

JOINT STATEMENT

Guilford County Schools (“GCS”) and Legal Aid of North Carolina have entered into an agreement addressing the concerns raised by Legal Aid of North Carolina with the Department of Public Instruction in May of 2020. The focus of the complaint was on services provided and procedures followed in regard to students with disabilities incarcerated in local jails. GCS and Legal Aid of North Carolina are both committed to ensuring students with disabilities in local jails still receive an education. While GCS already had many strategies and systems underway to better serve these students, GCS and Legal Aid of North Carolina worked together to develop a plan which will enable GCS to better serve students with disabilities incarcerated in local jails. As a direct result of the collaboration of GCS and Legal Aid of North Carolina, the following key processes and services have been or will be put in place:

1. GCS agreed to review and revise its current procedures to require that all GCS students with disabilities incarcerated in any Guilford County jail receive appropriate special educational services. The revised procedures will include a clear statement outlining the District’s obligations for the provision of special educational services to students incarcerated in local jails for more than ten (10) school days. Specifically, for students incarcerated in local jails for more than ten school days, GCS will require the base schools to hold an IEP meeting for any student incarcerated in a local jail within two weeks of entry into the local jail; and GCS will require that the base schools hold an IEP meeting for any student reentering their base school from a local jail within two weeks of reentry.
2. The revised procedures will also ensure that, in the event a student who is incarcerated for more than ten school days is not provided with special educational services due to the action or inaction of GCS, the student will promptly be offered individually crafted compensatory services based on the student’s unique needs and IEP goals, subject to the restrictions of the local jails.
3. GCS also designated an employee to be responsible for ensuring legally compliant special educational services for students incarcerated in local jails for more than ten school days during the students’ entry into local jails as well as the students’ exit from local jails. The designated employee will also conduct site visits at each local jail at least once per quarter and audit students’ Individualized Education Programs.
4. GCS also agreed that, if invited to participate in the transition meeting of a student preparing to transition from a juvenile detention facility to a Guilford County jail upon the student’s 18th birthday, GCS will make best

efforts to ensure participation by a GCS employee who will be assisting in providing services to the student once they are moved to a Guilford County jail.

5. Further, GCS desires to improve the depth of exposure, experience, and training for staff regarding the development and implementation of educational services for incarcerated students with disabilities. Therefore, GCS will provide training to relevant special education staff by October 30, 2020. Such training will include topics related to (a) the proper provision of special education services in a local jail, and (b) the provision of procedural safeguards notices including how to properly maintain documentation of parent contact logs and local jail contact logs. At a minimum, GCS staff to be trained will include the designated special education teacher(s) assigned to provide special education services to incarcerated students; the designated employee described in paragraph 3 above, and any relevant staff who supervise or report to those identified staff members. Additionally, once a student with an IEP is identified by GCS as being incarcerated in a local jail for more than ten (10) school days, GCS will train relevant employees at the student's base school on the provision of special education to students incarcerated in local jails. Due to the current state of emergency, these trainings may occur virtually.
6. Finally, GCS committed to doing an internal audit for the 2019-2020 school year to determine whether special education services and related safeguards were properly afforded to students with disabilities who were incarcerated in local jails for more than ten school days and had an IEP during incarceration. If the audit reveals that any such student did not receive special education services at any point during their ten- or more-day incarceration, GCS will make reasonable efforts to offer compensatory service to such students that may be reasonably located, that are individually crafted based on the student's unique needs and IEP goals. GCS will make reasonable efforts to offer to initiate these services to such students that may be reasonably located as soon as practicable following discovery and the finalization of their compensatory education plan. In the event transportation to or from compensatory education services is required, GCS will provide transportation or will reimburse the parent/guardian or student at the district reimbursement rate

GCS also put in place other strategies to serve its students with disabilities incarcerated in local jails. For instance, GCS:

- has assigned a certified special education teacher to work with students incarcerated in local jails,

- is in communication with the local jails to allow for GCS students to utilize electronic devices while incarcerated in local jails,
- is creating a local agreement with Guilford County jails regarding the provision of services and provision of devices to GCS students incarcerated in local jails, and
- has designed instruction for remote learning opportunities that will be offered to students incarcerated in local jails subject to the restrictions of the local jails.

Moving forward, it is the hope and desire of both GCS and Legal Aid to continue to look for opportunities that may foster collaboration for the benefit and support of incarcerated students with disabilities.