A Summary of Best Practices in School Reentry for Incarcerated Youth Returning Home

Submission to the Commonwealth of Virginia Board of Education

by

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November 2004

EXECUTIVE SUMMARY[*]

At the request of the Commonwealth of Virginia Board of Education, JustChildren has conducted research on best practices in school reenrollment for young people leaving juvenile facilities and returning to their home schools. This report summarizes JustChildren's initial research.

As the Board's background materials state, "It is crucial that students are involved in an appropriate educational program while in the correctional center, and upon release. The incidence of recidivism becomes greater when enrollment is not available soon after release."[1] Numerous studies support this connection.[2]

School reenrollment for young people returning home from locked juvenile facilities is a problem throughout the United States. Although efforts to study and fix this problem are relatively recent, there nonetheless exist a number of studies, programs, laws, and regulations that point the way toward a set of "best practices." In this Executive Summary, we mention only a few of the policies and practices detailed in the body of this report.

One of the best, most comprehensive studies emanated close to home and may be familiar to the Board.[3] Conducted by experts at the College of William and Mary, this study focused on reenrollment problems and solutions in Virginia. The exhaustive study—which reviewed literature in the field, surveyed hundreds of agency staff, and met with affected parents—recommended six reforms, including the following:

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[*] JustChildren advocates for Virginia's most vulnerable children. A program of the Legal Aid Justice Center, JustChildren works for statewide policy reform to help Virginia's children and provides free legal advocacy to young people in central Virginia with mental health and special education needs and young people in the foster care and juvenile justice systems. JustChildren is a member organization of the National Children's Law Network and sits on the executive committee of the National Network of State Juvenile Justice Collaborations. This report was co-authored by University of Virginia law student Sarah Geddes and JustChildren's Equal Justice Works Fellow Kevin M. Keenan. JustChildren thanks the following people for their contributions and assistance in developing this report: Jessie Owen; Adam Scott; Tara Grover; Charles Stopher; Elissa Ruth Port; Prof. Rich Balnave; Joe Scantlebury, Youth Law Center; Elisa Hyman, Advocates for Children of New York; Laurie Parise, HIRE Network, Christie Marra, Virginia Poverty Law Center; and Anna Ferrari and Marta Nelson, Vera Institute of Justice.

[1] Board of Education Agenda Item D, Notice of Intended Regulatory Action Agency Background Information, Sept. 22, 2004, 3. www.pen.k12.va.us/VDOE/VA_Board/Meetings/2004/ItemD.pdf (cited Oct. 15, 2004).

[2] Youth attachment to school leads to lower recidivism. Keith, J., & McCray, A. (2002). Juvenile offenders with special needs: Critical issues and bleak outcomes. *Qualitative Studies in Education, 15*, 691-710. Those with positive community engagement at 6 months were significantly more likely to have positive engagement after 12 months. Bullis, M., Yovanoff, P., Mueller, G. & Havel, E. (2002). Life on the "outs" – Examination of the facility-to-community transition of incarcerated youth. *Exceptional Children, 69*, 7-22. Review of literature. Justiceworks et al. 2004. School and Community Re-Entry for Youthful Offenders with Disabilities: Annotated Bibliography on Delinquency and Disability. http://iod.unh.edu/projects/extras/NYRBibliog.rtf (cited Oct. 15, 2004). Research brief summarizing various studies. Open Society Institute. (1997). Education as Crime Prevention: Providing Education to Prisoners. Occasional Paper Series, No. 2, Sept. 1997.

[3] DeFur, Sharon H., Messier, Louis P., and Potter, Rachel Boyd. (2000). An Evaluation of Virginia's School Re-Enrollment Plan for Juvenile Offenders, Dec. 2000. (Report to the Virginia Department of Criminal Justice Services, JAIBG Trust Funds Grant 98-JB-VX-0051). JustChildren has written the Board of Education separately about that study and its recommendations. Memorandum re: School Reenrollment Regulation from Kevin M. Keenan, Just Children to Commonwealth of Virginia Board of Education, Sept. 14, 2004. (Available upon request; e-mail kevin@justice4all.org.)

- appoint a monitoring and coordination board with cross-agency, state, and local representation;
- assign a case manager from each youth's local school to coordinate his or her reenrollment with a team of DJJ and DCE staff, so the student, the student's needs, and the student's records are not lost in the system;
- develop plans for ongoing training and staff development;
- establish a task force to explore electronic information exchange;
- establish a state position (e.g., ombudsman) to advocate for returning youth and their families who experience inappropriate or unfair barriers;

In nearby West Virginia, the law requires that a comprehensive education, counseling, and treatment plan be completed 45 days prior to a young person's release. It must be circulated for comment to the young person's parent, defense attorney, prosecutor, parole officer, local school principal, and mental health case manager. Comments must be submitted 21 days after receipt of the plan. If adverse comments are received, the juvenile court will hold a hearing to consider the plan and comments and accept or modify the plan. The court may also require anyone with responsibilities for executing the plan to attend, including service providers who may have expressed inability or unwillingness to provide services to the young person.

In Kentucky, each student leaving for a locked facility is given an Educational Passport to facilitate reenrollment, and each school district has a "Bridge Coordinator" who "conducts transition interviews, collects appropriate data, and obtains parental releases for juvenile record sharing" for adjudicated students returning to the district.

In Maine, the local superintendent has the responsibility to convene a "reintegration team" within ten days of receiving notice that a young person will be coming to his district from a state juvenile facility. The team creates a plan for the student's reenrollment and appropriate education. The team consists of the school principal or her designee, the parent, one (or more) of the student's classroom teachers, and a guidance counselor.

In 2004, the New York City school system changed its enrollment policies to make reenrollment easier. Rather than remove students who leave for state facilities (or other "residential/detention placements") from the school's rolls entirely, the schools put the student on a parallel list—the policy is referred to as "dual enrollment" or "shared instruction."[4] Boston is reportedly considering a similar procedure for incarcerated children. Dual enrollment is used elsewhere to keep track of children who are being home-schooled or attending private schools or community colleges.[5]

It is worth noting that more sophisticated reentry programs do not treat school reenrollment in isolation from other aspects of community reentry. Mental health transition planning and services, for example, can be equally important to this population of young

[4] Memorandum from Lester W. Young, Jr., Senior Executive to the Chancellor, New York City Department of Education to Regional Superintendents et al re: Revised Admission/Discharge Procedures for Students Attending School at Residential/Detention Facilities and Transitional Support Centers, Sept. 2, 2004.
[5] See e.g., Utah Code § 53A-11-102.5. Virginia uses the term "dual enrollment" in state law to refer to agreements with community colleges. See Va. Code §§ 22.1-253.13:1; 23-7.4:2.

people[6], including their academic success back home. State and local agencies should engage in comprehensive reentry planning that addresses education, mental health, vocational[7], health[8], and recreational services. These agencies should also address comprehensive alternatives to prevent unnecessary detention and incarceration.[9] This report, however, focuses on the school piece of community reentry.

Based on our research, we have identified four characteristics of best practice in school reenrollment for young people returning home from juvenile prisons.

(1) *Inter-Agency and Community Cooperation; Clear Roles and Responsibilities.* Identify clearly the roles and responsibilities of various agency personnel, including specific timelines for the development of a reenrollment plan and the transfer of records, and insure that there is transparency and accountability built into the process so that these responsibilities are met.

(2) *Youth and Family Involvement.* Include in the re-enrollment process the people who have the most at stake—the young person and appropriate family members or guardians. Insure that they have copies of the plan and the contact information for people who are responsible for helping the student to reenroll.

(3) *Speedy Placement.* Insure that young people can reenroll quickly—the same day or within a very short time—after their release.

(4) *Appropriate Placement.* Insure that the student is returning to an appropriate education placement in the least restrictive environment. Continuity is vital, and frustration must be reduced to a minimum. There should be individualized consideration of each student's placement based on the presumption that a young person has been rehabilitated, not automatic placement in alternative programs for students with discipline problems.

This memo summarizes the scholarly studies, programs, laws, and regulations we found in our initial phase of research. JustChildren invites information about other "best practices" or positive aspects of systems.[10]

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[6] *See* Eric Trupin et al. 2004. Transition Planning and Recidivism Among Mentally Ill Juvenile Offenders. *Behavioral Sciences and the Law*, 22: 599–610 (2004) ("Conclusions: Community transition planning, including the coordination and provision of community services, is an essential component of community reintegration for juvenile offenders and is associated with lower rates of recidivism during the first year post-discharge.").

[7] In his 2001 Action Plan for Virginia, Governor Mark Warner stated, "I believe that Virginia's juvenile justice system needs a stronger commitment to re-entry programs and career and technical training, much of which can be provided in partnership with the private sector, so that when juveniles ultimately leave the system, they will be equipped to enter the workforce as productive members of society."

[8] *See* Richard Lezin Jones. 2004. Probation, With House Calls. *New York Times*, July 16, 2004 (describing Paterson, New Jersey's program, where young parolees "receive, as part of their probation, free home health care visits from [a volunteer doctor] and a team of nurses" who answer questions, dispense medical advice and offer cursory checkups to youngsters and, sometimes, their family members.")

[9] See for example the CARE Project of the Los Angeles County Public Defender's Office. Juvenile defenders work with "psychiatric social workers, paralegals, and mental health and educational resource specialist attorneys from the earliest stage of the juvenile delinquency proceedings through post-dispositional planning." Los Angeles County Public Defender, Juvenile Division. 2004. C.A.R.E. Project. Brochure. Contact Carol Clem, 323-357-5446.

[10] Please send any contributions to Kevin Keenan at kevin@justice4all.org.

BACKGROUND

In 1996, the Virginia legislature and governor enacted House Bill 936, which instructed:

The Board of Education, in cooperation with the Board of Correctional Education (DCE), shall promulgate regulations of the reenrollment in the public schools of children who have been in the custody of the Department of Juvenile Justice. The Board of Education, in cooperation with the Board of Correctional Education (DCE), shall promulgate regulations of the reenrollment in the public schools of children who have been in the custody of the Department of Juvenile Justice. Such regulations shall include the components required in a reenrollment plan and shall provide for consistency in the curricula, standards and policies between the educational programs required by this title, and those of the Board of Correctional Education. Va. Code § 22.1-17.1.

A procedure was developed to facilitate reenrollment, starting in 1996; training was conducted in 1996, 1997, and 2003; adjustments to the process and reenrollment form were made in 2002 and 2003. However, regulations were never adopted. In January 2001, Professor Sharon H. deFur, Professor Louis P. Messier, and then Graduate Assistant Rachel Potter completed an extensive study of the school reenrollment process in Virginia and made recommendations for improving it. In 2002, the Commonwealth of Virginia Board of Education initiated the process for adopting regulations, and a draft was developed. In August 2004, JustChildren inquired with the Virginia Department of Education as to the whereabouts of the regulations. The Department realized that, for unknown reasons, the draft regulation had not been brought back to the Board of Education and, due to the lapse of time, the law required that the process start anew.

At a meeting of the Commonwealth of Virginia Board of Education on September 22, 2004, the parent of an affected child, JustChildren staff, and other advocates offered public comments about the problems with school reenrollment.[11] Members of the Board expressed concern about the reported delays in reenrolling young people and about the current process, particularly as to when planning takes place. The Board President Thomas M. Jackson, Jr. asked JustChildren to compile a report on best practices around the country on reenrolling young people returning home from locked facilities. This report is JustChildren's response to that request based on our initial research.

In addition, the Virginia Department of Education convened a Task Force on Reenrollment, which met for the first time on October 25, 2004.[12]

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[11] Two Virginia newspapers published editorials urging the Commonwealth to help these children. Editorial Staff, "Let them learn," *Daily News Leader*, Sept. 27, 2004; Editorial Staff, "Giving Troubled Youngsters Educational Direction," *The Roanoke Times*, Oct. 1, 2004. Other newspapers covered this issue and continuing problems with school reenrollment. "Va. Youth Offenders Caught in Transition," *Wash. Post*, Sept. 22, 2004, B-1; Zinie Chen Sampson, "Board votes to adopt rules to help offenders continue education," *Assoc. Press*, Sept. 22, 2004; Holly Carroll, "Inmate to student transition issue back," *Richmond Times Dispatch*, Sept. 29, 2004.

[12] Members of the Task Force include: Ed Bowman, Juvenile Parole Officer, 16th District, Court Services Unit; Lanett Brailey, Special Education Specialist, Department of Education; Cynthia Cave, Director, Student Services, Department of Education; George Drewry, Principal, John H. Smyth High School, Dept. of Correctional Education; Gwendolyn Harris, Parent, Richmond; Kevin Keenan, Attorney, JustChildren Program, Legal Aid Justice Center; Jan McKee, Principal, Bryant Adult Alternative High School, Landmark Career

RESEARCH AND BEST PRACTICES

The problem of connecting young people to educational and other community-based services when they return from locked juvenile facilities is not unique to Virginia.

According to a February 2000 report by the Office of Juvenile Justice and Delinquency Prevention, youth exiting juvenile facilities may "become lost in a tangle of bureaucratic agencies that too often share only limited information with each other, resulting in fragmented assistance. In most cases, no single agency or advocate 'looks after' the needs of an adjudicated youth."[13] The lack of a clear definition of roles often leads to duplication of services, or to "guess[ing]" by educators supplied with inadequate information as to the services the youth received while in detention.[14] "The time it takes to obtain all the information," the OJJDP report states, "often leads to unnecessary referrals, duplicate services, inaccurate information, and service delays."

The problem is not a simple one; nor is it unsolvable. Studies, programs, laws, and regulations from around the country point toward an outline of best practices that promise to improve the current set of barriers, gaps, and other challenges faced by young people coming home. Virginia is well positioned to take advantage of this information and become a national leader in improving school reenrollment.

The following summaries represent highlights of those studies, programs, laws, and regulations that JustChildren found in its initial research. JustChildren welcomes additional information and examples of best practices.[15]

A. OJJDP: Concrete Responsibility for Concrete Tasks[16]

The OJJDP report recommended clearly defining roles and responsibilities among agencies. Role definition includes choosing which steps are necessary to successful re-entry, and then determining which agency member or administrator should be responsible for each step.

Tasks to be allocated may include:

- information sharing in compliance with both federal and state law,[17]

Academy, Fairfax County Public Schools; Scott McMichael, Administrative Services Coordinator, Department of Education; Jackie Nelson, Asst. Superintendent for Accountability, Dept. of Correctional Education; Deron Phipps, Legislative Liaison, Department of Juvenile Justice; Rachel Potter, Assistant Principal, Augusta County Public Schools; Robert Talley, Administrator for Student Conduct, Chesterfield County Public Schools; Wayne Thomas, Technology Specialist, Educational Services, Community Idea Stations; Karen Trump, Director, State Schools and State Operated Programs, Dept. of Education; Angela Valentine, Manager, Court Services Support, Department of Juvenile Justice; George Wakefield, Program Manager for Treatment, Dept. of Juvenile Justice

[13] Ronald D. Stephens and June Lane Arnette (OJJDP), *From the Courthouse to the Schoolhouse: Making Successful Transitions*, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, February, 2000, at 3.

[14] *Id.*

[15] Please e-mail any contributions or comments to kevin@justice4all.org.

[16] *Id.*

[17] Note the importance of FERPA and Improving America's Schools Act of 1994 compliance. Department of Education Regulations (34 CFR Part 99) "have shown that FERPA need not stand in the way of effective

- file maintenance,
- monitoring of service provision,
- communication with youth and family,
- coordination of services,
- recruiting mentors,
- curriculum coordination,
- prerelease information sharing,
- prerelease visit by the student to the receiving school,
- admission interview conducted with reentering students and their parents, and transitional counseling.

B. The William & Mary Study: A Detailed Look at Virginia[18]

Virginia allocated $23,000 of federal block grant funding to experts at the College of William and Mary to research the problems with reenrollment in the Commonwealth. The researchers examined other research in the field; surveyed 394 Virginia agency staff who were likely to interact with the process; received responses from 203 agency staff (a remarkably high rate of return); conducted four focus groups of agency staff; interviewed nine families of young people who had left juvenile correction centers; and held several interagency meetings about their proposed recommendations. They found many problems.[19]

The William and Mary Study made several recommendations to take advantage of the many "opportunities [that] exist to improve post-release outcomes for juvenile offenders."[20]

1. Appoint an interagency board with state and local representation to coordinate an effective reenrollment process, including accountability measures, delineated responsibilities, recommendations for policy improvements, and monitoring of information exchange.
2. For each child committed to DJJ, assign a case manager at the local public school he attended prior to commitment to serve as the primary contact with DJJ's Reception and Diagnostic Center, DCE, and the young person's parole officer, even while the student is no longer on the school's Average Daily Membership, in the same way students placed in private residential schools are followed by the local school. The young person's DJJ counselor, DCE case representative, parole officer, and local school case manger would become the young person's reenrollment team.

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interagency information agreements between schools and other agencies with whom they share common interest." *Id.* at 3-4. *See also*, *Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs*, Office of Juvenile Justice and Delinquency Prevention (NCJ 163705, June 1997). The Board should also look at Virginia state laws on information sharing when defining information sharing roles in the regulations. Note: "If a correctional facility also includes an educational unit, the sharing of educational records would not be precluded by Federal law." Stephens, *supra* note 1 at 4.

[18] DeFur, Sharon H., Messier, Louis P., and Potter, Rachel Boyd. (2000). An Evaluation of Virginia's School Re-Enrollment Plan for Juvenile Offenders, Dec. 2000, 41 (Report to the Virginia Department of Criminal Justice Services, JAIBG Trust Funds Grant 98-JB-VX-0051).

[19] The study concluded, "The school reenrollment plan was developed as one way to make progress toward [improving post-release outcomes for juvenile offenders]. The process was implemented effective July 1, 1997; three years later . . . . little has changed to reduce the fragmentation of services for these students. . . . In essence, the process may exist in law and in theory, but no organizational structure supports its goals or operations." *Id.* , at 41-42.

[20] *Id.* , at 41.

3. Establish a task group to revise the existing reenrollment form and procedures.
4. Develop ongoing training and staff development plans for all the professionals involved in implementing reenrollment.
5. Establish a task force to explore electronic information exchange between the relevant entities.
6. Establish a State position (e.g., ombudsman, court appointed special advocate, or guardian *ad litem*) to advocate for equitable and timely services for returning young people and their families.

C. Maine: Reintegration Teams [21]

Maine state law provides for planning for reentry in advance, cross-agency collaboration, family involvement, and deadline-driven transfer of records. Each school district must have a policy on reintegration and form a reintegration team for each returning student.

For young people transitioning out of correctional facilities and into local schools, the Commissioner of Education is responsible for the provision of technical assistance and statewide standards for reintegration planning & transition services. The Commissioner is to consult with juvenile correctional officials, juvenile community corrections officers, organizations representing school boards, school administrators, teachers, parents, and other interested local officials.

The Department of Corrections provides notice of the availability of information pertaining to a returning student to the Superintendent of the school to which the young person is seeking admission. Within ten days of receiving information from the Department of Corrections, the Superintendent convenes a "reintegration team" to carry out reintegration planning. The reintegration team consists of the following:

- the administrator of the school (or administrator's designee), and

at least one each of the following:

- the student's classroom teachers,
- the student's parent/guardian, and
- a guidance counselor.

The reintegration team determines which school employees receive information provided by the Department of Corrections (accounting for confidentiality laws and regulations). The Superintendent must ensure that confidentiality training is provided to all school employees who have access to the information. [22]

[21] Me. Rev. Stat. Ann. tit. 15, § 3009; tit. 20-A, §§ 254(12); 1055(12); 6001-B(2); Code Me. R. ch. 125 § 10.07.
[22] Me. Rev. Stat. Ann. tit. 20-A, § 1055.

D. West Virginia: A Clear, Comprehensive Plan[23]

The West Virginia Code contains clear, comprehensive requirements for planning a young person's reentry and reintegration into the community. The plan addresses both educational and mental health needs.

The "plan shall contain a detailed description of the education, counseling and treatment which the juvenile received while at the institution or facility, and it shall also propose a plan for education, counseling and treatment for the juvenile upon the juvenile's discharge. The plan shall also contain a description of any problems the juvenile has, including the source of those problems, and it shall propose a manner for addressing those problems upon discharge."[24]

The director of the institution or facility the young person is in must forward a copy of the plan at least forty-five days prior to the young person's release to the court that committed the young person. Copies of the plan are also sent to the following:

- the young person's parents or guardians;
- the young person's lawyer;
- the young person's probation officer
- the young person's community mental health center professional;
- the prosecuting attorney; and
- the principal of the school the young person will attend.

Within twenty-one days of receiving the plan the probation officer and the community mental health professional must, and the others may, submit written comments on the plan to the court (with copies to all the others).

The court must hold a hearing within forty-five days of receiving the plan on any adverse comments or objections and issue an order adopting the original or modified plan within five days of the hearing. The court appoints either the probation officer or the community mental health professional to supervise the plan and report to the court on the young person's progress every sixty days until the court determines that no report or further care is necessary.

West Virginia law instructs each school district to cooperate "in providing an adequate and appropriate education for incarcerated juveniles and adults." The Code specifies, "Cooperation shall include, but is not limited to, the (1) transfer of students' educational records in a forthwith manner upon request by Department staff; (2) provision of support services for students who reenter high school; (3) acceptance of credits earned toward graduation upon documentation that completed coursework meet State Board requirements; (4) inclusion of Department staff in opportunities to participate in planned in-service and continuing education activities; (5) provision of technical assistance, upon request, from regional staff; and, (6) development of mutual agreements to access needed services."[25]

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[23] W. Va. Code §§ 49-5-20; 126-7-4; 126-7-6.
[24] W. Va. Code § 49-5-20. After-care plans.
[25] W. Va. Code St. R. § 126-7-6. Cooperation from County School Districts and RESAs.

E. Kentucky: An Educational Passport and a Bridge Coordinator[26]

Kentucky's approach to role definition includes the creation of the "Bridge Coordinator" position in each school district. The Bridge Coordinator "screens" each adjudicated student seeking to reenter his or her community. He or she "conducts transition interviews, collects appropriate data, and obtains parental releases for juvenile record sharing." The Bridge Coordinator's efforts create an "Educational Passport," which is a "form of documentation that accompanies the returning juvenile to his or her subsequent educational placements." The Educational Passport "facilitate[s] information sharing across jurisdictions for returning students, including notification of schools regarding the impending releases of juveniles from treatment facilities or incarceration." The Kentucky program also includes recruiting mentors for rehabilitated youth, and a monitoring process to insure that barriers to reentry are identified and overcome.

F. New York City: Dual Enrollment and Community Prep

In 2004, the New York City school system changed its enrollment policies to make reenrollment easier. The new policy is referred to as "dual enrollment" (or, for purposes of data management, "shared instruction").

Rather than remove students who leave to go to state facilities or other "residential/detention facilities" from the home school's rolls, the home school keeps the student on a parallel list.[27] The policy is referred to as "dual enrollment" or "shared instruction."[28]

The new policy further states:

> The student is to resume attendance at the home school immediately upon discharge from the RDF. Upon return to the home school the student must be placed in a regular official class and issued a program."
>
> If the student does not appear at the home school an attendance investigation (407) must be initiated from the home school.
>
> If a more appropriate school setting is warranted, schools may contact [the appropriate office] for an alternative placement. The

[26] Ky. Rev. Stats. § 158.137. See also Niswonger, Dale. 1999. Testimony Before the U.S. House Education and Workforce Committee, July 22, 1999. http://edworkforce.house.gov/hearings/106th/fc/migrant72299/niswonger.htm (cited Oct. 15, 2004).

[27] "Currently, students who enter an RDF [Residential/Detention Facility] are admitted to the on-site school register and are discharged from their home schools. Going forward, the Shared Instruction (SI) model will be utilized to address issues related to the educational continuity of students placed in an RDF. Under the SI model, students entering an RDF will remain on their home school registers and will concurrently be processed as SI students at the RDF, thereby eliminating the possibility of students being denied re-admission into their home school." Memorandum from Lester W. Young, Jr., Senior Executive to the Chancellor, New York City Department of Education to Regional Superintendents et al re: Revised Admission/Discharge Procedures for Students Attending School at Residential/Detention Facilities and Transitional Support Centers, Sept. 2, 2004.

[28] *Id.*

> student must continue to attend the home school pending the determination of an alternative placement . . . .[29]

Also in New York City—as reported recently in an OJJDP Fact Sheet—the Center for Alternative Sentencing and Employment Services (CASES) worked with city schools and agencies to develop a model reenrollment project.[30] First, it convened a Committee on Court-Involved Students with representation from the multiple agencies involved with students returning from locked facilities. The Committee's goal is to identify and remove barriers to education for returning youth. With a JAIBG grant, CASES and the City established the School Connection Center, a guidance office staffed by both criminal justice and education professionals, which exists specifically to help reenroll these young people, insure the transfer of records, and track their progress for the first four months after return.[31]

Finally, most returning students spend ten to fifteen months at "Community Prep High School," which provides a range of services targeted at preparing these youth for transition back to regular schools; GED or vocational programs; or employment. These services include:

- Student government and other leadership opportunities.
- Family involvement.
- Collaboration between school staff and agencies that monitor criminal justice.
- Restorative justice practices, such as problemsolving circles, to address disciplinary issues.
- Literacy activities included in academic and afterschool curriculums.
- Girls only advisory and extracurricular activities.
- Saturday classes.
- Individual counseling and case management services.
- Afterschool tutoring, recreation, employment skills training, and internships.[32]

G. New Hampshire: A Transition Coordinator-Advocate

With federal demonstration project funding, Nashua, New Hampshire created a position called the "Education and Transition Specialist" to "maintain[] close contact with each participant's family and/or residential providers." Participants are students whose education has been significantly disrupted due to delinquent behavior, which can include detained and committed youth. The Education and Transition Specialist "provides practical assistance, such as accompanying the family to a school meeting or to apply for services, or providing information about resources for the family or their children."[33]

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[29] *Id.*
[30] Roy-Stephens, Cora. 2004. Overcoming Barriers to School Reentry. OJJDP Fact Sheet, #3, Oct. 2004. http://www.ncjrs.org/pdffiles1/ojjdp/fs200403.pdf (cited Nov. 1, 2004).
[31] *Id.*
[32] *Id.*
[33] Institute on Disability at the University of New Hampshire. Nashua Youth Re-Entry Project. http://iod.unh.edu/projects/nashua_youth.html (cited Oct. 15, 2004).

The Specialist also coordinates six interrelated services: (1) Self-Directed Future planning; (2) the Wrap-Around Team; (3) Family Support; (4) Coordination with Legal Services; (5) Coordination with School Curriculum; and (6) the Career Mentor.

"The Wrap-Around Team" is a "family-centered" group of service providers selected to help the young person implement her "self-directed future plan." Typically, the team includes the young person, a family member, probation or parole officer, special education specialist, case manager (for mental health, substance abuse, or other disability), and a career mentor. The Team meets on a quarterly basis after the young person's release to insure that services are coordinated and that the target youth's needs are met.[34]

H. Pennsylvania: School-Based Liaisons

"[T]o strengthen collaboration between the school district and the probation department," Pennsylvania placed "full-time juvenile probation officers on school campuses." Each adjudicated student is assigned two probation officers, one school-based and the other court-based. The "school-based" officer "develops treatment plans and handles day-to-day monitoring of the student's behavior." The "court-based" officer "attends all court proceedings and handles other out-of-school probation functions." While JustChildren does not necessarily advocate the placement of juvenile parole officers at schools, this practice highlights the importance of making a person available to the young person who can make sure he is not forgotten while gone, oversee his transition back to school, and, if necessary, advocate for him.

I. Washington: Grants to Promote In-State Best Practice Models[35]

Washington state law provides for cross-agency collaboration and a grants program that promotes the development of best practices within the state. The Learning and Life Skills grant program was created to provide services to help court-involved youth attain necessary life and education skills. The program aids these youth to return to a school program, obtain a certificate of educational competency and employment, or enter a postsecondary education or job-training program.

The department of social and health services selects individual school districts or groups of school districts to provide or contract for the provision of facilities, case management and counseling services for students in the program. Districts participating in the program must give priority to those students who have few other educational opportunities and design a program to meet to specific needs of court-involved youth generally and the specific needs of individual students. Grantee districts must also collaborate with the county courts and local community organizations. Selected districts must agree to participate in an evaluation of the program.

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[34] *Id.*
[35] Wash. Rev. Code §§ 13.80.010, 13.80.020;13.80.030.

J. Florida: An Agreement with Every District and a Vocational Plan[36]

Florida law requires each district school board to "negotiate a cooperative agreement with the DJJ" that "must include…Transition plans for student moving into and out of juvenile facilities."

Florida statute creates the statewide position of "Coordinator" who is responsible for "coordinat[ing] with the Department of Juvenile Justice, district school boards, educational contract providers, and juvenile justice providers." Further, the Coordinator is responsible for "provid[ing] guidance to district school boards and providers in all aspects of education programming, including records transfer and transition."

While a young person is incarcerated, his or her school district has a statutory responsibility to "maintain an academic record" for that student, which "shall include a copy of a student's academic record in the discharge packet when student exits the facility."

Florida law also provides for a collaborative effort by "the DJJ, the Department of Education, Workforce Florida, the statewide Workforce Development Youth Council, district school boards, providers and others" to "jointly develop a multiagency plan for career education which describes the curriculum, goals, and outcome measures for career education programming in juvenile commitment facilities." Individual transition plans are "based on the student's post-placement goals," and must be "developed cooperatively with the student, his/her parents, school district, and/or contracted provider personnel and DJJ program staff." Each transition plan must include "academic, reentry goals, career and employment goals and recommended educational placement for student."

Florida law requires school districts to provide records of young people entering or exiting detention facilities "no later than five days after receipt of the request."[37] Florida also requires that individual education plans be developed within 22 days of incarceration. The provision does not speak to a deadline for developing a transition plan.

K. California: Comprehensive, Individualized Plan with Broad Participation[38]

California's Education Code requires a school district to "develop a comprehensive, multiagency plan for pupils' transition" from juvenile facilities. The "multiagency plan for improving and marshaling available community resources for youth's reentry" shall include "the role, responsibilities, and agreement for participating agencies," as well as "identify specific transition and aftercare services to be provided…"

The code requires each transition plan to include: (1) "prerelease and preparatory planning activities during confinement phase of youth corrections," and (2) "structured transition involving the participation of residential, institutional, and aftercare staffs both before and following community reentry." The California code identifies principles that must guide the transition-planning process, including "continuity of supervision and service

[36] Fla. St. ch. 1003.52; Fla. Admin. Code Ann. r. 6A-6.05281.
[37] *Id.*
[38] Cal. Education Code §§ 47755; 47756; 47765; 47766.

delivery…" Academic and behavioral goals are set during the pupil's confinement through a collaborative process involving the pupil, family, teachers and probation officers.

L. Multi-system Connections and Counseling[39]

Granello and Hanna note that young people who drop out of high school and become involved with criminal activity cost the public an additional $1.7 million to $2.3 million each over their lifetimes. It is therefore in everyone's interest to provide them with the services they need to succeed at an earlier age. Multi-systemic interventions—including counseling, school, family, peers, and neighborhood communities—are most effective.

Techniques to be used in interventions with court-adjudicated youth include:

1. encouraging positive connections with community services and organizations,
2. assisting the young person to resurrect latent empathy for others,
3. addressing anger as a response to hurt,
4. teaching alternative strategies for responding when "hot buttons" are pushed, and
5. helping young people to identify and challenge negative self-understandings that society has produced.

M. School Attachment[40]

Keith and McKray survey the importance of school attachment to lower rates of crime and recidivism.

School attachment can be encouraged through the following:

1. including parents as active partners in a child's education;
2. providing ways for students to achieve a sense of positive group belonging;
3. offering meaningful alternatives to traditional classroom and instruction; and
4. ensuring an inclusive and respectful school climate.

N. Meaningful, Appropriate Alternatives[41]

Tobin and Sprague reviewed the academic literature on alternative education practices that promote success among at-risk youth.

Among the practices recommended to promote success, they listed the following:

1. reducing class size for more individual instruction,
2. providing more classroom structure, such as very clearly defined rules and consequences,
3. a strong focus on positive reinforcement for positive behavior rather than negative reinforcement for negative behavior,

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[39] Granello, P. & Hanna, F. (2003). Incarcerated and court-involved adolescents: Counseling an at-risk population. *Journal of Counseling and Development, 81,* 11-18.

[40] Keith, J., & McCray, A. (2002). Juvenile offenders with special needs: Critical issues and bleak outcomes. *Qualitative Studies in Education, 15,* 691-710.

[41] Tobin, T. & Sprague, J. (2000). Alternative education strategies: Reducing violence in school and the community. *Journal of Emotional and Behavioral Disorders, 8,* 177-186.

4. the use of adult mentors as student guides and advisors,
5. specific attention to teaching social skills as part of the curriculum, and
6. encouragement of more active participation by parents.

They noted that alternative strategies such as these are preferable to highly restrictive placements and special segregated schools for disruptive students. So-called "alternative schools" for students with disciplinary problems (as opposed to specialized, treatment-based schools for students with disabilities) tend to have serious negative side effects, especially stigmatization of the student and greater antisocial peer influence.

O. Focus on Youth and Family Involvement

Involving the people most affected by a plan—in this case a school reenrollment plan—in the development of that plan makes basic commonsense. The reenrollment plan is more likely to be effective if it corresponds with the realities and aspirations of the young person and his family.

A recent American Bar Association report detailed the importance of parental involvement in court processes affecting their children and the many barriers limiting that participation. Parents serve as a critical resource for providing personal information about the youth's behavior at home, his or her personality and background. This information is necessary to create the most effective terms and outcomes for the child when interfacing with the courts, but also when drafting a transition plan for reentry.[42]

The barriers identified by the ABA, which must be addressed in designing reenrollment planning and implementation, include:

(1) not relaying to parents the importance of their child's situation;
(2) many parents are employed in positions that do not allow benefits or paid leave, making meetings and hearings difficult to attend;
(3) some parents cannot afford transportation to hearings and meetings for themselves or their child;
(4) probation and parole officers have high case loads that preclude them from working with individual parents;
(5) some parents are uninterested in participating, and courts think they lack the authority to order participation, or that ordering participation would only induce ineffective participation; and
(6) parental involvement can be used against the child (e.g., the parent is asked to report on a child's wrongdoing).[43]

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[42] Heather J. Davies and Howard A. Davidson. *Parental Involvement Practices of Juvenile Courts*, American Bar Association Center on Children and the Law, Report to the Office of Juvenile Justice and Delinquency Prevention, 41, Aug. 2001. *See also* OJJDP, *supra* note 6, at 10: "Periodic family 'checkups' should be a requisite of working with former juvenile offenders. Checkups should include meetings at least once every six months among all agencies providing services to a student and family to ensure service and therapy follow through."

[43] Davies and Davidson, *supra* note 28, at 78, 87-88.

1. ABA: Overcoming Barriers Faced by Parents[44]

The study by the ABA Center on Children and the Law also identified strategies for improving parental involvement, including:

(1) scheduling meetings and hearings to accommodate working parents;
(2) informing parents of the importance of the process and decisions being made;
(3) reducing probation officer caseloads;
(4) allowing volunteers to work with parents, such as CASAs (Court Appointed Special Advocates);
(5) clarifying who is responsible for involving the parent;
(6) increasing the access to information between various agencies;
(7) increasing funding for community programs that work with families to provide more information about the families to the courts for individualized resolution of cases.[45]

2. New Hampshire: Self-Directed Future Plans

The Nashua Youth Re-Entry Project emphasizes youth involvement through the creation of a "Self-Directed Future Plan."

The plan is drawn up in consultation with the participant, and "defines the individual's school completion, career, and other adult life goals." In addition to the participant, "individuals in the participant's support network" also assist in developing the Plan, which is developed through group meetings or individual interviews. The Plan includes both long-term goals and short-term objectives. Implementation responsibility "is shared among the participant, project staff, and other members of the Wrap-Around Team," a family-centered team of providers that meets quarterly and typically consists of the student, family member, probation or parole officer, special educator, a career mentor, and a case manager for mental health, substance abuse treatment or other disability services.[46]

The "Education and Transition Specialist" "maintains close contact with each participant's family and/or residential providers and works with families around parenting skills if desired. The Specialist also provides practical assistance, such as accompanying the family to a school meeting or to apply for services, or providing information about resources for the family or their children."[47]

3. Tennessee: A CASA Model for Parole

In Tennessee, volunteers help insure that family and youth contact and involvement are maintained. Community volunteers serve as auxiliary probation officers for young people in the court system. These volunteers perform all the fieldwork and allow the salaried probation officers to remain at the court. The ratio of young people in the court system to

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[44] *Id.*
[45] *Id.* at 46, 78, 79, 89, 90.
[46] IOD, *supra* note 19.
[47] Davies and Davidson, *supra* note 28.

volunteers is approximately 4:1, whereas the average caseload ratio for probation officers is more than 80:1.[48]

4. Colorado: "Significant" Involvement in Planning

Colorado law states that "families play a significant role in the cause and cure of delinquent behavior of children" and requires significant parental involvement in the assessment and treatment planning of their children in the court system.[49]

5. Missouri: Planning Involvement and Final Copies[50]

Missouri develops an "Individual Treatment Plan" (ITP), which must address educational and vocational services, "to facilitate appropriate treatment and aftercare planning" for each young person. Planning "should involve the youth and his/her parent or guardian," and a written ITP "shall be submitted within 45 days of commitment and distributed to the youth, family, court and facility."

6. North Carolina & Nevada: Job Protection

North Carolina and Nevada both provide job protection to parents who are forced to miss work to fulfill an obligation to the court.[51]

7. South Carolina & Florida: Economic Assistance

South Carolina and Florida provide economic assistance to parents involved in the juvenile court process.[52] Such a provision might be extended to cover families attending meetings to plan and implement school reenrollment and community reentry. This type of provision indicates that states are adjusting to accommodate the needs of families rather than requiring the families to adjust.

CONCLUSION

JustChildren commends the Commonwealth of Virginia Board of Education and Board President Tom Jackson for taking an active interest the need to improve the reenrollment process for young people leaving the state's juvenile prisons. We hope this report provides some useful models or parts and pieces of a new, better model for addressing this important need.

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[48] *Id.* , at 65.
[49] *Id.* , at 105.
[50] Mo. Code Regs. Ann. tit. 13 § 110-3.010 Individual Treatment Plans.
[51] Davies and Davidson, *supra* note 28, at 109. *See* N.C. GEN. STAT. § 7B-2705: "No employer may discharge, demote, or deny a promotion or other benefit to any employee because the employee complies with the provisions of the juvenile code…" and NEV. REV. STAT. § 62.900 (giving parents a civil remedy against an employer who terminates or threatens to terminate their employment as a result of their appearance in court).
[52] Davies and Davidson, *supra* note 28, at 109. *See* S.C. Code Ann. § 20-7-7805 (allowing the court to order economic assistance such as food stamps for parents of youthful offenders) and FLA. STAT. ANN. § 984.11 (giving courts the authority to order services to families with status offenders including homemaker or parent aide services, parent training, or housekeeper services).