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INFORMATION CIRCULAR

TO: Superintendents, Special Education Administrators and Principals
FROM: Rebecca Holcombe, Ed.D., Secretary of Education (RH)
Cindy Moran, Vermont Director of Special Education
SUBJECT: Students placed at the Woodside Juvenile Rehabilitation Center
DATE: February 6, 2017

The Vermont Agency of Education has been reviewing the procedures at the Woodside Juvenile Rehabilitation Center (Woodside) in an effort to improve the delivery of services and Special Education services to students who have been placed at the facility. Many of the students placed at Woodside are eligible for Special Education or Section 504 Plan modifications, aids and services and, therefore, must be afforded all of their rights under the law while in attendance at Woodside. Any student whose length of stay at Woodside exceeds 10 days is entitled to receive appropriate Special Education services and/or accommodations and modifications.

The obligation to ensure that Woodside students are receiving a free and appropriate public education remains with their Local Education Agency (LEA), the district of residence for the student. This includes the responsibility for any Special Education evaluations or reevaluations as well as the development of any educational plans for the student. LEAs must work closely with Woodside staff to ensure that appropriate services are provided. The first step in this process should be the immediate sharing of the most recent evaluation report and individualized education program (IEP) or Section 504 Plan by the LEA with the Woodside facility. If a student will be staying at Woodside for more than 10 days, additional information may also be requested and must also be provided to Woodside in a timely manner.

As is the case with any transfer student, Woodside staff will attempt to provide the Special Education and related services on the IEP to the extent possible (VT Regulation 2363.11(a)). If Woodside cannot provide for all the Special Education and related services as documented within the student's IEP, Woodside administration shall request an IEP team meeting within 30 days of the student's arrival at the facility to review, revise, or develop a plan for the provision of these services during the stay of the student. If Woodside is able to secure necessary related services through an outside professional or agency, the LEA will be billed directly by the contracted professional for such services. If a service is not readily available, the LEA and Woodside shall cooperatively identify and document the missing services and the IEP Team will determine the level of compensatory services to be offered to the student.

Woodside staff must also remain vigilant to the accommodations, aids, and modifications required by the IEP and Section 504 Plans for students. Given the small group instruction or individualized educational programming provided to students, many of the accommodations

and modifications typically required within a general education environment may not be appropriate or necessary while within the Woodside facility and the IEP Team or Section 504 Plan Team must discuss and revise the IEP or Section 504 Plan if they are in agreement.

Students not currently on an IEP or a Section 504 Plan suspected of having a disability must be referred to their LEA for an evaluation. Many students involved in the juvenile justice system may have had experiences of a traumatic nature. Given the complex dynamics leading to a placement at Woodside, the evaluation of a suspected disability may need to wait until the student's emotional condition has stabilized. As this is an initial evaluation of the student, the 60 day statutory timeline for the completion of the evaluation, upon receipt of signed consent, must be followed (VT Regulation 2362.2.1).

LEAs are also reminded of their responsibility for notifying parents and students, in writing, when a student turns 17 that the parental rights for decision making will transfer to the student upon reaching the age of 18. Copies of this notification should be provided to Woodside for any students currently placed in the facility.

Ernest Wheeler, Program Coordinator for the Integrated Supports for Learning Pre-K to 8 Team (802-479-1252) has been assigned as the Special Education liaison to Woodside. If you have any questions regarding your responsibilities for students attending Woodside, please contact him with your inquiries at Ernest.Wheeler@vermont.gov.