

Guidance Document Regarding Special Education Students in Missouri Juvenile Justice Centers

When a student is placed in a Missouri Juvenile Justice Center outside of his/her home school district boundaries, that student is removed from the attendance roles of his/her home school district and becomes the responsibility of the school district where the Justice Center is located. (Section 178.296, Revised Statutes of Missouri) This is true whether the child is a student with a disability or without a disability. For students with disabilities, the in-state transfer procedures must be followed. Please refer to the Standards and Indicators Manual for Special Education, Section 500.

In-state transfer procedures:

1. The public school where the Justice Center is located must document the date the child is enrolled in the school district
2. It is the responsibility of the school district in which the Justice Center is located, not the Justice Center, to take reasonable steps to promptly obtain the child's educational records from the sending district, including the IEP and supporting documents, as well as any other records relating to the provision of special education or related services for the child. The sending district shall take reasonable steps to promptly respond to such requests from the new school even if the parents provide copies of records upon enrollment. Missouri's Safe Schools Act requires receiving school districts to request records within two (2) business days of enrollment, and sending Missouri school districts are required to send records within five (5) business days upon receiving a request for records.

While the receiving school district is waiting for the student's school records, comparable special education and related services should be provided to the student. Comparable services are determined through interviews with the student/parents/guardian. Once the school district receives the student's records, including the IEP and evaluation report, the IEP team may need to address the need for compensatory services

3. Once the educational records are received, which for special education students includes the student's evaluation report and IEP, the receiving school district not the Justice Center, must accept or reject the evaluation report and IEP.
4. If there is any delay in determining acceptance or rejection of the previous IEP or if the previous IEP is rejected and there is a delay in convening an IEP team meeting to develop a new IEP, documentation is present that:
 - a. The public agency, in consultation with the parent, provide free and appropriate public education (FAPE) to the child, including services comparable to those described in the previous IEP, until such time as the public agency adopted the previous IEP or convened an IEP team meeting to develop a new IEP that is consistent with Federal and State laws and regulations.

Ultimately, even though the student is placed at the Justice Center, the responsibility to provide services is with the public school where the Justice Center is located. In other words, the fact that the child is in a Justice Center in no way impacts the “normal” transfer procedures a district would use when a child moves into the district from another district. There is nothing “special” about the process or procedures. As with all other transfer students, once the student is enrolled it is the responsibility of the public school to follow proper procedures when requesting the student’s records, provide comparable services (determined through interviews with the student/parents/guardian) until the student’s records are received, provide any compensatory services that the IEP team determines are appropriate, and then provide special education services in accordance with the student’s IEP.

If the Juvenile Justice Center is not located in the student’s domicile district, the serving school district may bill back the domicile district for the local tax effort and access the public placement fund for excess costs.