

# **ICE Family Residential Standard**

## **EDUCATIONAL POLICY**

- I. PURPOSE AND SCOPE.** All children residing in an ICE Residential Family Facility who reach the minimum age required by applicable state law shall be provided with educational services and programming appropriate to the minor's level of development and communication skills in a structured classroom setting.
- II. EXPECTED OUTCOMES:** The expected outcomes of this Standard are as follows:
1. All eligible juveniles will be administered an Initial Educational Assessment within three days of their arrival to the facility.
  2. All eligible juveniles will be provided with a minimum of one-hour daily instruction in each of the core subjects, Monday through Friday, on a year-round schedule.
  3. All teaching staffs are qualified to teach in accordance with state licensing requirements.
  4. All curricula and associated texts and learning materials are based on state requirements and best practices.
  5. Comprehensive education files will be maintained on each student.
  6. All children with disabilities and/or in need of special education and related services are identified, located, evaluated, and referred to an appropriate agency for intervention.
  7. All facilities shall convene an IEP Team, consisting of staff from the following disciplines: education, medical, mental health, administration, social work, and physical education.
  8. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
  9. The standard complies with federal laws and with DHS regulations regarding residents with special needs.

**III. DIRECTIVES AFFECTED** None

## **IV. REFERENCES**

The First Edition National Residential Standards were written using a variety of methodologies including previous and current practices, review and comment from various subject matter experts, review and comment from various government and non-government organizations, and a review of current state codes in Pennsylvania and Texas. Each standard is written in a manner that affords each resident admission and continuous housing to a family residential facility in a dignified and respectful manner. There are no specific codes, certifications, or accreditations that deal specifically with unique management requirements of families awaiting the outcome of their immigration proceeding in a non-secure custodial environment.

Individuals with Disabilities Education Improvement Act of 2004.

#### **IV. STANDARDS AND PROCEDURES**

##### **1. Guidelines**

- a. Each residential family facility will have an Education Department that is structured to provide comprehensive educational services and programs to children eligible for formal education as defined by applicable state laws and regulations.
- b. Educational services will be provided in a structured classroom setting Monday through Friday, excluding holidays and are modeled after a year-round program in accordance with applicable State regulations.
- c. Children not eligible for formal education as defined by applicable state laws and regulations shall be provided with age-appropriate child development toys and reading materials, to be made readily available in housing and common areas.
- d. Students will be provided with a minimum of one-hour daily instruction in each of the following core subjects; Science, Social Studies, Math, Language Arts (Reading/Writing), and Physical Education.
- e. While education services will focus primarily on the development of basic academic competencies, the secondary focus shall be on English Language Training. Teaching staff are required to be certified ESL instructors, or actively enrolled in an ESL certification program.
- f. Each student shall be administered an Individuals Educational Assessment within three days of his/her arrival at the facility. Assessments will be re-administered on a 90-day rotation to track individual student progress. Copies of all assessments will be filed in the student's individual education files.
- g. A Special Needs Assessment shall be administered to each student upon arrival, and included in each Individual Education File. If special needs are identified during the intake process, copies of the assessment will be provided to all members of the multidisciplinary special needs team for intensive oversight.
- h. Pre-Kindergarten instruction shall be provided to eligible four-year-old children in accordance with State requirements. Pre-K instruction shall provide comprehensive child development services such as educational, health, nutritional, and social services to eligible four-year-old children and their families.
- i. A Code of Conduct for both students and staff will be made available to staff, students and their families, in English and Spanish, and will be posted in common areas in both the school and housing units. Other translation services will be provided on an as-needed basis.
- j. Educational field trips shall be provided for knowledge reinforcement; field trips may occur either on or off-site.

## **2. Individual Needs Assessments**

- a. All children eligible for educational services will be administered an Initial Educational Assessment within three days of their arrival at the facility.
- b. The assessment tool will be in keeping with state and local requirements, will be universally applied to all eligible children, and will include nationally accepted, scientifically valid testing methods.
- c. Assessments will be administered by either a state-certified teacher, a teacher in a state-approved certification program, or a staff member otherwise eligible to teach in that respective state.
- d. All assessments will be conducted in a location and manner that supports the individual privacy of each juvenile.
- e. Assessment interviews will be conducted in the child's primary language. Only qualified interpreters shall be used when the interviewer does not speak the language of the juvenile. To protect the juvenile's privacy, potential interpreters shall not be current residents of the facility. Should an appropriate interpreter not be available, telephonic translation services shall be utilized.
- f. When applicable, students will be re-tested utilizing the same testing instrument every 90 days to monitor academic progress.
- g. Copies of all assessments will be made available to parents for their review upon request.
- h. Copies of all assessments will be placed in the student's education file, and will be available for review by ICE/DRO staff upon request.

## **3. Placement**

- a. Students will be assigned to a specific grade or grade cluster based on educational assessment outcomes.
- b. Should a conflict occur whereby a student is on a significantly different developmental level than his or her age would otherwise suggest, the student shall be assigned primarily on age range. This decision will be made in coordination with the facility's Multidisciplinary Special Needs Team. In the event a student is placed in a classroom with students learning markedly more advanced techniques and theories than he or she is capable of learning, an Individual Education Plan IEP will be created for that student following special education testing. The IEP will be reviewed every 30 days by the Special Needs Team.

#### **4. General Education Services**

- a. Educational services are provided in a structured classroom setting Monday through Friday, excluding holidays, and are modeled after a year-round program in accordance with applicable State regulations. Classroom environments will be modeled after traditional school settings. Learning environments will reflect students' positive learning accomplishments and shall display learning materials that reflect cultural diversity.
- b. Educational services will be designed to meet the unique educational needs of the immigrant juvenile population. Linguistically appropriate educational materials shall be available.
- c. Students files shall contain the following documents, as applicable: Initial and subsequent Assessments; progress reports; requests for parent-teacher conference and follow-up notes; Special Needs Assessments; Individual Education Plans; follow-up reviews.
- d. Lesson plans and curricula are developed by teaching staff, are based on a state approved model program, and are available for review in each classroom. All teaching staff will submit weekly lessons plans to the Administrator for his or her review and approval.
- e. Educational field trips are provided for subject-oriented activities involving art, career education, home economics, technical education, mathematics, music, science, social studies, physical education, acculturation, and interdisciplinary trips. Field trips can occur either on or off-site. No fewer than four field trips per year per grade cluster shall occur. All proposed field trips must receive the approval of Chief, JFRMU and parental consent must be given prior to a child's participation in any event not part of the daily curricula whether that event occurs on or off-campus.
- f. Student files include the following documentation for each student: Initial and subsequent Individual Educational Assessment; Special Needs Assessment; Progress Reports; Report Cards.
- g. Acculturation services and learning will be incorporated into lessons plans, activities and seminars on a daily basis.
- h. Telephonic translation services will be available in each classroom.

#### **5. Evaluation and Reporting**

- a. Student attendance is recorded twice daily for morning and afternoon sessions, and records of attendance are maintained and available for review upon request.
- b. Student progress reports are distributed to all students on a regular and consistent schedule, and facility policy encourages the scheduling of parent-teacher conferencing to discuss student achievement.

- c. Any student that completes the learning requirements for the maximum learning level shall be provided the opportunity for learning advancement such as independent study, special projects, pre-GED classes, and college preparatory tutorial, among others.
- d. In accordance with applicable state law and upon the recommendation of teaching staff, a student may request to be administered the Government Equivalency Degree (GED) test. Those students approved for testing must first be administered the GED pre-test to assess suitability and possible remedial tutoring. Copies of all requests for GED testing and test results will be filed in the student's educational file.
- e. A memorandum confirming a student's dates of enrollment will be provided to all students at the time of their departure. An educational assessment and/or transcripts will be provided upon request to institutions of learning on behalf of the student.

## **6. Staffing Requirements and Training**

- a. Teaching staff is qualified and certified to teach in accordance with State regulations.
- b. The student/teacher ratio does not exceed 20:1, or is in compliance with State policy and requirements.
- c. Teaching staff is ESL certified, or enrolled in an ESL certification program.
- d. The Education Department is administered and supervised by a person qualified and trained as an Administrator, in accordance with State requirements.
- e. There is on file and available for review a Staff Development Plan that includes, at a minimum, the following topics: ESL strategies and materials; Instructional best practices; No Child Left Behind (NCLB) rules and regulations; and Lesson Plan development. The Staff Development Plan shall be in accordance with prescribed state requirements.
- f. Written policy ensures that staff is provided with pre-service and ongoing training on mental health issues, including but not limited to how to respond to emergencies such as suicide attempts or threats; how to observe, prevent, document and respond to signs and symptoms of depression, PTSD, physical and sexual abuse, and behavior management approaches. Refresher training occurs no less than twice yearly.
- g. Written policy ensures that staff is provided with pre-service and ongoing training on cultural awareness and sensitivity, child development theory, and acculturation training. Refresher training occurs no less than twice yearly.
- h. Written policy ensures that staff is provided with pre-service and ongoing training in First Aid, CPR, and AED. Ongoing and additional training is in accordance with applicable State requirements.

- i. Written policy ensures that staff is provided with pre-service and continuing training in ICE policies and procedures, prohibition against providing legal advice or counsel to facility residents, and the privacy rights of residents
- j. All training sessions are documented in staff personnel files and are available for review upon request.

## **7. Equipment and Supplies**

- a. Classrooms will be equipped with textbooks based on the respective state's educational policy and directives for each of the core subjects excluding Physical Education.
- b. Each child shall be issued a textbook that is appropriate for classroom use, and teaching staff will be provided with the Instructor's Edition. Should a state curriculum require additional materials to complete the goals and objectives of that particular course of study, the facility will ensure that these materials are 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.
- c. All classrooms will be equipped with a desktop computer with Internet access, and attendance and grading software.
- d. Classrooms will have manipulatives readily available and developmentally appropriate to each classroom and as required by lesson plans and curricula. Each student shall have the tools necessary to complete a particular task on their own, except when the curriculum calls for a group or partnered activity.
- e. Classrooms shall have writing instruments to include colored pencils and crayons, writing paper, drawing paper, construction paper, and graph paper as needed and required by curricula tasks and objectives.

## **8. Library Services**

- a. Library services shall be provided and available to all residents. The library shall provide residents with appropriate reading material in languages other than English for use during leisure time. Reading material shall reflect racial and ethnic diversity and interests and be appropriate for various levels of competency.
- b. Every effort shall be made to become part of a local library system and participate in a lending program that will be utilized to augment on-site library services. Participation in a local library system will not supplant an on-site residential library.
- c. Each facility shall utilize the U.S. Department of Education's Blue Ribbon School Program's best practices library benchmark in determining the number of items in per library based on how many patrons are eligible to utilize the library. In facilities with less than 200 students, the total size of the library collection will number 3,000. While it is recommended that a book that has aged 20 years should be replaced, each area of the collection should be evaluated by the staff librarian before any books are rotated out of the library,

and replaced. Each facility shall have a written policy outlining the policies and procedures for library services, to include hours of operation, length of time a patron may reserve a book, and penalties for misuse of library services.

## **9. Student Files**

- a. Student files shall be securely maintained in the Education Department to ensure the privacy of the juvenile. Files will be available for review at all times by ICE/DRO staff.
- b. Should a parent schedule a conference to discuss his or her child's academic progress, the file shall be made available during the conference for review.
- c. Student files shall contain the following documents, as applicable: Initial and subsequent Assessments; progress reports; requests for parent-teacher conference and follow-up notes; Special Needs Assessments; Individual Education Plans; follow-up reviews.

## **10. Terms Used Concerning Special Education**

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

- ARD refers to the Admission, Review, and Dismissal Committee assigned to a student.
- IDEA means the Individuals with Disabilities Education Improvement Act of 2004, and any subsequent amendments to the statute.
- IEP means the Individual Education Program established for an eligible student pursuant to IDEA.
- IFSP refers to the Individualized Family Service Program.
- LEA means the Local Education Agency, responsible for furnishing special education services for all eligible children in its jurisdiction.
- SEA refers to the State Education Agency.

## **11. Special Education Services - Facilities**

All facilities shall coordinate and therefore provide the following special education services to eligible children:

- a. Routine Screening at Intake: Facility Staff will fill out the Preliminary Questions section of the Educational Services Eligibility Worksheet Form for each person for whom it seeks the assistance of the LEA and deliver or make the form available to LEA within 2 days. In addition, Facilities will develop and implement a public awareness effort that focuses on the early identification of children who are eligible for services. Facility staff will also attend training to familiarize them with the process involved in identifying and assessing children potentially in need of early intervention or special

education services. Facilities will utilize standardized screening tools as approved by the respective state and in use by the LEA

- b. Furnishings and Equipment: Facility Staff will provide the LEA with necessary space, furnishings, and equipment located within the facility, including, but not limited to, desks, chairs, or any other furnishings or equipment that the LEA deems necessary for the proper delivery of services.
- c. Access to Students by LEA: Facility Staff will permit access to students by the LEA instructional and assessment personnel and ARD Committee members as required for instruction, assessment, testing, participation in ARD meetings, and other matters required for provision of educational services under IDEA or other state or federal statutes.
- d. Access During Normal School Hours: The LEA will be presumed to require access to students during normal student hours. For purposes of this standard, normal school hours will be 8:00 am until 4:00 pm, Monday through Friday, on a year-round schedule.
- e. Off-site Availability of Services: Transportation services will be provided for those eligible students whose special education needs cannot be met onsite at the facility, or whose ARD Committee members have determined would be better served off-site or at a designated LEA location.
- f. LEA Access to Student Records: The facility will provide designated LEA personnel with appropriate student information, including educational records, for purposes of determining eligibility for educational services; to the extent such provisions are permitted without violating the student's privacy rights.
- g. Classrooms and Related Facilities: Facility Staff will make available for the LEA's use of a space for instruction, testing, or assessment, and an ARD Committee meeting room. Such facilities will be made available for use by the LEA according to a mutually agreed upon schedule.

## **12. Special Education Services – Procedures with LEA**

A member of the IEP Team will participate in ARD Committee meetings when LEA assistance has been requested.

Facility Staff will assure procedural safeguards required by IDEA are following on all matters on which LEA's assistance has been requested, including, but not limited to:

- a. Notification to LEA and parents of change in conditions of residency affecting a student's participation in educational or other activities as specified in the student's IEP.
- b. Notice to the student and parent of ARD meetings.
- c. Notice to students of procedural safeguards on forms to be provided by LEA.
- d. Assist LEA in obtaining consent from students and parents for assessment, initial placement, and reevaluation.
- e. Notify LEA of student communications to Facility Staff regarding IDEA or other educational services.




**13. Special Education Services – Coordination with LEA**

Facility staff will coordinate with the LEA to provide for the education and related services for eligible students. The following services shall be provided:

- a. Determination of Eligibility for Services and Curriculum: For students identified by the Facility IEP Team, the facility will coordinate with the LEA to determine whether the students are eligible to receive educational services under IDEA and/or other statutes through the LEA, and will provide a free and appropriate public education for all students determined by LEA to be eligible for such services.
- b. Classroom Instruction: For students with an IEP, the Facility will coordinate with the LEA to provide classroom teachers and other personnel necessary to meet the requirements of IDEA and other state or federal requirements applicable to the LEA. Such services will be provided as dictated by the conditions of the IEP and the requirements of IDEA.
- c. Instructional Materials: For identified and eligible students, the Facility will coordinate with the LEA to provide books and other instructional and evaluation materials, including computer software that is necessary as determined by an ARD Committee, to provide services sufficient to meet IDEA and other applicable state and federal requirements during the Leas normal school year.
- d. ARD Committee Meeting and Notices: The Facility will coordinate with the LEA to provide an IEP for each identified and eligible student, and will convene ARD Committee meetings as required to meet IDEA requirements. The LEA will provide notice of all meetings to the Facility, and the Facility IEP Team will provide notice directly to the student and parents.

**Standard Approved:**

  
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John P. Torres  
Director  
Office of Detention and Removal

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Date