

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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Authority/References KRS196.035, 197.045 707 KAR 1:002, 707 KAR 1:290, 707 KAR 1:300, 707 KAR 1:320, 780 KAR 2:140 20 U.S.C. 1400-1482, 20 U.S.C. 1412 34 C.F.R. Parts 99 & 300, 34 C.F.R. 300.100, 34 C.F.R. 300.156 CPP 14.6, 20.1 ACA 5-ACI-7B-01 – 5-ACI-7B-15, 2-CO-5B-01, 2-CO-4F-01	Subject SPECIAL EDUCATION	

I. DEFINITIONS

“Accommodations” means the individualized and specially designed aid for students in the learning or testing environments.

“Admissions and Release Committee” or “ARC” means a group of individuals that is responsible for developing, reviewing, or revising an Individual Education Program for a child with a disability following 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) who may need special education and related services in compliance with the Individuals with Disabilities Education Improvement Act of 2004 as amended, 20 U.S.C. 1400-1482 and including 20 U.S.C. 1412, 34 C.F.R. 300.100, and 707 KAR 1:300.

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

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

“Infinite Campus” or “IC” means a comprehensive web-based K-12 student information system with real-time access to administration, instruction, communication, curriculum, reporting and more maintained by the Kentucky Department of Education.

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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.

“Personally identifiable information” or “PII” means information that includes the name, date of birth, social security number, Department of Corrections number, medical records and education records of an individual.

“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 who meets the requirements in 34 C.F.R. 300.156(c) and is highly qualified to be responsible for all aspects of special education services and compliance.

“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 Department of Corrections (DOC) to identify inmates twenty-one (21) years of age and under who may need special education and related services following federal and state requirements. Special education services shall be provided to all identified eligible students.

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

A. Identification

1. The DOC Education Department staff shall identify all incoming inmates aged 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 Central Office for educational history on all identified inmates.
3. DOC Central Office Responsibilities
 - a. Kentucky Verifications

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Central Office staff shall:

- (1) Retrieve the student's educational history through an Infinite Campus records request to the Kentucky Department of Education;
- (2) Contact the student's specific school district as needed for additional documentation;
- (3) Enter the educational documentation into the electronic offender management system; and
- (4) Notify the requesting DOC institution of records received.

b. Out-of-state Verifications

Central Office staff shall:

- (1) Advise if the institution needs to contact a specific school district as needed for additional documentation;
- (2) Purchase educational records through online platforms, as applicable;
- (3) Enter the student's educational documentation into the electronic offender 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 shall review the student record to assist with development of an Individual Learning Plan for the student.
 - a. The Corrections Regional Education Administrator (CREA) shall be 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,

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the IEP evaluation and review process shall proceed and be completed within thirty (30) calendar days from the signed consent. (Classroom services shall be implemented, upon course enrollment, during the review period following the current IEP.)

- (3) If the student refuses special education and related services, 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 provide name of an eligible student, present information and records for review, and to coordinate meeting.

b. The classroom teacher shall:

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

c. The special education teacher shall :

- (1) Collaborate with the student's classroom teacher; and
- (2) Ensure:
 - (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:

- 1. The ARC is made up of individuals following 707 KAR 1:320, Section 3, and other personnel as appropriate to support students ages 21 and under with an identified Individualized Education Program.
- 2. The ARC shall meet upon student enrollment, facility transfer (change in placement), annually, or as deemed necessary to review, evaluate, and revise the IEP.

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3. ARC Meeting

- a. The ARC meeting may be face to face, video conference, or telephone collaboration.
- b. Members in attendance shall sign and date the ARC meeting minutes.
- c. The ARC may 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. A student's IEP shall have any necessary accommodations for that individual student. These records shall be kept secure and confidential.

D. IEP Special Circumstances

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

E. Exiting Procedures

1. With appropriate documentation on the IEP, a student may exit special education in one (1) of the following:

- 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 a student exits special education, the following shall be followed:

- a. Written notice shall be provided to the student in 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, staff shall document "student revokes consent for all special education and related services." The DOC shall no longer implement the

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student's IEP.

- d. If the student has graduated or aged-out, the ARC shall provide the student with a summary of the student's academic achievement and functional performance, including recommendations about how to assist in meeting the student's postsecondary or career goals.
- e. Members in attendance shall sign and date the ARC meeting minutes.

F. Records

1. A hard copy education file shall be created if 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 offender management system and be 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 following 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 including 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.

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G. IDEA Requirements:

1. Least Restrictive Environment & Student Educational Placement

Unless specified in a student's IEP, all offenders enrolled in educational courses shall receive instruction within an instructional setting to the greatest extent appropriate with the student's non-disabled peers.

2. Procedural Safeguards – Protection for Students with Disabilities

If student special education needs are not being met, the student may refer 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 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 and security regarding PII.