

VIRGINIA BOARD OF EDUCATION

Title of Regulation: Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice
8 VAC 20-660-10 *et seq.*

FOREWORD

The Code of Virginia through § 22.1-17.1 establishes the responsibility of the Board of Education, in cooperation with the Board of Correctional Education, to promulgate regulations for the re-enrollment in the public schools of children who have been in the custody of the Department of Juvenile Justice, as follows:

The Board of Education, in cooperation with the Board of Correctional Education, shall promulgate regulations for 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.

It is the intent of the Board of Education, through these regulations, to:

- Create a positive impact on the family, the student, court services, school divisions and correctional centers, as they are seeking to continue the student's education upon his or her release from a juvenile correctional center
- Provide for consistency in curricula, standards and polices between all educational programs
- Provide for the timely transfer of information between court services, school divisions and correctional centers
- Provide students with timely involvement in appropriate educational programs, both while in the correctional center and local school divisions upon release from the correctional center
- Encourage dissemination of information about, and increase public knowledge about, these regulations and the re-enrollment procedures overall
- Enhance communication, cooperation, and coordination of services among the public systems required to provide for the educational needs of juvenile parolees

It is the goal of the Board of Education, through these regulations, to identify and define the roles and responsibilities of the participants and the required components of the re-

enrollment plan and its implementation. Improving the re-enrollment process should facilitate the attendance and continued educational progress of students.

PART I
DEFINITIONS

8 VAC 20-660-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning, unless the text clearly indicates otherwise:

["Educational status" includes but is not limited to the most recent assessment results, including standardized tests, inclusion of a student's special education eligibility and related evaluations, most recent Individualized Education Plan (IEP) if applicable, academic credits and partial credits earned, and participation in career and technical programs, if applicable.]

"Educational programs" means educational programs that are designed to provide educational services to [eligible] students who [~~are subject to compulsory school attendance and are~~] receiving such services in school divisions, juvenile correctional centers, jails, juvenile detention homes[/centers], or state operated programs.

["Eligible" means of school age or eligible for special education services as defined in §§ 22.1-1, 22.1-5, and 22.1-213 of the Code of Virginia.]

"Final re-enrollment plan" means the written documentation developed by the receiving school division that addresses the student's education program, placement, and support services upon re-enrollment.

“Preliminary re-enrollment plan” means the written documentation for a person to be released from Department of Juvenile Justice custody who is of [compulsory] school attendance age or is eligible for special education services pursuant to § 22.1-213 of the Code of Virginia. The plan describes the student’s educational history while in the custody of the Department of Juvenile Justice, current status, identification of school placement upon release, recommendations for an education program following re-enrollment, and recommendations for student supports, such as counseling services.

“Receiving school division” means the school division or state operated program where a student will enroll upon release from the custody of the Department of Juvenile Justice.

[“Re-enrollment” means the process of transitioning eligible youth released from the Department of Juvenile Justice custody into attendance in public schools]

“Re-enrollment coordinator” means the school division or state operated program staff person designated to work with the parole officer, the Department of Correctional Education [; or detention home/center educational personnel,] the transition team, [~~and~~] the re-enrollment team [,and the IEP team if applicable,] to coordinate the development of the re-enrollment plan.

“Re-enrollment team” means the group convened by the division superintendent or designee of the receiving school division to prepare for and implement the re-enrollment

of the student. The re-enrollment team shall include, at a minimum, the guidance counselor, the special education director [or qualified designee] as appropriate, the principal or assistant principal if designated, the re-enrollment coordinator, and the parole officer. The student's parent(s) or legal guardians(s) and the school social worker or psychologist shall be invited to participate in meetings of the re-enrollment team. [The re-enrollment team shall consult the student. If a student is eligible for special education services, the re-enrollment team shall coordinate planning with the student's IEP team.]

“Scholastic record” means records that are directly related to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, the high school transcript, student disciplinary records, achievement and test data, cumulative health records to include immunization records, reports of assessment for eligibility for special education services, and Individualized Education Programs (IEPs).

The term “scholastic record” does not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Also, in accordance with 22.1-289 of the Code of Virginia, a notice of adjudication or conviction received by a superintendent relating to an incident that did not occur on school property or during a school-sponsored activity shall not be part of a student's scholastic record.

["Students in detention homes/centers" means those students residing in detention homes or centers for more than 30 calendar days.]

"Transition team" means the Department of Correctional Education (DCE) [or detention home/center] principal or assistant principal, the DCE [or detention home/center] counselor, the DCE transition specialist [; or the detention home/center teacher,] the Juvenile Correctional Center counselor, [a representative of the student's IEP team, if applicable,] and the student's parole officer. This team assembles the student's scholastic record and other relevant documents, develops the preliminary re-enrollment plan, [in consultation with the student] and provides information and the preliminary plan to the receiving school division. Transition team members may also include the school division of origin for the student, if different from the receiving school division, and the re-enrollment coordinator. Transition team members may also be part of the re-enrollment team.

Part II

RE-ENROLLMENT PLAN COMPONENTS

8 VAC 20-660-30. Re-enrollment Plan Components.

A. Re-enrollment plans shall include but not be limited to:

1. Educational status and recommendations [~~at~~ prior to] commitment
2. Educational status and recommendations of the Department of Correctional Education during the student's stay at the Reception and Diagnostic Center
3. Educational status and recommendations while in the custody of the Department of Juvenile Justice
4. Educational and re-entry goals for the student [developed in coordination with the student's IEP team if applicable]
5. Other student supports needed to promote the student's successful re-entry to public school, such as counseling services
6. Anticipated dates and timelines for scheduled release to the receiving school division or for court review of the case, and for re-enrollment
7. Establishment of school placement upon release
8. [Contact information for representatives of detention homes/centers if applicable, the Department of Juvenile Justice, the Department of Correctional Education, and the re-enrollment coordinator of the school division]

PART III

RE-ENROLLMENT PROCESS AND RESPONSIBILITIES

8 VAC 20-660-40. Re-enrollment Process and Responsibilities.

A. Notification and Convening of Teams.

1. The Department of Juvenile Justice, through the Juvenile Correctional Center's counselor, shall 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 prior to the scheduled release of a student or a scheduled case review in court.

2. Upon notification, the transition team shall prepare and assemble the documents and scholastic record that support the development of the re-enrollment plan. Also upon notification, the Department of Correctional Education [or detention home/center superintendent] will provide a letter of pending release and an informative outline of the re-enrollment process within five business days to the re-enrollment coordinator for the receiving school division and the student's parent(s) or guardian(s). The school division shall confirm receipt of notification with the Department of Correctional Education [or detention home/center] within five business days.

3. At least 25 calendar days prior to the court review or pending release of a student, and after review with the student, the Department of Correctional Education [or Detention Home Educational Program,] shall forward the

student[‘s] scholastic record and a preliminary re-enrollment plan [developed in consultation with the student] to the school division re-enrollment coordinator.

4. Within 10 business days of receipt of the materials, the re-enrollment coordinator shall convene the re-enrollment team to review the preliminary re-enrollment plan and develop the final plan. The student’s parent(s) or legal guardian(s) shall be invited by the re-enrollment coordinator to attend a meeting where the final re-enrollment plan will be developed. The parent(s) or legal guardian(s) may designate a member of the transition team, or someone else, to represent him or her at the meeting. [The student shall be consulted in the development of the plan].

5. Notice of the scheduled meeting to develop the re-enrollment plan will be given to all potential participants by the receiving school division a minimum of one week prior to the meeting.

6. Other individuals who have knowledge or expertise regarding the student may participate, at the discretion of the members of the re-enrollment team or parent(s) or legal guardian(s), or if the student is of majority age and eligible for special education services, at the discretion of the student.

B. Development of Final Re-Enrollment Plan.

1. The re-enrollment team shall develop a final re-enrollment plan that clearly states:
 - a. The educational placement of the student and timeframe for placement
 - b. The names of persons with responsibility and authority for prompt enrollment and their contact information
 - c. The student's scheduled academic program and other supportive activities or services as appropriate
 - d. The names [and contact information] of the members of transition and re-enrollment teams
 - e. Any other required components [including an approved IEP if the student is enrolled in special education]
2. Copies of the final plan shall be provided to the student, parent(s) or legal guardian(s), and to all transition and re-enrollment plan members no later than 10 calendar days prior to release.

C. Re-enrollment.

1. The re-enrollment plan shall make it possible for the student to enroll and receive instruction in the receiving school district within two school days of release.
2. After the Department of Juvenile Justice gives 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.
3. Placement of students in alternative education programs shall be in accordance with § 22.1-277.2 of the Code of Virginia.
4. [Upon re-enrollment the student shall received weekly counseling for a determined period of time.]
5. [The receiving school division shall protect the confidentiality of the student's juvenile justice record according to applicable federal and state laws and regulations.]

PART IV

MAINTENANCE AND TRANSFER OF THE SCHOLASTIC RECORD

8 VAC 20-660-50. Maintenance and Transfer of the Scholastic Record.

- A. Within two business days of the court's order of commitment to the Department of Juvenile Justice, the student's probation/parole officer will request the scholastic record from the school division where the student was last enrolled.

- B. The re-enrollment coordinator for that school division will provide the record [including information concerning special education eligibility and services,] and any other requested information to the Reception and Diagnostic Center [or detention home/center] to the attention of the Department of Correctional Education [or Detention Home Education Program] within five business days of receipt of the probation officer's request.

- C. The school division where the student was last enrolled ("sending school division") will maintain the student's scholastic record during the period that the student is in the custody of the Department of Juvenile Justice. The Department of Correctional Education [or Detention Home Education Program] will 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 parents or legal guardians.

- D. The transfer and management of scholastic records between educational programs shall be in accordance with the Code of Virginia and the Family Educational Rights and Privacy Act.
- E. School divisions shall provide current contact information for re-enrollment coordinators to the Departments of Education and Correctional Education that shall be made available to the public.