

Q & A for School Personnel:

Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice

This document is intended as a guide to help probation officers, DJJ staff, and detention home staff members understand and implement the legal requirements and best practices regarding school re-enrollment. This is a best practices document. For questions about your agency's legal obligations, you should consult the regulations directly.

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Q: What is the purpose of the re-enrollment plan?

A: The purpose of the re-enrollment plan is to provide for the rapid and successful re-entry into the public schools of students committed to the Department of Juvenile Justice or confined for more than 30 days in detention homes.

Q: What is the public policy purpose behind re-enrolling youth offenders?

A: For many young people, the structure and discipline of confinement is the first time they experience academic success. Without a plan to continue this success when they leave facilities, these young people often remain out of school and on the streets or show up at the schoolhouse door unannounced, with no scholastic records and no chance at successfully integrating back into the school. Research shows that the longer children remain out of school after leaving juvenile prisons and detention homes, the smaller their chances for success when they return to public school and the more likely they will re-offend. An enrollment plan will greatly increase their chances of educational success and, in so doing, increase the long-term safety of the community.

Q: Who's who in the juvenile justice system?

A: You will have the opportunity to interact with people from other governmental agencies throughout the re-enrollment process. You are likely to encounter employees of:

1. **The Department of Juvenile Justice.** Once a juvenile is found to be delinquent (*i.e.*, guilty of an offense) by a juvenile court, s/he may be “committed” to DJJ, confined to a detention home, told to wear an ankle bracelet, or face community sanctions (such as warning, restitution, or fines). A juvenile is usually committed to DJJ for an indeterminate amount of time not to exceed 3 years. All juveniles committed to DJJ undergo psychological, educational, social, and medical examinations. The results of these examinations will be used to determine the youth’s approximate “length of stay” in a **juvenile correction center**. In the juvenile correction center, the youth must receive

24-hour supervision, education, treatment services, recreational services, and a variety of special programs. A juvenile released from DJJ will most likely have a **parole officer**.

- 2. The Department of Correctional Education.** DCE is a distinct agency of the executive branch that provides educational services in adult and youth correctional facilities throughout Virginia. DCE Juvenile Schools operate as a separate school division and are accredited by the Virginia Department of Education. DCE schools offer a comparable educational program to all students as well as special education services to eligible students. All academic and career and technical education teachers meet state certification and endorsement standards, and all DCE schools are required to implement the Standards of Learning curriculum and tests. Children who are committed to DJJ will attend schools run by DCE.
- 3. Local and Regional Detention Homes.** A juvenile who has been found guilty of a nonviolent offense may be confined in a detention home if the court determines that the interests of the juvenile and the community require that the juvenile be placed under legal restraint or discipline. A juvenile's stay in a detention home is typically short (5-30 days). The length of stay in a detention home may not exceed 6 months, and continued detention is reviewed by the court every 30 days. Unlike juvenile correction centers, which may be located far away from a youth's home, detention homes are usually located in or near the youth's home community. Schools operated by detention homes are often run by one of the local school divisions under the supervision of the Virginia Department of Education. Like DCE schools, detention home schools are required to implement the Standards of Learning curriculum and tests. Detention home schools offer a comparable educational program to all students as well as special education services to eligible students. (Note that a "detention home principal" supervises the detention home's schools. A "detention home superintendent" is in charge of the entire detention home facility and will likely have less knowledge or information about the schools than the principal.) A youth released from a local detention home will most likely have a **probation officer**.
- 4. The Court Services Unit.** The CSU employs parole and probation officers. Parole and probation officers provide basically the same services for children released from DJJ and detention homes, respectively. These services may include case management, community service programs, assessment services, restorative justice and other youth offender programs, home-based counseling, substance abuse programs, and intensive "community supervision" (*i.e.*, probation).

Q: What should school divisions do to prepare to implement the re-enrollment regulations?

A: The first step is to designate a "re-enrollment coordinator." The re-enrollment coordinator is the staff person who will work with the probation and parole officers, DCE or detention home educational staff, the school-based re-enrollment team, and the IEP team if applicable, to develop the re-enrollment plan.

Those individuals who are likely to be members of the re-enrollment teams in the various schools should be trained on the re-enrollment process.

Q: What students are eligible for re-enrollment?

A: Students committed to DJJ and residing in detention homes for more than 30 calendar days are eligible for re-enrollment if they are of school age or eligible for special education services, including language services. Special education students are eligible through age 21, and students for whom English is a second language are eligible if they have not reached age 22 before August 1 of the school year. School age is defined by statute: “ ‘Person of school age’ means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.”

Q: How does the re-enrollment process start?

A: To ensure that there is a seamless transition from school to confinement and back to school, the re-enrollment process actually starts with commitment to DJJ or confinement in a detention home for more than 30 days. Within two business days of commitment or confinement the student’s probation or parole officer will request the scholastic record from the school division where the student was last enrolled (*i.e.*, the “sending” school division).

Within five days of receipt of the probation/parole officer’s request, the re-enrollment coordinator for the school division where the student was last enrolled must provide the student’s records, including information concerning special education eligibility and services, and any other requested information to the facility to the attention of the Department of Correctional Education at the Reception and Diagnostic Center (if committed to DJJ) or to the Detention Home Education Program.

Q: If a student is in confinement, does the sending school division have to maintain scholastic records?

A: Yes. The sending school division must maintain the student’s scholastic record during the period he/she is in custody. DCE or the Detention Home Education Program will provide copies of year-end transcripts to the re-enrollment coordinator of the sending school division at the same time the transcripts are sent to parent(s) or legal guardian(s).

Q: How will the school division know when a student’s release is pending?

A: The re-enrollment process is triggered when the re-enrollment coordinator at the “receiving school” is notified by letter from DCE, a detention home superintendent, or principal of the pending release of a juvenile in a juvenile correctional facility or detention home.

Q: What does it mean to say that a student’s release is “pending”?

A: A student’s release is “pending” if the youth is scheduled to be released within 30 calendar days or has a review hearing in court scheduled within 30 days.

Q: What does the receiving school have to do upon notification that a juvenile will be released?

A: The receiving school division **MUST** confirm that it has received the notification of pending release by contacting DCE or the detention home **within five (5) business days** of receipt of the letter. It is best to do this in writing.

Q: What should the receiving school expect to receive from DCE or the detention home education program and when?

A: At least 25 calendar days before the pending release of a student, DCE or the detention home education program will send to the re-enrollment coordinator for the receiving school:

- Student's entire scholastic record
- A preliminary re-enrollment plan developed by the transition team

Q: What is the transition team?

A: The transition team is primarily composed of DCE or detention home education program staff. It will also include the student's probation or parole officer, who will be the liaison between the school and the facility. Ideally, the transition team will also include the re-enrollment coordinator from the receiving school and an individual from the student's school of origin to ensure a seamless transition from the facility to the public school.

The responsibilities of the transition team are to assemble the student's scholastic record and other relevant documents and to develop a preliminary re-enrollment plan in consultation with the student. These documents are then forwarded to the re-enrollment coordinator at the receiving school.

Q: What must be included in the preliminary re-enrollment plan?

A: The preliminary plan will be developed by the transition team while the student is still in custody. Schools should expect the preliminary plan to include the student's:

- Educational history while in the custody of DJJ or detention home
- Current educational status and school placement upon release (*e.g.*, identification of the receiving school division, student's grade-level, # of standard and verified credits earned and attempted, special education eligibility and placement)
- Recommendations for an education program following re-enrollment
- Recommendations for student supports (*e.g.*, counseling, mentoring, behavioral techniques that have proven successful while in custody)

Q: What does the receiving school have to do upon receipt of the student's scholastic records and preliminary re-enrollment plan?

A: **Within ten (10) business days** of receipt of the materials, the re-enrollment coordinator **MUST** convene the re-enrollment team to review the preliminary re-enrollment plan and develop the final plan.

Q: Who should be on the re-enrollment team?

A: The re-enrollment team **MUST** include the following staff:

- Re-enrollment coordinator
- School guidance counselor
- Special education director or qualified designee as appropriate
- School principal or assistant principal
- Student’s parole officer

The following persons **MUST** be invited to participate:

- Student’s parent(s) or legal guardian(s)
- School social worker
- School psychologist

Although the parent, social worker, and school psychologist are not required by law to be present at the meetings, these people are likely to have information and experience that will be helpful in developing a successful plan.

Active participation of the parent(s) or legal guardian(s) will be essential for the success of the plan. The school should attempt to schedule meetings at a time when the parent can attend. The school should also provide the parent, in advance, with draft plans or other information that will be discussed at the meeting. Every effort should be made to garner the parent’s attendance, but the parent(s) or legal guardian(s) may designate someone else to represent him or her at the meeting. This person is chosen by the parent.

All potential participants, including the parent(s) or legal guardian(s), *MUST* be given notice of a scheduled re-enrollment meeting *at least one (1) week* prior to the meeting.

Q: What is the role of the student in the re-enrollment process?

A: The student’s active participation in the development of the re-enrollment plan is important for the student to feel invested in the plan and empowered to take responsibility for its successful implementation. If feasible, schools are encouraged to work with DJJ or detention home to enable the student to participate in meetings by telephone, video-conferencing, or in person.

Q: What should be addressed in the final re-enrollment plan?

A: The final re-enrollment plan **MUST** include:

- The student’s educational placement and timeframe for that placement
- The names of school division staff with responsibility and authority for prompt enrollment and their contact information
- The student’s scheduled academic program and other supportive activities or services as appropriate (e.g., counseling, mentoring, anger management, behavior plans, extra-curricular activities that are available). Note: Every student must receive weekly counseling for a determined period of time.

- The names and contact information of the members of transition and re-enrollment teams
- The student's IEP if applicable
- The components listed in Part II of the Regulations Governing Re-Enrollment. (The student's preliminary re-enrollment plan should have included these components.)

The re-enrollment plan may also include, as part of the section on recommendations and other supports:

- A behavior plan for students whose behavior is likely to impede their own learning or the learning of others
- An attendance plan for students who have a history of school refusal
- A vocational assessment
- A plan for recovering credits for students who are behind their peers academically
- An individualized graduation plan indicating which standard and verified credits the student must earn by the student's projected graduation date and how the student's schedule may be constructed to ensure the opportunity for completion
- A designated staff person to facilitate communication between home and school
- Any other plans, programs, or supports the re-enrollment team finds appropriate

IMPORTANT – TWO-DAY RULE: The re-enrollment plan must be designed to make it possible for the student to enroll and receive instruction in the receiving school *within two (2) school days of release*.

Q: What is required for students with disabilities?

A: Re-enrollment plans must be developed in conjunction with the IEP team and should include the student's IEP. All federal laws apply and supersede state laws and regulations if in conflict.

Q: Who must receive a copy of the final re-enrollment plan and when?

A: **Not later than ten (10) calendar days prior to the student's pending release**, copies of the final re-enrollment plan **MUST** be provided to:

- Student
- Parent(s) or legal guardian(s)
- All transition team members
- All re-enrollment team members

Q: What happens when the student is released from a DJJ or detention home facility?

A: **The student MUST be enrolled and receive instruction within TWO (2) school days of release.** In addition, the student **MUST** receive *weekly* counseling for a determined period of time. The re-enrollment team should consider the student's educational and social history, services received while in custody, and any psychological assessments in determining the period of time needed for weekly counseling.

The school should also expect to have a packet of final transcripts sent to them from DCE approximately 5 days after the student's release.

Q: What kinds of counseling services are required?

A: The regulations do not specify what counseling services are required; however, the re-enrollment team should make an individualized determination, based on all the information available to it, regarding the kind, level, frequency, and duration of counseling services. The re-enrollment team may also want to consider who should provide those services (*e.g.*, school psychologist, school guidance counselor, school social worker, teacher, mentor, or other school staff).

Q: What kinds of school placements are appropriate?

A: All potential placement options should be considered, and all placement decisions should be an individualized determination. Placement in an alternative program should not be automatic. If the re-enrollment team feels that placement in an alternative program is warranted, however, such placement must be made in accordance with law. Written notice should be given to the student and parent that the student will be required to attend an alternative education program and notice of the opportunity for the student or his parent to participate in a hearing before the superintendent or designee should be provided.

Q: What happens if a student is released over the summer?

A: The re-enrollment coordinator must initiate the re-enrollment process to ensure that the student's re-enrollment plan is in place when school starts in the fall.

Q: May a school institute disciplinary proceedings against the student after it receives notice of pending release?

A: No. After the school receives notice of a student's scheduled release, the student may not be suspended or expelled from school programs for the offenses for which he or she was committed to DJJ.

If the student was suspended or expelled prior to commitment or confinement and that period of suspension or expulsion has not yet lapsed, the school should consider whether readmission might be appropriate and, if so, inform parent(s) or legal guardian(s) of the procedure for filing a petition for readmission with the local school board. The school may also wish to factor timelines for a petition for readmission into the preliminary re-enrollment plan.

Q: What should schools keep in mind throughout the entire re-enrollment process?

A: The goal of the re-enrollment regulations is to give students another chance to be successful in school. The re-enrollment process is designed with the intent that students receive an individualized re-enrollment plan formulated by a team of professionals who know the most about the student and the school system and who are committed to giving the student a meaningful opportunity to make the most of his or her education.

Q: Must juvenile justice records be kept confidential?

A: Yes, the receiving school division MUST protect the confidentiality of students' juvenile justice records in accordance with applicable federal and state laws and regulations.

Q: Are other states implementing best practices in school re-enrollment?

A: Yes, but Virginia is ahead of the curve. Virginia’s plan contains all of the important elements for ensuring the success of these vulnerable students. If you want to read more about what other states are doing or are looking for ways to improve your school’s program, please consult “A Summary of Best Practices in School Reentry – A Report by the JustChildren Program of the Legal Aid Justice Center,” available at <http://www.justice4all.org/foryou/>