

**STUDENT IDENTIFICATION – RECORDS
– SERVICES – MISC.
LP****Adopted: 02/09/11****Revised:***Services to Adults 18 through 21 Years of Age
Incarcerated in County Jail*

Adults who are aged 18 through 21 years, who have not graduated with a high school diploma, who, at the time they turned 18 were identified as an individual with exceptional needs and had an individualized education program (IEP) under the IDEA, are also entitled to a FAPE (hereinafter (“eligible adults”).) (20 USC 1400 (d)(1)(A), (B), (C); 20 USC 1412(a)(1)(A); EC 56000, 56026(c)(4)) This applies to adults incarcerated in the county jail. However, an individual aged 18 through 21 years, who, in the educational placement prior to his or her incarceration in the county jail was not identified as an individual with exceptional needs or did not have an IEP under the IDEA, is not entitled to a FAPE. (20 USC 1412(a)(1)(B); EC 56040(b))

Once the LEA is informed that one of its residents is an eligible adult incarcerated at the county jail, it will review and revise the individual’s IEP as necessary, including conducting an annual review, as needed, subject to the cooperation of the correctional facility where the student is located. The LEA will determine whether the qualified individual wishes to receive a FAPE and if so will ensure that the qualified individual is provided FAPE pursuant to the IDEA and corresponding California special education. To receive special education services while incarcerated, a qualified individual must consent to the receipt of such services and enroll in the adult education program at the county jail.

The following special education requirements do not apply to eligible individuals who are convicted as adults under State law and incarcerated in the county jail :

1. The requirements set out in 20 USC 1412(a)(16) and 20 USC 1414(d)(1)(A)(i)(VI) (relating to participation in general assessments) do not apply. Eligible individuals convicted as adults under State law and incarcerated in county jails are exempted from participation in State and district-wide assessment programs under the IDEA.
2. The requirements of items (aa) and (bb) of 20 USC 1414(d)(1)(A)(i) (VIII) (relating to transition planning and transition services), do not apply with respect to such individuals whose eligibility under the IDEA will end, because of their age, before such individuals will be released from county jail.

References: 20 USC 1414 (d)(7)
34 CFR 300.102; 300.324
EC 56040-56041
GC 7579
39 IDELR 270, 103