

**MEMORANDUM**

TO: Superintendents, Principals, Detention Center Directors  
FROM: Robin LeClaire, Director of School Improvement  
Indiana Department of Education  
RE: Policy on Detention Center Education  
DATE: May 29, 2019

This memorandum is to clarify the Indiana Department of Education's policy for students receiving education services in an Indiana detention center.

Juveniles who are alleged to be delinquent children and detained in juvenile facilities in Indiana are under the authority of county juvenile court judges. The detention of these juveniles is on a short-term basis, from hours to months. By statute, the persons operating these detention centers are responsible for providing or ensuring educational services to juveniles in their facilities. Such juveniles are frequently detained in a location away from home and in another school corporation.

The Indiana Department of Education's State Attendance Officer has the authority to investigate and enforce the attendance of detained juveniles under:

**IC 20-33-2-29*****Compulsory attendance; duties of person responsible for certain institutions; violations***

*Sec. 29. (a) It is unlawful for a person operating or responsible for an educational, correctional, charitable, or benevolent institution or training school to fail to ensure that a child under the person's authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.*

*(b) If a child is placed in an institution or facility by or with the approval of the department of child services, the institution or facility shall charge the department of child services for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per child cost.*

*As added by P.L.1-2005, SEC.17, SEC. 17. Amended by P.L. 146-2008, SEC. 475, eff. Jan. 1, 2009, Sec. 125, eff. April 30, 2009.*

Given the extraordinary environment, detention center educational services are considered unique by the Indiana Department of Education. This means that while detention centers must ensure the provision of an equivalent education they must also provide correctional services. The correctional and security requirements of the detention center may at times reasonably usurp educational requirements of state law and state board rule. Services for juveniles with disabilities (Individual Education Plans) fall under State and Federal law, and should be discussed with the local special education director or call the Indiana Department of Education, Office of Special Education at (317) 232-0570.

The instructional day provided for by statute at Indiana Code 20-30-2-2, defining a student instructional day in Grades 7-12 as consisting of at least six (6) hours of instructional time, is applicable to the education provided to students in detention centers. The Indiana Department of Education recognizes that the security concerns of detention centers may, on occasion, alter the application of this standard for individual students within a juvenile detention center.

It is recommended that detention centers work with local school corporations to determine the educational needs of the students, as well as the determination of attendance. Because the length of stay at detentions centers is generally short, the legal settlement of the student remains with the home school corporation. The school corporation where the detention center is located can bill the school corporation of legal settlement transfer tuition for educational services provided to detained students do not have legal settlement in the school corporation where the detention center is located. In general if it is anticipated that the length of stay is over 20 days, then the home school corporation should transfer the student to “incarceration” using Mobility Code 22.

Please contact Robin LeClaire, Director of School Improvement, at [rleclaire@doe.in.gov](mailto:rleclaire@doe.in.gov) if you need clarification.