

# **Q & A for Probation officers, DJJ staff and Detention Home staff: 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 by assigning clear roles and responsibilities and encouraging information-sharing among agencies.

**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 public school system?**

A: You will have the opportunity to interact with people in the public school system throughout the re-enrollment process. Members of both the receiving school division (the school where a student will enroll after being released from confinement) and the school of origin (the school the student was attending before confinement) will likely be involved. Throughout the re-enrollment process you are likely to encounter:

1. **The re-enrollment coordinator.** The re-enrollment coordinator is a school or division level staff member 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.

2. **Members of the re-enrollment team:** When a student is scheduled for re-enrollment, the division superintendent or designee of the receiving school will organize a team to prepare for and implement the re-enrollment of the student. This team will include the **re-enrollment coordinator, school guidance counselor, the special education director or designee, the principal or assistant principal, and the probation or parole officer.** The school must also invite the student's parents or legal guardians, the school social worker, and the school psychologist to be part of the team.
  
3. **Members of the IEP Team.** When a student is found eligible to receive special education services, a team is responsible for developing and implementing an appropriate **Individualized Educational Plan (IEP)** for that student. The IEP team will most often include the student's parents or legal guardians, one of the student's regular education teachers, a special education teacher or special services provider, a person from the school who is qualified to provide or supervise the provision of special education services and knows about the general curriculum and available resources, a person who can interpret what the tests mean for the student and, if appropriate, the student.

**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: A: The re-enrollment process starts long before a student is scheduled to be released from detention. The re-enrollment process begins with commitment in order to ensure that there is a seamless transition from school to confinement and back to school. Within **two business days** of commitment or confinement, the student's probation or parole officer must request the scholastic record from the school division where the student was last enrolled (*i.e.*, the "sending" school division or school division of origin).

Within five days of receipt of the probation/parole officer's request, the re-enrollment coordinator for the school division of origin 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: What happens to a student's records when a student is in confinement?**

A: The sending school division must maintain the student's scholastic record during the period the student is in custody. DCE or the Detention Home Education Program must 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: 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 are the responsibilities of the DJJ and detention home staff when a student’s release is pending?**

A: When a student is scheduled to be released, DJJ staff are responsible for notifying the necessary parties and setting the re-enrollment planning efforts into motion. The DJJ, through the Juvenile Correctional Center’s counselor or probation officer, needs to provide written notification to the Department of Correctional Education principal, detention home/center educational program principal or designated educational authority at least 30 calendar days before the scheduled release of a student.

**Comment [S1]:** To Dr. Cave: We could not understand the margin notes. Please feel free to make any changes you see fit to make the paragraph clearer about who does what.

**Q: What happens when DCE or the detention home educational program receive notification that a student’s release is pending?**

A: Once the educational program staff receives the written notification from DJJ, the transition team will prepare and assemble the documents and scholastic records necessary for the development of the re-enrollment plan.

In addition, the DCE or detention home/center superintendent will also provide a letter of pending release and an informative outline of the re-enrollment process **within 5 business days** of notification to the re-enrollment coordinator for the receiving school division and to the student’s parent(s) or legal guardian(s). The school division is responsible for confirming receipt of notification within 5 business days.

**Q: What are the duties of the transition team?**

A: The primary responsibilities of the transition team are to assemble the student’s records and to develop a preliminary re-enrollment plan in consultation with the student.

At least 25 calendar days before the pending release of a student, DCE or the detention home education program must 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: Who should be 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. Although the transition team is not required to have the re-

enrollment coordinator of the receiving school or an individual from the school division of origin if different from the receiving school division, these individuals will likely have relevant information and help contribute to the student's smooth transition.

The transition team must include:

- DCE or detention home principal or assistant principal
- DCE or **detention home counselor**
- DCE transition specialist or detention home teacher
- Juvenile Correctional Center counselor
- A representative from the student's IEP Team, if applicable
- Student's parole or probation officer

**Comment [S2]:** I'm not sure who is the correct person in the detention home. I don't think we want it to be a guard so I didn't put "floor staff", but someone with some mental health counseling responsibilities.

Some of the transition team members may also be part of the re-enrollment team.

**Q: What documents should be part of the student's scholastic record?**

A: The transition team must assemble the student's scholastic record and other relevant documents.

The scholastic records are those records that are directly related to a student and maintained by a school. The scholastic record includes documentation pertinent to the educational growth and development of students as they progress through school, particularly:

- School transcripts
- Student disciplinary records
- Achievement and test data
- Cumulative health and immunization records
- Reports of assessments for eligibility for special education services
- IEPs, if applicable
- Other similar documents

The transition team may wish to include other relevant documents, such as leadership awards or other accomplishments, with the student's records.

**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. The preliminary re-enrollment plan should include:

- 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)

- Contact information of representatives from DCE or detention home education program and the re-enrollment coordinator of the receiving school.

**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 will 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 people:

- Re-enrollment coordinator
- School guidance counselor
- Special education director or qualified designee as appropriate
- School principal or assistant principal
- Student's parole or probation 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. Because students must receive weekly counseling services for some period of time after they enroll, the school psychologist and social worker may be essential in helping determine who will provide these services and what kind of services are needed based on the information provided in the student's records.

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 with draft plans or other information that will be discussed at the meeting in advance. 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 and can, but does not have to be, a member of the transition team.

Other individuals who have knowledge or expertise regarding the student may participate at the discretion of the members of the re-enrollment team, the parent, or the student if the student has reached the age of 18.

**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, the DJJ and detention home are encouraged to work with the school to enable the student to participate in meetings by telephone or video-conferencing.

**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)
- 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.

DCE is also responsible for ensuring that the school receive a packed of final transcripts with 5 days of 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, 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.

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.

**Comment [R3]:** Note to Dr. Cave: the regulations simply state that the student may not be suspended or expelled for the offenses for which he or she was committed. We take this to apply regardless of where the student was placed, but the regulations do not actually specify.

**Q: What should probation officers, DJJ and detention home staff members 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, which in turn will make them less likely to re-offend and end up back in the juvenile justice system. Success will require as smooth a transition as possible for the student from confinement back to school. Because this transition involves the cooperation of members from several different organizations, communication between groups will be key. 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: The records will be released to the receiving school to the extent that it is necessary to comply with the planning and implementation of the re-enrollment regulations. 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/>