Legal Services of Eastern Missouri
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Health and Education Justice Initiative

Advancing justice in child health and well-being

KNOW YOUR RIGHTS: EDUCATION AND THE JUVENILE JUSTICE SYSTEM

Did you know?

Students that are detained in juvenile detention centers are equally entitled to a free and appropriate public education. Missouri law requires all traditional school districts, as well as special school districts in which a county or court operates facilities for the care and protection of juveniles, to provide appropriate educational programs for all juveniles placed in those facilities who are of school age and have not yet graduated. If the juvenile detention center is not located in the student's domicile district, the school district where the detention center is located is responsible for the education of the student, and the student will be transferred from the school in the domicile district to the district where the detention center is located. Similarly, when students are in the custody of the Division of Youth Services, they are entitled to a free appropriate public education.

TIPS FOR CAREGIVER ADVOCACY

- Be involved to the maximum extent possible in the child's education. This includes reviewing records, receiving notices of action, and participating in meetings about special education services.
- Juvenile detention centers and other facilities must provide the same education as public schools, including alignment with state academic standards, certified teachers, proper instruction hours, and individualized special education services.
- Caregivers should consult teachers, school administrators, and family members.
- Caregivers can request education records, including grades, attendance, special education reports, and disciplinary history.

SCHOOL ENROLLMENT AFTER DETENTION

Missouri law states that a child is entitled to attend school where the child resides and is domiciled, and that "the domicile of a minor child shall be the domicile of a parent…or court-appointed legal guardian."

- The Every Student Succeeds Act (ESSA) mandates that state educational agencies ensure students transitioning out of juvenile justice facilities are timely re-enrolled back into school districts or programs best suited for their needs.

RIGHTS TO SPECIAL EDUCATION WHILE IN CUSTODY

- Students with disabilities in juvenile detention centers and those in the Division of Youth Services' care – note that these are two different systems – are entitled to a free and appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA).
- Once the school district or Division of Youth Services facility is notified of the student's transfer to a detention facility, the district or DYS facility must begin transfer procedures, which include requesting records from the prior district, evaluating those records, accepting or rejecting the Individualized Education Program (IEP) and/or evaluation report, and providing services identical or comparable to the services the student was receiving.
- Juvenile detention centers and Division of Youth Services' facilities must recognize and evaluate youth who may need special education services.

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Community Tipline: 314-256-8789
EdRights App: edrights.lsem.org