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Va. Youth Offenders Caught in Transition

By Chris L. Jenkins

Washington Post Staff Writer

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RICHMOND, Sept. 21 -- The last few years have been frustrating ones for Gwendolyn Harris, the mother of a teenager. Since her son Donald was 12, she has watched him commit misdemeanor after misdemeanor, leading finally to a six-month stint in a Richmond juvenile facility in 2002.

But when her son, now 17, was released last year with the hope of a fresh start, other problems developed. The school he was assigned to attend wouldn't accept him, because it had not received the appropriate records, Harris said Tuesday. The records that were available were a year old. By the time he got into high school, he had lost nearly three months of schooling, she said.

"Every step of the way, it just seemed there was no way of getting him to the right school," said Harris, of Richmond.

Researchers, advocates for juveniles and some state officials say that adolescent offenders released from the custody of the Department of Juvenile Justice are often prevented from returning promptly to school. That is a violation of state law, advocates say.

In many cases, the advocates say, educational records are incomplete or nonexistent. And local school districts often are hesitant to accept children released from juvenile facilities out of concern that they might present a risk to other students.

The Virginia General Assembly hoped to remedy the situation in 1996, when it directed state education officials to adopt rules to address "educational reentry" for juvenile offenders. But the State Board of Education has never done so.

"What you have is a set of rules to help address this problem that has slipped through the cracks, the same way these children have," said Kevin Keenan, a staff attorney for JustChildren, an organization based in Charlottesville that has been working on the issue. "For most of these children, this transition back home is their one best second chance at succeeding, and we have not made that easy for them."

On Wednesday, the Board of Education will hear testimony on the issue and decide whether to strengthen oversight of the students' return to school.

Officials for the Board of Education and Department of Juvenile Justice say that although the rules have not been adopted officially, school districts often do get the students back in the classroom without undue delay.

Charles Pyle, a spokesman for the Department of Education, said the state does have reentry procedures. "The reenrollment procedures now in place were developed through a cooperative effort involving the Department of Education, the Department of Correctional Education, and the Department of Juvenile Justice," Pyle said in a statement. "These procedures are in place and are being followed by school divisions."

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Jerrauld C. Jones, director of the Department of Juvenile Justice, said the performance of school districts varies across the state.

"I think you'll find that in some rural areas, [school districts] are going about this correctly, while in other [districts] they might not be," he said.

A report submitted to state officials in 2001 by the College of William and Mary concluded that in many cases, "no structure exists that holds the [reentry] process in place."

There are about 1,300 children in the state's juvenile facilities. In 2003, 53 percent of the boys and 76 percent of the girls were deemed to have mental health needs, and advocates for the children say the situation should compel the state to more closely monitor the transition back to school.

"These vulnerable children continue to be left out in the educational process," said Joe Scantlebury, a staff attorney for Youth Law Center, a Washington-based group.

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