

# **Q & A for Students and Parents: Understanding Your Rights and Responsibilities Regarding School Enrollment upon Release from Confinement**

**This document is intended as a guide to help students and parents understand the legal requirements and best practices regarding school re-enrollment.**

**This document attempts to answer the following questions:**

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## **Q: Do I have a right to re-enroll in school upon my release?**

A: Yes. Students of school-age who have been committed to the Department of Juvenile Justice (DJJ) or confined to a detention home for more than 30 days have a right to re-enroll and begin attending classes **within two school days** of release from confinement.

EXCEPTION: Students who were suspended or expelled prior to their release may not be eligible for re-enrollment until after their period of suspension or expulsion has ended. Please read on for more information.

## **Q: Will anyone help me re-enroll?**

A: Yes. The law requires staff at the facility in which you are confined and staff at the school you plan to attend to work together to make sure the school knows you are coming, has all your records, and has a plan in place for you to start school two school days after your release.

**Q: How does re-enrollment planning work?**

A: First, staff at the correctional facility must form a transition team to develop a **preliminary re-enrollment plan**. Your probation officer will be a member of this team, along with people from the school you have been attending while in custody. The purpose of the preliminary re-enrollment plan is to give the school information about your academic progress while in custody and to make recommendations about your placement and the support services you might need upon returning to school.

The facility will also notify the school when you are about to be released, send them the preliminary re-enrollment plan, and make sure they have updated copies of your transcripts and other scholastic records. Once the school has been notified that you will be released, they must form a **re-enrollment team**. The re-enrollment team then meets to review the preliminary re-enrollment plan developed by the transition team and develop the final plan.

**IMPORTANT:** The final plan must enable you to enroll and begin attending classes within two school days of release.

**Q: Am I eligible for a re-enrollment plan?**

A: You are eligible for a re-enrollment plan IF:

- You were committed to DJJ OR confined in a detention home for more than 30 days  
AND
- You are of “school-age” or eligible for special education services, including language services.

NOTE: Most students are eligible through the school year in which they turn 20. Students receiving special education services are eligible through age 21, and students for whom English is a second language are eligible through the school year in which they turn 22.

**Q: Who will develop my re-enrollment plan?**

A: The re-enrollment team at the school will develop the final re-enrollment plan based on the information and recommendation provided to them by the transition team in the preliminary re-enrollment plan. The members of the re-enrollment team are:

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

**Your parent(s) or legal guardian(s) must also be invited**, as well as the school social worker and school psychologist. Parents are strongly encouraged to participate, but their presence is not required.

**Q: Can I participate in developing my re-enrollment plan?**

A: Yes. You must be consulted in the development of the plan. No one will know more about your educational goals than you and it will be important that you share them.

If anyone asks you about your plans for schooling once you are released, you should tell them that you want to take full advantage of whatever opportunities you are offered. Tell them about your dreams and be as specific as possible. Would you like to earn your high school diploma? Go to community college? A four-year college? Or would you like job training? You should also tell them what might help you be successful in school (e.g., small classes, mental health counseling, career counseling, vocational assessment, a mentor, a behavior plan, a graduation plan . . .).

The bottom line: make sure you tell your wishes or worries to someone who can advocate on your behalf – your parent, your probation officer, or another member of the re-enrollment team.

**Q: Can my parent(s) participate in developing my re-enrollment plan?**

A: Yes. Your parent(s) or legal guardian(s) must be invited to participate in meetings of the re-enrollment team. These meetings will probably be at the school. Your parent(s) or legal guardian(s) must receive notice of a scheduled re-enrollment meeting at least one week prior to the meeting.

**Q: Will I receive a copy of my re-enrollment plan?**

A: Yes. You and your parent or guardian will receive a copy of the re-enrollment plan at least 10 days before you are released. The plan will contain contact information for a representative of the facility in which you are confined and for the re-enrollment coordinator at the school you plan to attend upon release. If you have questions about the plan, you should contact one of the people listed in the plan.

**Q: Can I be suspended or expelled for past conduct after I am released?**

A: No, after the school receives notice of your pending release, you may not be suspended or expelled for the offense(s) for which you were confined. You can, however, be suspended or expelled for anything you do after you enroll that violates the school's rules, so you should be on your best behavior.

**IMPORTANT:** If you were suspended or expelled for the offense prior to or during your confinement, but before the school learns that you will be released, the school may not permit you to re-enroll until after your suspension or expulsion ends. If you still have time remaining on your suspension or expulsion after your release, you or your parent(s) should write a letter to the school board asking for readmission. You can petition for readmission at any time. Please consult the re-enrollment coordinator for help on how to apply. Make sure you include information in your letter about how well you did in school while in custody and bring witnesses with you to the hearing who can testify about your progress.

**Q: What happens if I am released over the summer?**

A: The summer break should not, under any circumstances, delay your enrollment and attendance at classes on the first day of the academic year.

**Q: What if I am receiving special education services?**

A: If you are a student who is receiving special education services, the special education director or another member of your IEP team must be a member of the re-enrollment team. In addition, your IEP must be part of your re-enrollment plan. The school must comply with the special education laws in addition to complying with the re-enrollment regulations.

**Q: Can I be placed in an alternative school or program?**

A: Yes, you may be placed in an alternative program, but you must receive written notice of this placement and, if you disagree with it, an opportunity to request a hearing before the superintendent or designee to challenge this placement.

**Q: What should parents and students keep in mind throughout the entire re-enrollment process?**

A: Your participation in the re-enrollment process is essential if the plan is going to address your unique needs. No one knows a student's strengths and weaknesses better than the students themselves or their parents, and both can serve as powerful advocates.

Here are some things to remember:

- Keep yourself informed of *what* decisions need to be made *when* and *by whom*.
- If there is something you don't understand, don't be afraid to ask questions or ask for more information.
- Be honest about your or your child's needs.

The re-enrollment plan can't address potential problems if team members are not made aware of them. The purpose of the re-enrollment team is to help your child succeed, so don't feel embarrassed about raising concerns. Team members are working towards a shared goal, and no one is looking to judge you or your child.

You should be treated with respect during the re-enrollment process and should treat other members of the team with respect as well. If you disagree with something you should express it, but allow others to express themselves also. Remember that the process will go more smoothly if everyone finds a way to communicate in a respectful manner.