

# **RIGHTS OF MASSACHUSETTS YOUTH IN INSTITUTIONAL SETTINGS TO SPECIAL EDUCATION**

**Prepared by the Mental Health Legal Advisors Committee  
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## **What rights to special education services do youth in institutional settings have?**

Youth in institutional settings operated by the Departments of Mental Health, Public Health, Youth Services, and the County Houses of Correction must receive special education services if eligible.<sup>1</sup> Special education services in facilities run by these agencies are provided by Special Education in Institutionalized Settings (SEIS), a division of DESE. However, the school district in which the student's parents or guardian reside still has programmatic responsibility for the student. In accordance with state and federal law, students in institutional settings have the same rights for referral, evaluation, and the provision of special education as students in public schools.<sup>2</sup>

The district must coordinate with the department with which the student is institutionalized to ensure that the student receives an evaluation, annual review, and special education services as identified by his IEP Team. Furthermore, the department should participate in the student's IEP Team meetings.<sup>3</sup> The department should make every effort to provide services that the student needs according to his IEP, but if this is not possible, the school district must arrange and pay for the provision of such services.<sup>4</sup>

### **Resources:**

DESE, Special Education in Institutional Settings, <http://www.doe.mass.edu/seis/>

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<sup>1</sup> G.L. c.71B, §§ 11A, 12.

<sup>2</sup> 603 C.M.R. 28.06(a).

<sup>3</sup> 603 C.M.R. 28.06(d).

<sup>4</sup> 603 C.M.R. 28.06(d), (c).