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Inmate to student transition issue back Assembly ordered regulations in 1996, but none adopted

BY HOLLY CARROLL
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State regulations aimed at easing the transition for students between juvenile correctional facilities and public schools fell through the cracks years ago.

But renewed interest from parents and child advocates has the Virginia Board of Education bringing the issue back to life.

In 1996, the General Assembly passed legislation directing the board to establish a re-enrollment plan for students who are placed back in public schools after serving time in a juvenile correctional facility.

The plan was to include the Department of Education, the Department of Juvenile Justice and the Department of Correctional Education.

Process put into place

While a process was put into place by DCE back then, no regulations were ever adopted by the board.

Kevin Keenan, a staff attorney with JustChildren, a program of the Legal Aid Justice Center in Charlottesville, said he researched the legislation and found nothing when he looked for the adopted plan.

"It's 2004, and there's still no such regulation," Keenan said. "It was pretty much because we called [DOE] that it was remembered."

The board restarted the process last week, when it voted to proceed with a notice of intended regulatory action. It is welcoming suggestions from the public.

From those suggestions, DOE staff members will draft proposed regulations to go before the board for approval and then go out for public comment before final adoption.

1,100 said in facilities

According to the Department of Juvenile Justice, there are about 1,100 children in the state's juvenile facilities. About 55 percent of them need mental-health services.

Keenan and school officials say a child's educational plan should be in place before leaving the juvenile facility. The longer children remain out of school after leaving a correctional facility, the less likely they are to be successful in public school.

But officials noted problems often occur in the transition between the agencies.

For instance, student records are lost or sent to the wrong place. Schools also aren't given enough notice of children coming back into the school system, causing confusion for the schools and the students and their families.

The result is lost instructional time as the school system scrambles to find the best place for the student.

Too often, Keenan said, school systems don't put children back in their home schools because they fear they will cause problems.

"You can't automatically stick kids in a warehouse for discipline problems," he said.

A 2001 study conducted by the College of William and Mary found that "interagency cooperation and communication does not occur in a consistent or reliable basis among the agencies or entities involved." The \$23,000 study of the state's re-enrollment process was paid for by a grant from the Department of Criminal Justice Services.

Bob Tally, administrator for student conduct for the Chesterfield County school system, said coordination between the agencies has been an issue.

"The real problem is the information going from the correctional institute to the school," Talley said. Having "reasonable regulations would help the schools a lot. The key piece is the advance notice and getting the records to the right place."

DOE officials said that while no plan was formally adopted, regulations are in place and school systems and juvenile services agencies have been following them.

"It is unfortunate that we are again voting on it in September 2004 to start again," said Thomas Jackson Jr., the board's president.

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