

Incarcerated Youth

Students with Disabilities

Interim Guidance for Ensuring a Free, Appropriate, Public Education

Effective October 20, 2025

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Improving Outcomes for Youth

In 2017, lawmakers raised the age of juvenile jurisdiction for nonviolent crimes to age 18. Between 2017 and December 1, 2024, the Juvenile Justice Reinvestment Act has been operationalized to place 16- and 17-year-olds who commit crimes in North Carolina under juvenile jurisdiction, removing them from the adult criminal justice system. [Source: [NCDPS – Raise the Age](#)]

As a result of these changes, the NC Department of Public Instruction (NCDPI) Office of Exceptional Children (OEC) is providing this interim guidance as it works to review and revise its Memorandum of Understanding with the NC Department of Public Safety (NCDPS) to ensure continuity of educational services for incarcerated youth with disabilities.

This interim guidance replaces the technical assistance document titled “Services for Students with Disabilities in Local Jails” last issued in February 2021.

Division of Juvenile Justice and Delinquency Prevention

The Division of Juvenile Justice and Delinquency Prevention (DJJDP) is tasked with the reduction and prevention of juvenile delinquency in North Carolina by effectively intervening, educating, and treating youth to strengthen families and increase public safety.

The Juvenile Facility Operations section operates two types of secure custody centers for youth in North Carolina: juvenile detention centers and youth development centers. This section also provides programming, education, health services, mental health services, and nutrition services to youth in DJJDP facilities. [Source: [Juvenile Justice and Delinquency Prevention](#)]

Juvenile Detention Centers (JDC)

JDCs temporarily house youth alleged to have committed a delinquent act or to be a runaway. Youths are generally placed in a JDC while awaiting a court hearing, or until another placement can be found, either in a community-based program or service or following commitment awaiting placement in a youth development center.

There are two types of JDCs: State-Operated Detention Centers and County-Operated Detention Centers.

State-Operated Detention Centers

Juveniles detained in State-Operated Detention Centers receive education through the NC Department of Public Safety (NCDPS) Juvenile Education Services (JES).

NCDPS JES provides oversight of the education programming in youth development centers and juvenile detention centers and is charged with fulfilling all state and federal mandates of a traditional school system. [Source: [Juvenile Education Services](#)]

The following detention centers are listed in [EDDIE](#) under the PSU Name *NCDPS Juvenile Education Services* with the PSU Code 998.

State-Operated JDCs		
Alexander	Cabarrus	Cumberland
Dillon	New Hanover	Perquimans
Pitt	Richmond-Jenkins	Wake

County-Operated Detention Centers

There are three counties in North Carolina that have chosen to coordinate resources across local government offices (i.e., local law enforcement, local school system, local healthcare providers, etc.). The services available to youth detained in these centers are unique to each county and are coordinated through local contracted agreements.

Brunswick County – Brunswick County Juvenile Detention Center

Durham County – Durham County Youth Home

Guilford County – Guilford County Juvenile Detention Center

JDCs - Coordination of Educational Services

Youth detained in juvenile detention centers are provided access to educational services. As a result, NC public school units (PSU) may receive records requests from NCDPS Juvenile Education Services staff for youth in State-Operated JDCs or representatives from County-Operated JDCs.

It is important that educational records are made available to requestors without delay. Coordinating the successful transfer of educational records ensures State-Operated JDCs or County-Operated JDCs can make appropriate services available.

Adult Correctional Facilities

As long as a youth remains under the jurisdiction of the juvenile court, the place of secure custody must be in a juvenile detention setting. If true, the preceding guidance regarding juvenile detention centers apply.

However, youth with disabilities may be detained in a county-operated adult jail or a state-operated adult correctional facility if the nature of the offense transfers jurisdiction to criminal court and the youth is age 18 or over.

Because youth with disabilities may be eligible to receive services until the completion of a regular high school diploma or through the school year in which the youth turns 22, incarcerated youth ages 18-21 with disabilities may require access to educational services unless:

- In the last educational placement prior to their incarceration in an adult correctional facility, the youth was not identified as a child with a disability; and
- Did not have an individualized education program (IEP) under Part B. [34 CFR 300.102](#)

Adult Jail (County-Operated)

Adult jails are under the supervision of the local government and requirements may differ from correctional facilities under the supervision of the North Carolina Department of Adult Correction.

If the youth is transferred to the jurisdiction of criminal court and is age 18 or over, the youth will be detained in the adult jail in the locality where their charge occurred.

Should the youth (aged 18-21) be previously identified as a child with a disability and received services in accordance with an IEP, but left school prior to their incarceration; or did not have an IEP in their last educational setting, but who had actually been identified as a child with a disability, the local education agency of the county in which the adult jail is located shall coordinate access to educational services.

Adult Jail (County-Operated) - Coordination of Educational Services

The **local education agency of the county in which the adult jail is located** shall coordinate with staff at the local adult jail and the entities for which the following condition(s) applies to the circumstances for the youth with disabilities:

- The local education agency of the county where the youth *resides and is enrolled prior* to being detained in the adult jail; OR

- The public school unit (charter school, state-operated program, lab school) where the youth is enrolled prior to being detained in a local adult jail *if different from the local education agency of the county where the youth resides*; OR
- The local education agency of the county where the youth *resides* **but is not enrolled** in any public school unit prior to being detained in the adult jail; OR
- The State-Operated Juvenile Detention Center or County-Operated Juvenile Detention Center where the youth was detained prior to incarceration in the county-operated adult jail.

To coordinate educational services for youth with disabilities ages 18-21 detained in local adult jails, it is highly recommended that the local education agency (LEA) of the county in which the adult jail is located:

- Establish a process of requesting educational records, including special education records, for the incarcerated youth.
- Identify points of contact to serve as a liaison between the LEA and the local adult jail.
- Identify the conditions in which the youth can be made available and scheduled to receive educational services.
- Document the provision of educational services and ensure the appropriate processes for exceptional children continue as appropriate according to the procedural safeguards afforded to children with disabilities as it pertains to a free, appropriate, public education.

Adult Correctional Facility (State-Operated)

If youth with disabilities ages 18-21 are incarcerated in an Adult Correctional Facility, the NC Department of Adult Correction (NCDAC) coordinates educational services.

[Source: [NCDAC Education Services](#)]

The following adult correctional facilities are listed in [EDDIE](#) under the PSU Name *DAC Education Services* with the PSU Code 996.

Foothills Correctional Institution – Morganton

Richmond Correctional Institution – Hoffman

NC Correctional Institution for Women – Raleigh

Granville Correctional Institution – Butner

Since youth with disabilities detained in adult correctional facilities are provided access to educational services, NC public school units (PSU) may receive record requests from NCDAC Education Services staff.

It is important that educational records are made available to requestors without delay. Coordinating the successful transfer of educational records helps mitigate interruptions to accessing appropriate educational services.