

5.2 Educational Policy

Introduction

This U.S. Immigration and Customs Enforcement (ICE) Family Residential Standard ensures that Centers provide appropriate education for all residents 4 to 17 years of age, regardless of English proficiency or disability.

Various terms used in this standard may be defined in the ICE Family Residential Standard on *Definitions*.

Program Philosophy

The requirements of this standard must be implemented in accordance with the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes*.

A. Language Access and Disability Requirements

Centers will adhere to the language access and disability laws, regulations, responsibilities, requirements, and laws cited in the ICE Family Residential Standard on *Program Philosophy, Goals, and Expected Outcomes* and the ICE Family Residential Standard on *Disability Identification, Assessment, and Accommodation*. These requirements must be promulgated in all Center policies, practices, and operations and its themes must be fully incorporated into every Center activity. This is of critical importance and will directly impact resident life, health, and safety.

Expected Outcomes

The expected outcomes of this standard are as follows (specific requirements are defined in the Expected Practices section in this standard):

1. Eligible minors (4-17 years old) will receive an initial educational assessment within three business days of their arrival at the Center.
2. Centers will provide eligible minors with a minimum of one-hour instruction daily in each of the core subjects, Monday through Friday (except Federal/state holidays), on a year-round schedule, in compliance with State and local requirements.
3. All teaching staff will be qualified (i.e., certified) to teach in accordance with State licensing requirements.
4. All curricula and associated texts and learning materials will comply with applicable State requirements.
5. Comprehensive education files will be maintained for each student.

5.2 Educational Policy

6. Centers will develop and maintain formal relationships with local education agencies and other organizations (per State and local regulations) as appropriate to ensure timely and appropriate delivery of services
7. All children with disabilities and/or children in need of special education and related services will be identified and referred to the appropriate Local Educational Agency for evaluation and intervention as appropriate.
8. For cases that are referred to the Local Educational Agency, Centers will convene a special education team (SET), consisting of multidisciplinary staff trained in subjects such as education, medical and mental health, administration, social work, and physical education. The team will develop recommendations for a 504 plan as appropriate pending the outcome of the Local Educational Agency's evaluation. A 504 plan will provide support and remove barriers for a student with a disability and must detail services and changes to the learning environment to enable students to learn alongside their peers.

Standards Affected

This standard replaces the ICE Family Residential Standard on *Educational Policy* dated 12/21/2007.

Expected Practices

A. Guidelines

Centers will either establish or contract to provide an education unit in order to offer comprehensive elementary and secondary educational services and programs to children 5 years of age and older and pre-kindergarten services to children 4 years of age.

Centers will provide age-appropriate child developmental toys and reading materials for all children, readily accessible in living and activity areas.

Educational services will be provided in a structured classroom setting Monday through Friday, excluding Federal, state or local holidays, on a year-round schedule.

Centers will provide students 5 to 17 years of age with a minimum of one-hour instruction daily in each of the following core subjects: science, social studies, math, English language arts, and physical education.

Education staff working in classrooms will be certified as English as a Second Language (ESL) instructors, or actively enrolled in an ESL certification program with a targeted completion date. Education staff working in classrooms will be ESL certified or enrolled in an ESL program with a targeted completion date. If required by State regulations, teachers will be bilingual in a language spoken by Center residents

Each student will be administered an initial educational and special needs assessment within three business days of arrival at the Center. If special needs are identified, the education coordinator will notify the parent/guardian, Center Administrator, Field Office Director (FOD), Juvenile and Family

5.2 Educational Policy

Residential Management Unit (JFRMU) Chief, and Health Services Administrator. The Center will refer these students for services as appropriate.

Core subject assessments will be administered monthly so that individual student progress may be tracked over time. Copies of all assessments will be placed in the student's educational file.

A student code of conduct, approved by the education administrator, will be provided to staff, students, and their families. The student code of conduct will be posted in the educational area.

Educational field trips will be provided for knowledge reinforcement. Field trips may occur either on- or off-site.

Centers will comply with all applicable provisions of the Individuals with Disabilities Education Act (IDEA), Pub. L. 101-476 (Oct. 30, 1990), Section 504 of the Rehabilitation Act of 1973, and any other relevant Federal and state laws, including by providing access to therapists, equipment, classroom placement, modifications, development of plans, etc., for children with disabilities.

B. Initial Individual Needs Assessments

Assessment tools will be administered in accordance with State and local requirements, will be universally applied to all eligible children, and will use nationally accepted, scientifically valid testing methods.

Assessments will be administered by a State-certified teacher, a teacher in a State-approved certification program, or a staff member otherwise eligible to teach in the relevant State.

All assessments will be conducted in a location and manner that supports the student's privacy. Assessment interviews will be conducted in the student's primary language. Interpreters will be used when the interviewer does not speak the student's primary language. Should an appropriate interpreter not be available, telephonic interpretation services will be utilized. Copies of all initial assessments will be made available to parents/guardians for their review upon request.

C. Placement

Students will be assigned to a specific grade or grade cluster based on the results of their initial individual assessments. In cases where the student's age and assessment results differ significantly, the Center SET will determine the student's initial placement. Parents/guardians will be included in this conversation. Parents/guardians may request a SET review/explanation of all placements.

D. General Education Services

Educational services will be provided in a structured classroom setting Monday through Friday, excluding holidays, on a year-round schedule. Classroom settings will encourage a positive learning environment and reflect cultural diversity.

Core educational subjects will include: science, social studies, math, English language arts, and physical education. Life skills should be included as feasible and appropriate. Education staff working in classrooms will be certified as English as a Second Language (ESL) instructors, or actively enrolled in an ESL certification program with a targeted completion date. Education staff

5.2 Educational Policy

working in classrooms will be ESL certified or enrolled in an ESL program with a targeted completion date. If required by State regulations, teachers will be bilingual in a language spoken by Center residents

Interpretation services, including telephonic interpretation, will be utilized as needed when the student and teacher do not speak the same language.

Educational services will generally be designed to meet the needs of an immigrant student population.

Linguistically appropriate educational materials will be used in the classrooms. Teaching staff will develop lesson plans and curricula based on State-approved model programs. All lesson plans will be approved by the education administrator and be available for review in the classroom.

Educational field trips will be provided for academic related activities involving art, career education, home economics, technical education, mathematics, music, science, social studies, physical education, cultural competency, and interdisciplinary trips. Field trips may occur either on- or off-site. The FOD and JFRMU Chief must approve all proposed field trips and the parent's/guardian's consent must be obtained prior to the child's participation, whether the event occurs on- or off-campus. Such documentation will be kept in the resident file.

Cultural competency and learning will be incorporated into lesson plans, activities, and seminars on a daily basis.

Telephonic interpretation services will be available in each classroom.

E. Evaluation and Reporting

Student attendance will be recorded for the morning and afternoon sessions (when conducted), and records of attendance will be maintained and available for review upon request.

Student progress reports will be distributed to all students on a regular and consistent schedule. Parents/guardians will be offered and encouraged to participate in parent/guardian-teacher conferences to discuss student achievement. Conferences will be scheduled as needed.

Students who complete the learning requirements for 12th grade will be provided the opportunity for learning advancement through independent study, special projects GED classes, and college preparatory tutorials, among others.

In accordance with applicable State law, residents may request GED testing. Those residents will be referred to the local educational agency for processing as appropriate. Centers will coordinate testing logistics.

F. Staffing Requirements and Training

Education staff working in classrooms will be qualified and certified to teach in accordance with applicable State regulations.

The student/teacher ratio will not exceed the State requirements.

5.2 Educational Policy

Education staff working in classrooms will be ESL certified or enrolled in an ESL certification program with a targeted completion date. If required by State regulations, teachers will be bilingual in a language spoken by Center residents.

The education unit will be administered and supervised by a person qualified and trained as an administrator, in accordance with State requirements.

A staff development plan will be administered by the education unit in accordance with prescribed State requirements and will be on file and available for review.

Onsite education staff is provided with initial, ongoing, and annual training in accordance with the ICE Family Residential Standard on *Staff Training* in addition to any State requirements.

G. Equipment and Supplies

Classrooms will be equipped with materials that comply with the respective State's educational policy and directives for each of the core subjects excluding physical education, and including any necessary specialized equipment as determined by the local educational agency.

Each child will be issued materials appropriate for classroom use, and education staff will be provided with the instructor's edition as appropriate. Should the State curriculum require additional materials to complete the goals and objectives of a particular course of study, materials will be provided to each student and teacher as needed. If the materials are perishable, they will be replaced on a rotating basis commensurate with the curriculum timeline and rotation of students.

All classrooms will be equipped with the necessary number of computers or tablets based on the lesson plan, Internet access, telephonic interpretation services, and attendance and grading software.

Classrooms will have manipulatives readily available and linguistically and developmentally appropriate to each classroom and as required by the relevant lesson plans and curricula. Students will have the tools necessary to complete a particular task on their own, except when the curriculum calls for a group or partnered activity.

Classrooms will have necessary learning materials to include colored pencils and crayons, writing paper, drawing paper, construction paper, and graph paper as needed and required by curricula tasks and objectives.

H. Student Educational Files

Student educational files will be maintained securely in the onsite educational area.

Student educational files will be made available during parent/guardian-teacher conferences.

Student files will contain the following documents, as applicable: all educational assessments, attendance records, progress reports, requests for parent/guardian-teacher conference and follow-up notes, 504 plans, individualized education programs, and follow-up reviews.

Upon departure from the Center, students will receive a memorandum confirming their dates of enrollment. This memorandum also will include contact information for the Center's educational

5.2 Educational Policy

unit. Educational assessments and/or transcripts will be provided upon request from the new school.

I. Special Education Terms

Certain terms are defined as follows for purposes of interpreting and administering special education:

SET: Special Education Team, a multidisciplinary team, members of which are trained in subjects such as education, medical and mental health, administration, social work, and physical education.

IDEA: Individuals with Disabilities Education Act, as amended, including the Individuals with Disabilities Education Improvement Act of 2004.

IEP: Individualized Education Program established for an eligible student pursuant to IDEA that states the goals, objectives, and services for the student receiving special education.

SEA: State Education Agency.

504 Plan: Individual plan established by the Center that outlines accommodations, modifications, auxiliary aids and services, or other support services necessary to provide a child with a disability with equal access to the Center's educational programs and activities.

J. Special Education Services

Centers will provide and coordinate the following special education services. Any such services will be undertaken only with the parent/guardian's informed, written consent, the information for which was provided in the parent/guardian's native language or through another mode of communication he/she can understand. All services will be provided in the least restrictive and most integrated environment appropriate to the needs of children with disabilities:

Parents/guardians, Center staff, ICE/ERO, and/or medical staff may refer a minor for special needs screening at any time.

Special Needs Screening: When identified for special needs screening, the education unit will use standardized screening tools in use by the local educational agency to evaluate potential special needs students. Any student needing further special needs evaluation will be referred to the local educational agency within three business days of identification.

Education staff will develop and implement a public awareness effort that focuses on the early identification of children who are eligible for services. Center staff also will attend training on identifying and assessing children potentially in need of early intervention or special educational services.

- If, during the screening, a student is identified with a possible need for special education services, then the Center immediately will begin the process of placing the child on a 504 plan (as specified in the Special Education Terms section in this standard), to ensure that the Center provides necessary accommodations, modifications, and/or auxiliary aids and services as required

5.2 Educational Policy

by Federal law and consistent with the Family Residential Standard on Disability Identification, Assessment, and Accommodations, including support services that assist them in benefitting educationally from the Center's instructional program;

- Within 48 hours of identifying the child's need, Center education staff will communicate any identified needs to the parent/guardian and any Center staff overseeing relevant disciplines, as deemed necessary for the safety and security of all residents and staff;
- If a need for special accommodation is identified, a 504 plan will be completed by the local educational agency and shared with the education staff to ensure services and supports are provided to the child;
- Once a need is identified, the SET will review the 504 plan with the parent/guardian, obtain written consent from the parent/guardian, and implement the plan;
- Education unit staff will immediately implement the requirements of the 504 plan; and
- In the event that accommodations, modifications, or auxiliary aids or services are required pending local educational agency evaluation that cannot be accomplished with the existing education staff, the local educational agency will be contacted to provide additional services.

1. Individualized Education Program (IEP)

A meeting must take place to develop an IEP for any child with a special needs screening determination which indicates a child needs special education and related services.

Immediately following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

A SET (special education team) will develop the individualized education program.

A written statement of the individualized education program must document the decisions of the SET with respect to issues discussed at each meeting about a particular child who needs special education services. The written statement must include:

- The date of the meeting;
- The name, position, and signature of each SET member participating in the meeting;
- An indication of whether the child's parent/guardian, and the Center administrator, agreed or disagreed with the decisions of the SET;
- If the individualized education program is not developed by agreement, the written statement of the program must include the basis of the disagreement.

5.2 Educational Policy

Each member of the SET who disagrees with the individualized education program developed by the team is entitled to include a statement of disagreement in the written statement of the program;

- If the child's parent/guardian is limited English proficient (LEP), the Center shall provide the parent/guardian with a written or audiotaped copy of the child's individualized education program translated or interpreted into the parent/guardian's primary language;

The SET may determine that a behavior improvement plan or a behavioral intervention plan is appropriate for a child.

In developing each IEP, the SET must consider:

- The strengths of the child, the concerns of the parent or guardian, and the results of the most recent evaluation of the child including academic, developmental, and functional needs;
- In a case of a child whose behavior impedes the child's learning or that of others, the use of positive behavioral interventions and supports, and other strategies, to address that behavior;
- In a case of a child with limited English proficiency, the language needs of the child as those needs relate to the child's IEP;
- In a case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the SET Team determines--after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille)--that instruction in Braille or the use of Braille is not appropriate for the child;
- The communication needs of the child, and in the case of a child who is deaf or hard of hearing, the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- Whether the child needs assistive technology devices and services.

2. Review and revision of IEPs

Each Center must review the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved.

5.2 Educational Policy

K. Local Educational Agency Coordination

The education unit will coordinate with the local educational agency to provide for the education and related services for eligible students while in residence. The following services will be provided:

Determination of Eligibility for Services and Curriculum: The education unit will coordinate with the local educational agency to determine whether identified students are eligible to receive educational services under IDEA and/or other applicable State and Federal law.

Furnishings and Equipment: Centers will provide the local educational agency with necessary space, furnishings, and equipment including, but not limited to, desks, chairs, or any other furnishings or equipment that the local educational agency deems necessary for the proper delivery of services.

Centers will make available for the local educational agency's use a space for instruction, testing, and/or assessment. Such facilities will be made available for use by the local educational agency according to a mutually agreed upon schedule.

Centers and the education unit will permit the local educational agency's instructional and assessment personnel, and special education team members as required, access to students and their parent(s)/guardian(s).

The local educational agency will be afforded access to students during normal school hours, Monday through Friday, excluding Federal, state and local holidays, on a year-round schedule.

Centers will provide transportation services for those eligible students whose special education needs cannot be met onsite, or when the local educational agency has determined the student would be better served off-site or at a designated local educational agency location.

The education unit will provide designated local educational agency personnel with appropriate student information, including educational records, for purposes of determining eligibility for educational services, to the extent permitted without violating the student's privacy rights.

Procedures with the local educational agency: The education unit will ensure that procedural safeguards required by IDEA and other federal law are followed on all matters in which the local educational agency's assistance has been requested, including, but not limited to:

Notifying students and parents/guardians of meetings;

Notifying parents/guardians of procedural safeguards on forms to be provided by the local educational agency and communicated by Center staff in a language or manner the parents/guardians can understand; and

Assisting the local educational agency in obtaining consent from students and parents/guardians for assessment, initial placement, and reevaluation.

5.2 Educational Policy

Classroom Instruction: The education unit will coordinate with the local educational agency to provide classroom teachers and other personnel necessary to meet the requirements of IDEA and other State and/or Federal requirements applicable to the local educational agency for students who have either a 504 plan or IEP. Such services will be provided as dictated by the conditions of the plan and the requirements of IDEA and other applicable State and Federal law. All special education programming will be provided to the student in a language he/she understands. Information provided to parents/guardians will also be in a language they understand.

Instructional Materials: The educational unit will coordinate with the local educational agency to provide books and other instructional and evaluation materials, including computer software, as needed to provide support services sufficient to meet all applicable State and Federal requirements.

Meeting and Notices: Upon receipt of notice of all such meetings from the local educational agency, the education unit will notify the student and his or her parent/guardian as soon as practicable. The Center educational staff will coordinate (as appropriate) with the local educational agency to provide a plan for each identified and eligible student and will convene meetings as required to meet the requirements of IDEA and other applicable State and Federal law.

References

- ICE Family Residential Standard on Definitions
- ICE Family Residential Standard on Program Philosophy, Goals, and Expected Outcomes
- ICE Family Residential Standard on Staff Training
- ICE Family Residential Standard on Disability Identification, Assessment, and Accommodations
- Individuals with Disabilities Education Act, as amended
- Section 504 of the Rehabilitation Act of 1973