



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action
Agency Background Document

Agency Name:	20
VAC Chapter Number:	660
Regulation Title:	School Re-enrollment Plan
Action Title:	Regulatory Review
Date:	June, 2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of the proposed action is to implement the Code of Virginia which directs the Board of Education, local school divisions, the Department of Juvenile Justice and the Department of Correctional Education to share critical student educational information among the three agencies responsible for the student's public school enrollment prior to release from a juvenile correctional center. The goals of the regulation are: (1) to identify and define the roles and responsibilities of the participants in the implementation of the re-enrollment plan (2) to identify the components required in the plan and (3) to provide for consistency in the curricula, standards and policies between required educational programs.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Authority:

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

COV § 22.1-343.5 The Board of Correctional Education shall have the following powers and duties: To promulgate regulations, in cooperation with the Board of Education, for the re-enrollment in the public schools of students who have been in the custody of the Department of Juvenile Justice.

COV § 16.1-293 The local supervising agency, with the assistance of representatives of the Department of Correctional Education, the relevant local school division, and the juvenile correctional center counselor, shall develop a re-enrollment plan in accordance with § 22.1-17.1, for each child of compulsory school attendance age, or a child with disabilities who has been identified as eligible for special education pursuant to § 22.1-213. Prior to the juvenile's discharge from a juvenile correctional center, the re-enrollment plan shall be made final and the school board of the local school division in which the juvenile shall be enrolled, shall determine the appropriate alternative education placement for such juvenile.

A re-enrollment plan must be completed by court service staff for each juvenile committed to the Department of Juvenile Justice. In accordance with COV § 16.1-293, the student's probation officer will, within 48 hours of commitment, send a request for information to the local school division where the student was last enrolled.

The local school division shall identify a court-school liaison. Local court service unit probation officers shall forward the request for information to this person. The local school division will complete a portion of the re-enrollment form and forward the student's scholastic records to the Reception and Diagnostic Center of the Department of Correctional Education within five (5) days of receipt.

The Department of Juvenile Justice shall inform the school division of a juvenile's return to the community from commitment at least 14 days prior to release. The local school board and the local school superintendent are the final authorities on the student's public school enrollment, placement, and re-enrollment.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The Board of Education is charged with promulgating regulations for the re-enrollment into the public schools of children who have been in the custody of the Department of Juvenile Justice (COV § 22.1-17.1).

The General Assembly established the requirement for regulations in response to a study regarding the transfer of students between public schools, detention homes and juvenile correctional centers. This study recommended establishment of a re-enrollment plan to share information about the student's public and correctional education and to facilitate the student's re-enrollment in public schools upon release from commitment.

The Departments of Education, Correctional Education, and Juvenile Justice developed a model re-enrollment plan and provided state-wide training on that plan. Faculty at the College of William and Mary, under a grant from the Department of Criminal Justice Services, recently completed a study of the re-enrollment plan and process. This study will inform the promulgation of the regulations.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

There are no specific alternatives to the proposal, however, an interagency committee, consisting of representatives from the Department of Correctional Education, Department of Juvenile Justice, Department of Education and the local school divisions, has been established to revise the existing re-enrollment plan and to inform promulgation of the regulations.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The regulation will have a positive impact on the family as they are seeking to continue the education of their child upon release from a juvenile correctional center. It would strengthen the rights of parents in regards to the continuation of educational opportunities for their child upon release.

Parents have been faced with the challenges of enrollment difficulties due to records not being received either by the school division or the correctional center. This would often delay students from receiving the appropriate educational services in the public school. It is crucial while in the correctional center, and upon release that students are involved in an appropriate educational program. The incidence of recidivism becomes greater when enrollment is not available soon after release.

The regulation would provide for the exchange of educational information from the court services to the school division to the correctional centers. By having information in a timely manner, correctional centers would be able to provide appropriate educational services. The re-enrollment plan would provide the local school division with educational records so that informed decisions regarding placement and enrollment of the student would be made prior to release.