

Q&A: Your Right to Educational Services in a Division of Youth Services (DYS) facility

Can I get extra help with school if I'm in a DYS facility?

It is normal to need extra help so that you can feel more confident in school. You have a right to receive a quality education while you are in a DYS facility. It's important to speak up if you feel like you need more help in school so that you can succeed while you are in a facility and after you get out of the facility.

If you have a disability, you have a right to get help in school like extra time on tests or assignments, one-on-one or small group help in subjects you struggle with, or support in processing your emotions. This is not a complete list, but these are examples of disabilities that youth might have and can receive help in school with:

- Learning disabilities
- Depression
- Anxiety
- Deafness or hearing loss
- Bi-polar disorder
- Autism Spectrum Disorder
- Blindness or vision loss
- Speech or language impairment
- ADD/ADHD
- Serious emotional disability
- Post-Traumatic Stress Disorder
- Dyslexia

You might not know if you have a disability. If you notice that you have problems paying attention in class, are often distracted, have trouble relating to or making friends with other youth, or often feel so sad or worried that you're not able to focus, you might have a disability. If you aren't sure, ask a trusted adult.

If you're under the age of 21, have a disability, and have not yet received a high school diploma, you have a right to get the educational services you need, even in a jail, prison, or DYS facility. Even if you are working toward your GED instead of a diploma, you still have a right to help related to your disability.

What kind of education should the DYS school provide?

Whether you have a disability or not, your school at DYS should be providing several services:

- Transferrable credits so that when you return to your regular school after leaving the DYS facility, you can enroll in the next year or semester of school without having to re-take classes that you completed and passed at the DYS school.
- An opportunity to receive a high school diploma (not just a GED). For some students, a GED might be a good option, but if your DYS school only offers GED completion and not a high school diploma, they could be violating your educational rights.
- Adequate classes so that you could apply for college if you choose to. This means that DYS should be offering opportunities for classes that fulfill college application requirements like foreign language classes and lab science or lab science equivalents.

If the school at the DYS facility you're at is not providing these services, ask the staff about it or contact Disability Law Colorado (information at the end of this packet).

What kind of help should I be getting in school at a DYS facility?

Depending on your disability, you might need extra time to complete assignments and tests, special seating during class so you can hear and see the teacher, help expressing and regulating your emotions, or special education classes or services. Any services you receive to help you with your disability should be individualized specifically for your needs. If the extra help you are receiving is not working for you, talk to a trusted adult about why it isn't working and what you think would help.

Students with disabilities shouldn't be in classes where they are separate from other students, except to the extent their team has determined that is what they need to succeed in school.

If students who need extra help are given the same packets to work on regardless of what grade they are in or what they specifically need help with, that is a red flag and something you should bring to the attention of a trusted adult.

DYS facilities cannot deny you the educational services you need just because they don't have enough staff to help you and other students with disabilities. The exception to this is if there is a legitimate safety risk.

You, the teachers, and your parent(s) or guardian(s) should have a meeting to talk about the services and help you specifically need when you enter the facility. You should also have a follow up meeting at least once a year after that, and a meeting shortly before you leave the DYS facility. You can ask other trusted adults to attend this meeting to support you as well.

Should I be receiving the same kind of help in school that I was getting before?

You have most of the same rights to an education in a community school as you do in a DYS school. The exception to this is if there is a legitimate safety risk.

If you had special help like extra time on tests, a particular seat assignment, or special classes at your last school, you might have had what's called an Individualized Education Program (IEP) or 504 plan. If you did, the DYS facility is required to provide you with similar help in school to what you were getting at your last school. They also may be required to have a meeting with the teachers and your parents or guardians within 30 days of you arriving at the facility to decide what kind of help you need to succeed. To the extent it's appropriate, you should be involved in this meeting.

Note: If you're not sure about this, ask a teacher or adult at the DYS facility for your IEP or 504 plan. This is a document that will tell you exactly what services you are supposed to be receiving if you have a disability.

I am being disciplined because I have a disability. Is this allowed?

If you have a disability and you are disciplined during school, you have certain rights. If you are being taken out of your school classes for more than 10 days due to a disciplinary issue, the facility is required to go through a special process to make sure that the reason you are being kept out of school is not because of your disability. This includes having a meeting where your team talks about whether the behavior was caused by your disability or a failure of the adults around you to provide the help you need.

If you are taken out of your school classes for any reason related to violating a code of conduct for more than 10 days, you still have a right to receive educational classes and special education. This also applies if you are taken out of your regular classes for 10 days and put in a medical unit or pod – either for medical or mental health reasons.

Note: Even if you stay on the pod during the day instead of going to school, you should still be receiving access to educational services in accordance with your IEP or 504 plan.

I am being bullied or treated badly because of my disability. What should I do?

The DYS facility is required to make sure that you are not being bullied or harassed by teachers, staff, or other youth because of your disability. If you are being bullied or treated differently because of your disability, please report it to a trusted adult. The facility should also have someone who is designated as the Section 504 Coordinator, and you could ask to speak with them about your concerns.

I think I should be receiving different educational services. What can I do?

Talk to a parent, guardian, family member, or trusted adult at the DYS facility about the help you think you need. You can even show them this fact sheet.

Ask an adult at the facility for the contact information of the school's 504 Coordinator. This is someone you can write to or call who will be able to help you receive the education services you are entitled to.

Dial 4 on the blue phone to call Disability Law Colorado. You should be able to call us for free and your conversation with us will be confidential. You can also write us a letter. Whatever you say in your letter will be confidential. You should make sure the facility understands this is legal mail and you can mail it to: **Disability Law Colorado, 455 Sherman St, Ste 130, Denver, CO 80203.**

Self-Advocacy Tips:

Here are some tips to help you advocate for your educational rights:

1. Keep **notes of the date and time** that anything significant happens (or doesn't happen), as well as the **names and titles of people** who are involved. Also note any other people who saw what happened.
2. **Ask a teacher or staff member for a copy of your 504 plan or IEP.** This is a document that outlines what services you should be receiving. Keep track of whether the DYS facility is following the plan or not.
3. **Ask for a 504 or IEP meeting** when you feel like you need something different than your teachers are providing.
4. Ask to speak with the **Section 504 Coordinator or Special Education Director** about your concerns or see if your parent/guardian can contact them on your behalf. There are different people who fill these roles depending on if you are detained or committed, but a teacher or trusted adult should be able to connect you with them.
5. If you bring your concerns to the attention of staff within DYS and nothing is done to improve your access to educational services, **contact Disability Law Colorado** via phone or mail as explained above.
6. It's important to note that formal complaint processes have deadlines of 180 days (U.S. Department of Education's Office for Civil Rights), 1 year (State Complaint with the Colorado Department of Education), and 2 years (Due Process Complaint with the Office of Administrative Courts). If you miss a deadline, you will probably not be able to file a complaint. Please contact Disability Law Colorado if you have any questions about the complaint options and deadlines.

For more information about education rights in correctional settings, visit <https://www2.ed.gov/policy/gen/guid/correctional-education/index.html>

*** DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only.

Always consult a lawyer if you have questions about your legal rights. ***

Last updated:

August 27, 2024