Introduction

Students with disabilities are disproportionately arrested and referred to law enforcement for disciplinary infractions at school compared to the overall student population. In turn, youth with disabilities are overrepresented in the juvenile justice system – only 14 percent of all public school students have a disability, compared to an estimated 30 to 60 percent of youth who are incarcerated, with some estimates as high as 85 percent. When youth with disabilities who were formerly incarcerated re-enter public schools, an effective transition requires successful implementation of their Individualized Education Plan (IEP), which includes the provision of needed learning accommodations and/or services such as physical therapy (PT), occupational therapy (OT), or speech-language pathology (SLP). While the laws and requirements dictating IEP implementation under the federal Individuals with Disabilities Education Act (IDEA) have not been altered to fit the context of COVID-19, schools must still ensure that students continue to receive all special education and related services identified in their IEP during periods of virtual learning. States, districts, and IEP teams are responsible for ensuring that students with disabilities receive a free and appropriate public education (FAPE), regardless of the instructional delivery approach chosen by their educational institution.

This resource is the third in a series of three NDTAC Tipsheets that aim to address transition for youth who are incarcerated during COVID-19. This tipsheet will provide a summary of the main barriers to successful transitions and IEP implementation during the pandemic, as well as related strategies that may be useful to staff within juvenile justice facilities and local education agencies (LEAs) when supporting transitions for students with disabilities now and during future emergencies. Please additionally see Tipsheet #1: Effective Transition Back to School During COVID-19 and Tipsheet #2: Youth Who are Incarcerated: Transitions and Technology Use for additional information.

Main Barriers to Successful Transitions and IEP Implementation During COVID-19

COVID-19 has exacerbated existing challenges and created new barriers to successful transitions for all youth who are incarcerated, and particularly those with IEPs who will leave facilities and receive special education and related services in online or hybrid environments.

1. Access and Use of Technology: The technology infrastructure and tools that students need to receive virtual special education and related services (e.g., Chromebooks, wireless hotspots) are unpredictably available to youth as they transition out of juvenile justice facilities into community schools. Even when the technology tools are readily available, parents and guardians (as well as the students themselves) are often unable to travel to schools during the day to retrieve them. Further, for students with IEPs that mandate the provision of related services (e.g., PT, OT, SLP), the digital platforms needed to deliver those services are not “one size fits all.” Many students have unique needs that would be best met by using specialized technology. However, school districts often do not have the resources to evaluate, access, and distribute digital tools for related service provision that uniquely meet the needs of all students with disabilities.
2. **Student and Family Engagement:** Given the increased responsibilities and demand on administrators, teachers, and school staff during the pandemic, it may be difficult to find time to schedule regular welcoming and re-entry events intended to facilitate successful transitions from facilities and encourage student and family engagement with community schools. As a result, students and families may receive less information about school culture; feel less connected to and supported by school staff; and generally feel less engaged with the virtual school environment upon transition from facilities.

3. **Transition Planning:** While shorter length of stays in juvenile justice facilities during the pandemic greatly benefit youth, emergency releases have made advanced planning for transitions difficult. In turn, emergency releases limit the amount of time available to make connections between student and school and to develop comprehensive transition and IEP plans prior to release.

**Strategies for Successful Transitions and IEP Implementation during COVID-19**

Juvenile justice facilities and public schools may consider the following strategies to support students with disabilities and their families as they transition out of juvenile justice facilities and into community schools during the current and future public health emergencies.

**Establish Supportive Partnerships and Transition Teams**

Juvenile justice facilities and community schools should work together to create transition teams for students with disabilities that include all adults who will support the youth through transition and beyond (e.g., family, teachers, principal, school staff, juvenile justice facility staff, probation/parole officer). Juvenile justice facilities can work collaboratively with schools to schedule pre-transition meetings to introduce the youth and their family to the school principal, teachers, and support staff in order to begin engagement and relationship building with the student’s receiving school. Pre-transition meetings can also serve as opportunities for school staff to ensure that virtual school expectations are clearly communicated to the youth, their family members, and other adults on their transition team.

Virtual pre-transition meetings should be conducted on any platforms that are most usable and accessible to the student, school staff, and facility staff (e.g., Zoom, Google Classroom or Google Meet, Microsoft Teams). It may be helpful to conduct pre-transition meetings using the platform(s) that the student will most consistently use at their receiving school during virtual learning, so that the meeting also serves as an introduction to the technology for the student. Transition teams must also consider which virtual platforms will best protect student privacy, as it is likely that private information about student health and other needs will be discussed during pre-transition meetings. Transition teams may also consider convening in person, if needed, with the necessary health and safety precautions in place. Teams planning to conduct in-person meetings at facility sites may find it helpful to review the Center for Disease Control and Prevention’s (CDC) guidance for preventing the spread of COVID-19 in correctional and detention facilities.

Students with IEPs might also benefit from opportunities to present their own IEP and transition plans to their collaborative transition teams in order to ensure that all adults clearly understand their strengths and needs. Upon a student’s transition, receiving schools can schedule welcome meetings on the first day(s) of school to further facilitate student engagement with teachers and support staff, encourage attendance
during class time and scheduled service provision, and welcome the student into the school community. Further, the receiving school may also consider doing a home visit with health and safety precautions in place to ensure that the student is able to log on, access virtual learning, and properly use technology for service delivery. Facility staff might consider providing students and families with comprehensive information about the special education, related services, and additional accommodations they are entitled to and may request through IDEA, particularly during online learning. During the COVID-19 pandemic and any future public health emergencies, it is important to know that all IDEA protections continue to apply to students with disabilities in correctional facilities and their families.\textsuperscript{viii}

**Design Comprehensive Transition Plans that Consider Technology Use and Access**

As youth prepare to transition to virtual learning environments, it is crucial to proactively design comprehensive transition plans that ensure sustained and reliable access to distance learning materials and technology infrastructure for service provision. Prior to transition, support staff at community schools can schedule virtual meetings with the student to assess any potential barriers to accessing online learning and any other school-based related services (e.g., home broadband access, transportation, home/family demands during scheduled service provision). These meetings may also be used to facilitate the pick-up or drop-off of school materials and technology prior to the student’s first day. If possible, the school case manager or social worker could also conduct a “habits-based interview” in which they informally assess the student’s regular schedule, behaviors, and habits in order to proactively address any potential challenges to engagement with the virtual school environment. To facilitate a smooth transition, staff in juvenile justice facilities may also expose students to the digital tools and software that their receiving school regularly uses for online learning and service provision. Staff at facilities and community schools should also make students and families aware of any statewide initiatives to connect homes to broadband or close connectivity gaps using other means. For example, in Pennsylvania, the Department of Education is using datacasting to give families access to virtual learning through television broadcast signal rather than internet.\textsuperscript{ix}

**Regularly Engage and Communicate with Students and their Families**

Thoughtfully and regularly engaging students and their families in the virtual school environment is a critical first step to a successful transition for youth who are incarcerated, especially those with an IEP. To facilitate student engagement with the school community, schools should consider identifying a point of contact who will be responsible for coordinating support services and scheduling regular meetings with the student and their family. Students and families should be provided with regular opportunities to communicate successes and challenges related to technology, service provision, and any additional needed supports. Further, teachers and school support staff can conduct daily informal check-ins to encourage the student to log in online and ensure that any barriers to service delivery are resolved. If possible, at least one designated school staff member (e.g., social worker, case manager) should be responsible for regularly checking in on the student and building strong relationships with the student and their family.

**Additional Resources**

Resources for supporting youth with disabilities through transitions in non-pandemic settings can still be useful to agencies as they plan for and implement the above strategies to support transitions during COVID-19. The following resources may be helpful in addressing transition plans, pre-transition meetings, family engagement, and online learning in the COVID-19 context:

- Resources from the National Center on Education, Disability, and Juvenile Justice to develop and implement transition plans for students with disabilities in the juvenile justice system:
Youth Who are Incarcerated: Transitions and IEP Implementation

- **Transition/Aftercare**
  - Resources from the National Technical Assistance Center on Transition for successfully developing and implementing IEPs under social distancing orders due to the pandemic:
    - IEP Considerations in the 2020-21 School Year Presenter Guide
  
- **Resources from the Center on Online Learning and Students with Disabilities on state actions to support local education agencies serving students with disabilities via online learning:**
  - Online Learning for Students with Disabilities: Considerations for SEA Policies and Procedures

- **Resources from NDTAC for supporting transitions for youth who are incarcerated during COVID-19:**
  - Tipsheet #1: Effective Transition Back to School During COVID-19
  - Tipsheet #2: Youth Who are Incarcerated: Transitions and Technology Use

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**Author Bio**

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