

Education of Incarcerated Youth

Frequently Asked Questions

Pursuant to Tenn. Code Ann. § 49-6-3023 and [State Board of Education \(SBE\) Rule 0520-01-12](#), local education agencies (LEAs) must provide educational services to students incarcerated in detention centers licensed by the Department of Children’s Services (DCS).

The following is a list of questions and answers to assist LEAs in ensuring that educational services are provided:

1. Whom do I contact if I have questions about T.C.A. § 49-6-3023 or SBE Rule 0520-01-12?

The Non-Traditional Educational Programs (NEP) Team are responsible for logistical support and guidance. The contact information of these (NEP) team members is below:

Erin Christian Erin.Christian@tn.gov (901) 504-9627	Scott Indermuehle Scott.Indermuehle@tn.gov (615) 648-9048
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2. Do I need to appoint a contact for juvenile justice if I do not have a juvenile detention center (JDC) in my LEA?

Yes. SBE Rule 0520-01-12-.06 requires all LEAs to appoint a point of contact for juvenile justice. The point of contact will be the individual notified when a child from their LEA is incarcerated. This person will also be responsible for communicating with the Juvenile Detention Center (JDC) and the LEA in which the JDC is located to assist with the transfer of school records in an expedited manner. The rule states that this person shall be the person currently filling the attendance officer position unless the LEA designates another position. Any designation other than attendance officer shall be done in writing and sent to the department of education for approval.

3. How do I code a student (in the student information system) who is placed in a JDC?

Each detention center has a separate code, which will be the letters “JDC” followed by a number from 01 through 17 (see below). When an LEA receives notification from a JDC that a student has been detained, enter the juvenile detention center student classification for that facility in your student information system and upload it to the LEAs Education Information System (EIS).

- JDC01 Bedford County Juvenile Detention Center
- JDC02 Blount County Juvenile Detention Center
- JDC03 Bradley County Juvenile Detention Center
- JDC04 Davidson County Juvenile Detention Center
- JDC05 Hamilton County Juvenile Detention Center
- JDC06 Madison County Juvenile Detention Center
- JDC07 Middle Tennessee Juvenile Detention Center
- JDC08 Putnam County Juvenile Detention Center
- JDC09 Rhea County Juvenile Detention Center

JDC10	Richard L. Bean Service Center/Knox County Juvenile Detention Center
JDC11	Rutherford County Juvenile Detention Center
JDC12	Scott County Juvenile Detention Center
JDC13	Sevier County Juvenile Detention Center
JDC14	Shelby County Juvenile Detention Center
JDC15	UHS/McDowell Juvenile Detention
JDC16	Upper East Tennessee Regional Juvenile Detention Center
JDC17	Williamson County Juvenile Detention Center

4. What happens if a student who is expelled is later sent to a JDC?

For students who have been expelled prior to entering a JDC, the home LEA shall end the expulsion and list the disciplinary action end date as the date the student is placed in the JDC.

When the student is released from the JDC, the LEA should reactivate the expulsion, if there is time remaining in the student's expulsion, and list the disciplinary action begin date as the first school day after the student is withdrawn from the JDC. LEAs should use the original disciplinary offense date to ensure this is not coded as a new incident.

5. How do I schedule courses for a student who is in a JDC?

Students with a juvenile detention center student classification retain the course schedules/codes that existed prior to their placement in the juvenile detention center.

6. Will a student's attendance be counted against the LEA if he/she is in a JDC?

No. While a student is coded with a JDC code, the student is considered present and should not be coded as absent.

7. How many hours a day do incarcerated students have to go to school?

Pursuant to T.C.A. § 49-6-3023(b)(3), all students in a JDC must receive a minimum of four hours of instruction each day. Students receiving special education services must receive all hours of service required in their individualized education programs (IEP), including related services to ensure a Free Appropriate Public Education (FAPE).

8. Will a receiving LEA receive funding for students who were being homeschooled or attending a private school at the time of their incarceration?

Students who are homeschooled or attend private school do not receive educational funding from an LEA and therefore would not generate educational funds for the receiving LEA (LEA in which the JDC is located).

9. What is the process for students receiving special education services?

SBE Rule 0520-01-12 should be followed when students with IEPs are in a JDC. Students receiving special education services should be un-enrolled from their home LEAs and enrolled in the LEA in which the detention facility is located. This process will allow the receiving LEA to have access and authority over the IEP in EdPlan (TN PULSE). In addition, the receiving LEA (the one in which the facility is located) has the responsibility to ensure compliance with IDEA. The Tennessee Educational Policy and Procedures for Incarcerated Children with Disabilities has been superseded by SBE Rule 0520-01-12.

10. How will the receiving LEA receive educational funds for a student?

When JDC codes are entered into the student information system, the department will be notified of the change of placement for students. The department will transfer the educational funds from the home LEA to the receiving LEA at the end of the school year. For fiscal questions, please contact Maryanne.Durski@tn.gov.

11. How should the school LEA and JDC address the concern of students refusing to attend class or complete schoolwork?

Subject to limited exceptions, Tennessee's compulsory attendance law (T.C.A. § 49-6-3001 et seq.) requires students between ages six and seventeen, both inclusive, to attend school, regardless of their educational setting. Therefore, the JDC and the school LEA should work together in the following ways to address student refusal to attend class or complete their schoolwork:

- Hold a joint meeting between the educational staff and the JDC staff to explore ways to motivate and engage students to attend class. The JDC is encouraged to examine their pre-existing behavior management system to see how it can support educational efforts.
- One-on-one consultation with the student to explore any barriers they perceive as affecting their access to education.
- If the child is in the custody of DCS, a *Child and Family Team Meeting* must be called to address the issue and create a plan to ensure the child attends class.
- If the child is NOT in the custody of DCS, the JDC and school LEA should collaborate with other key members of the students support team to create a plan. This team could include the Judge, the student's attorney, and the student's parents.
- If the student is served under an IEP, an IEP meeting must be held to address the issue and create a plan to ensure the child attends classes.

12. How should the school LEA and JDC address the concern of students with behaviors preventing attendance in school?

The safety and security of the facility are of utmost importance. SBE Rule 0520-01-12-.07 assigns the JDC the responsibility to provide a secure setting for the education of students, including supplying appropriate staff to ensure the safety of students and staff.

- It is significant to note that students with disabilities are placed in seclusion or restricted setting (i.e., isolation in a cell when deemed "too violent" to attend school) are still entitled to access education. Students with disabilities may not be denied access to education.
- If students with disabilities are placed in isolation or prohibited from participating in instruction for more than 10 days, a manifestation determination meeting must be conducted.
- Additional information on due process and the discipline of students with disabilities in correctional facilities can be found in the [2014 Dear Colleague Letter from the United States Department of Education Office of Special Education and Rehabilitative Services](#).