



Juvenile Services Education Program (JSEP): Student Educational Rights in DJS Facilities

Every child has the opportunity and a legal right to attend school in the United States from the age of five. In the United States, attending school is required by law. The educational rights of JSEP students are the same as in any other previous school in Maryland. JSEP Students have the:

- Right to a free public education;
- Right to progress in general education curriculum towards a high school diploma; and
- Right to adequate education based on contemporary standards.

The obligation not to discriminate based on race, color, or national origin requires public schools to take affirmative steps to ensure that limited English proficient (LEP) students, now more commonly known as English Learner (EL) students or English Language Learners (ELLs), can meaningfully participate in educational programs and services, and to communicate information to LEP parents in a language they can understand.

As a student with a disability, the federal "Individuals with Disabilities Education Act (IDEA)" promises each JSEP student a "free appropriate public education," which means individualized special education and related services designed to meet each student's unique needs. This education must be provided in the "least restrictive environment" in which JSEP student's needs can be met.

JSEP students have these same rights in DJS custody as in any other previous school in Maryland, these include:

- The right to participate as a member of their Individual Education Plan (IEP) team and share their needs and goals for the future with teachers/school staff.
- The right to individualized services/special education to meet their needs. This can include "push-in" support from a special education teacher, "pull-out" services for special education, 1:1 aides, reading intervention services, and placement outside the general education setting.
- The right to education in the least restrictive environment. This means that just like students in any other school district, JSEP students have a right to be included, to the greatest extent possible, with their general education peers and cannot be placed in a more restrictive setting (e.g. a classroom with only other students with disabilities). Unless their IEP team determines that is the least restrictive environment in which the student's unique needs can be met.
- Due to the fact that JSEP students have the same right to a Free Appropriate Public Education (FAPE) as students in any other school district, if students are not provided a FAPE (e.g. as a result of an interruption in services during your transfer to DJS custody), they may have a right to compensatory education. This entails special education instruction and/or related services owed to a student with disabilities as a result of a school system's failure to provide students with services in accordance with their IEP. This ensures that students will get to where they would have been educationally, if they had received services in accordance with their IEP.
- JSEP students over the age of 14, have the right to vocational education programming.
 - This can include work-based learning, job shadowing, and internships/apprenticeships as appropriate.
- JSEP students have the right to services to facilitate a smooth entry to, and discharge from JSEP; including support for credit continuity/transfer/semester completion.
- JSEP students have the right to Due Process protections if there is a disagreement with the decisions made by the school regarding their education.
- JSEP students and their parents have the right to be involved in school meetings. If parents cannot be identified, their whereabouts are unknown, or if they're a ward of the state and there is no foster parent who meets the definition of "parent," students have a right to have a parent surrogate appointed.