandum Date
	Supersedes Effective Date	
Authority/References	Subject	
<p>KRS 18A:030, 196.035, 197.045; 707 KAR 1:002, 707 KAR 1:290, 707 KAR 1:320, 780 KAR 2:140; CFR Title 34, Subtitle A, Part 99; CFR Title 34, Subtitle B, Chapter III, Part 300; CPP 14.6, 20.1; ACA 5-ACI-7B-01 – 5-ACI-7B-15, 2-CO-5B-01, and 2-CO-4F-01;</p>	<p>SPECIAL EDUCATION</p>	
	20.3	7
	**	July 12, 2024
	None / New Policy	

I. DEFINITIONS

“Accommodations” means the individualized and specially designed aid for students in the learning or testing environments. A student’s Individual Education Program (IEP) will have the necessary accommodations for that individual student.

“Admissions and Release Committee” means a group of individuals that is responsible for developing, reviewing, or revising an Individual Education Program (IEP) for a child with a disability in accordance with 707 KAR 1:320, Section 3.

“Child Find” means the procedures to locate, identify and evaluate all inmates under the age of twenty-one (21) years of age who may need special education and related services.

“Confidentiality” means any collection, storage, disclosure, and destruction of personally identifiable information. These records will only be available to specific staff members.

“Individual Education Program” means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 707 KAR 1:320.

“Individual Learning Plan” means a comprehensive framework for advising students to engage in coursework and activities that will best prepare them to both realize college and career success and become contributing members of their communities.

“Infinite Campus” means a comprehensive web-based K-12 student information system with real-time access to administration, instruction, communication, curriculum, reporting and more.

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“Least Restrictive Environment” means a student with a disability shall receive special education and related services in a placement or setting with their non-disabled peers to the maximum extent appropriate.

“Procedural Safeguards” means the legal rights special education students and their parents are entitled to under the Individuals with Disabilities Education Act.

“Specially-Designed Instruction” means the process of adapting the content, methodology or delivery of instruction to meet the unique needs of a student with an identified disability and to ensure access to the general curriculum.

“Special Education Teacher” means a person highly qualified to be responsible for all aspects of special education services and compliance in accordance with 34 CFR 300.156(c).

“Special Management” means a housing assignment placement for offenders due to disciplinary issues, protection, or health needs.

II. POLICY AND PROCEDURE

It is the policy of the Kentucky Department of Corrections (DOC) to identify inmates twenty-one (21) years of age and under who may need special education and related services in accordance with federal and state guidelines.

Special education services shall be provided to all identified eligible students.

All persons collecting or using personally identifiable information (PII) will ensure that the appropriate safeguards are instituted to protect the confidentiality of student/individual information and that all staff members have received appropriate data privacy/security training on measures to safeguard confidential data.

A. Identification

1. The Education Department staff will identify all incoming inmates age twenty-one (21) and under without a high school diploma and secure signed record release forms, as applicable.
2. Education staff shall contact the Department of Correction’s (DOC’s) Central Office for educational history on all identified inmates.
3. The DOC’s Central Office staff shall:
 - a. Kentucky Verifications:
 - (1) Retrieve the student’s educational history through an Infinite Campus (IC) records request to the Kentucky Department of Education (KDE);

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- (2) Contact the student’s specific school district as needed for additional documentation;
- (3) Enter the educational documentation into the electronic management system; and
- (4) Notify the requesting DOC institution of records received.

b. Out-of-state Verifications:

- (1) Advise if institution needs to contact specific school district as needed for additional documentation;
- (2) Purchase educational records via online platforms, as applicable;
- (3) Enter the student’s educational documentation into the electronic management system; and
- (4) Notify the requesting DOC institution of records received.

B. Education Review and Implementation

1. Inmates identified as eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) shall receive counseling on educational opportunities available within the DOC.
2. Upon course enrollment, education staff will review the student record to assist with development of an Individual Learning Plan (ILP) for the student.

a. The CREA is responsible for:

- (1) Written notification to the student to obtain student consent or refusal of an evaluation to determine the student’s educational needs and the student’s need for special education and related services.
- (2) If the student provides written consent for the evaluation, the IEP evaluation and review process shall proceed and be completed within thirty (30) calendar days from the signed consent. *(Classroom services will be implemented, upon course enrollment, during the review period per the current IEP.)*
- (3) If the student refuses special education and related services,

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the evaluation process shall not proceed any further. *Eligible students may request services at a later date.*

(4) After the review is completed, the CREA will contact the ARC chair to notify of eligible student, present information/records for review, and to coordinate meeting.

a. The classroom teacher is responsible for:

- (1) Collaborating with the special education teacher.
- (2) IEP implementation.
- (3) Assisting with the monitoring and tracking of the student's progress.

b. The special education teacher is responsible for:

- (1) Collaborating with the student's classroom teacher
- (2) Ensuring:
 - (a) The student's needs are met,
 - (b) The student's IEP goals are implemented and
 - (c) The specified requirements in the student's IEP are provided to the student.

C. Admissions and Release Committee (ARC):

1. An ARC is made up of individuals in accordance with 707 KAR 1:320, Section 3, and other personnel as appropriate, to support students ages 21 and under with an identified Individualized Education Program (IEP).
2. The ARC shall meet upon student enrollment, facility transfer (change in placement), annually, or as deemed necessary to review, evaluate, and/or revise the IEP.
3. The ARC meeting:
 - a. May be facilitated by the following means: face to face, video conference or telephone collaboration.
 - b. Members in attendance are required to sign and date the ARC meeting minutes.

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- c. The ARC will determine additional ARC members as needed.
- d. The IEP shall be reviewed and revised as needed.

- 4. Upon IEP revision, implementation shall occur based on the dates specified within the student's IEP.
- 5. Classroom teachers shall be provided controlled access to a copy of their students' IEPs. These records must be kept secure and confidential.

D. IEP Special Circumstances

Students with an IEP who are placed under special management status are considered to have a change in placement. Services may continue to the highest extent possible within the special management area.

E. Exiting Procedures

- 1. A student exits special education in one (1) of the following ways, with appropriate notification on the IEP:
 - a. The student ages out;
 - b. The student graduates with a regular High School Diploma; or
 - c. The student refuses special education services.
- 2. When exiting a student out of special education, the following process shall be followed:
 - a. Provide written notice to the student of an exit meeting.
 - b. The ARC team shall update the IEP including a review and update of all the progress made toward the student's goals and objectives.
 - c. If the exit IEP is by the choice of an emancipated student, document "student revokes consent for all special education and related services." The DOC will no longer implement the student's IEP.
 - d. If the student has graduated or aged-out, the ARC shall provide the student with a summary of their academic achievement and functional performance; to include recommendations on how to assist in meeting their postsecondary or career goals.
 - e. Members in attendance are required to sign and date the ARC meeting minutes.

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F. Records

1. A hard copy education file shall be created when an IEP arrives from a previous school placement and secured in the CREA’s office.
2. Confidential education information may be stored in the electronic management system and accessible by authorized personnel.
3. Education files may be checked out by education staff, for review, from the CREA’s office and returned the same day.
4. Staff with a legitimate reason may review special education records. An activity log shall be maintained in each education hard copy file and notations shall be completed each time the file is reviewed.
5. Medical and Mental Health Evaluations shall be maintained and stored securely.
6. When a student exits special education services, the file shall be marked confidential and retained per record retention requirements.
7. Classroom teachers and the special education teacher shall collect data and maintain documentation regarding the student’s progress toward the IEP goals.
 - a. During consultation meetings with the student, copies of the progress data shall be provided to the student, classroom teachers and special education teachers.
 - b. Progress shall be documented to include, but not limited to, direct student contact, classroom observances, classroom assistance, teacher conferences and other activities that pertain to obtaining information needed to document progress toward IEP goals.
 - c. Documentation shall be maintained in the student’s education file.

G. IDEA Requirements:

1. Educational placement – Least Restrictive Environment & Student Placement:
Unless specified in a student’s IEP, all offenders enrolled in educational courses will receive instruction within an instructional setting to the greatest extent appropriate with the student’s non-disabled peers.
2. Procedural Safeguards – Due Process & Protection for Students with Disabilities:
If student special education needs are not being met, the student may refer

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to Corrections Policy and Procedure 14.6 *Inmate Grievance Procedure*.

H. Training

Annual training shall be provided by qualified, credentialed providers to all education staff, and any other personnel as deemed appropriate, related to:

1. IDEA provision requirements regarding special education services to the offender population,
2. Department of Corrections requirements and policies regarding special education services to the offender population and;
3. Data privacy/security regarding PII.