



Economic Impact Analysis Virginia Department of Planning and Budget

8 VAC 20-660 – Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice Department of Education June 17, 2005

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

Pursuant to section § 22.1-17.1 of the Code of Virginia, the Board of Education (board) proposes to create regulations for the reenrollment of children in public schools who have been in the custody of the Department of Juvenile Justice.

Estimated Economic Impact

Chapter 1000, of the 1996 Acts of Assembly, amended Section § 22.1-17.1 of the Code of Virginia to state that:

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.

There are no current regulations concerning the reenrollment in public schools of children who have been in the custody of the Department of Juvenile Justice (DJJ). The Department of Education (DOE) has provided training for staff at DJJ, Department of Correctional Education (DCE), and local school divisions concerning best practices in the reenrollment process. Also, DJJ effectively adopted procedures described in a document titled “School Re-Enrollment Plan” on July 1, 1997.¹ Some key procedures in “School Re-Enrollment Plan” are listed below:

- . (DJJ -> DCE): DJJ is to notify DCE of student’s scheduled release one month prior to release date.
- . (DJJ -> RCD²): DJJ is to notify the receiving school division of student’s scheduled release 14 days prior to release date.
- . (DCE -> RCD): DCE is to send the student’s educational records and transcript to the receiving school division within five days of the student’s discharge.

Despite the existence of DJJ’s “School Re-Enrollment Plan” procedures, and the training provided by DOE, there have been problems with delays in reenrollment. It is generally believed that delays may contribute to increased recidivism.³ To the best of our knowledge this has not been directly shown in a careful published study. But it does seem logical that the longer a child who has been delinquent in the past is left not engaged in school or other another productive activity such as work, the more likely he will return to criminal behavior. Some indirect evidence is provided in a study by Bullis, Yovanoff, Mueller and Havel (2002) of the facility-to-community transition of incarcerated youth from Oregon’s juvenile justice system. The authors found that “if youth left the facility and became involved in work or school activities, that engagement was associated with those individuals continuing those positive activities and not returning to the juvenile correctional system.” The study is somewhat limited in that it only looks at two points in time: 6 months after release and 12 months after release. In addition to a

¹ Source: deFur, Messier, and Potter (2000)

² RSD: receiving school division

³ The Board of Education, Department of Education staff, and Geddes and Keenan (2004) all state that recidivism becomes greater when enrollment is not available soon after release.

potential increase in recidivism, lack of coordination and communication can result in the failure of a student to receive appropriate educational services once placed in the public school.

In 2000 faculty from the College of William and Mary (deFur, Messier, and Potter; 2000) conducted a study for the Department of Criminal Justice Services that found that: 1) interagency cooperation and communication did not occur in a consistent or reliable basis among the agencies or entities involved in the re-enrollment process, 2) compliance monitoring to ensure implementation of the process did not exist, and 3) roles and responsibilities remained unclear among and within agencies. It was believed that these problems contributed to delays in the reenrollment into public schools of juvenile offenders.

Pursuant to section § 22.1-17.1 of the Code of Virginia and in order to address the above mentioned problems, the board proposes to create these regulations which include specific responsibilities and timelines for specified actors in the reenrollment process to follow. The regulations are expected to make a significant difference because they specify deadlines and a specific process structure to follow. Requirements in the proposed regulations include the following⁴:

- . (DJJ -> DCE): DJJ must provide written notice to DCE at least 30 calendar days prior to the scheduled release of a student or a scheduled case review in court.
- . (DCE -> RSD): Within five days of notification, DCE provides a letter of pending release and an informative outline of the re-enrollment process to the re-enrollment coordinator for the school receiving school division and the student's parent(s) or guardian(s).
 - o The school division is to confirm receipt of the notification from DCE within five business days.
- . (DCE): Upon notification, the transition team must begin to prepare and assemble the documents and scholastic record that support the development of the reenrollment plan. The transition team consists of the Department of Correctional Education (DCE) principal or assistant principal, the DCE counselor, the DCE

⁴ The bulleted list does not include all of the details within the proposed regulations.

transition specialist, the Juvenile Correctional Center counselor, and the student's parole officer.

(DCE -> RSD): At least 25 calendar days prior to the court review or pending release of a student, and after review with the student, DCE must forward the student scholastic record and a preliminary re-enrollment plan to the school division re-enrollment coordinator.

(RSD): Within ten business days of receipt of the materials, the re-enrollment coordinator must convene the re-enrollment team to review the preliminary re-enrollment plan and develop the final plan.

- The re-enrollment coordinator is the school division or state operated program staff person designated to work with the parole officer, the Department of Correctional Education, the transition team, and the re-enrollment team to coordinate the development of the re-enrollment plan.
- The re-enrollment team is 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 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.

(RSD): 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.

(RSD): 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 of the members of transition and re-enrollment teams

(RSD): 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.

(RSD): 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.

The proposed regulations will likely have some positive impact on reducing delays in reenrollment. Lack of communication between agencies and uncertainty about when notification and documentation should be sent has contributed to delays.⁵ The explicit detail within the proposed regulations about who is responsible for which actions and within which timeframes will likely reduce some confusion and speed the process. Two requirements in the proposed regulations that differ from the 1997 "School Re-Enrollment Plan" should particularly help reduce delays in re-enrollment.

First, under the 1997 "School Re-Enrollment Plan," DCE does not send the student's educational records and transcript until after he is released. Even if the 1997 "School Re-Enrollment Plan" is consistently followed, receiving school divisions are hampered in immediately making appropriate decisions concerning educational services for the student since school division staff cannot examine the student's educational records and transcript ahead of time. In contrast, the proposed regulations require that DCE forward the student scholastic record and a preliminary re-enrollment plan to the school division re-enrollment coordinator at least 25 calendar days prior to the court review or pending release of a student. This will allow the receiving school divisions to be well-prepared to appropriately place the student upon release from custody.

⁵ Source: Department of Education

Second, while currently DCE may usually be well prepared to send documentation to receiving school districts when students are released upon a long-established schedule, DCE may be surprised by the release of students from case reviews in court. It may take some time for DCE to notify the receiving school division, and perhaps even more time to send the student scholastic record and other pertinent information. When this happens there are delays in student re-enrollment. By requiring that DJJ provides written notice to DCE at least 30 calendar days prior to a scheduled case review in court, and that DCE in turn provides a letter of pending release, the student scholastic record and a preliminary re-enrollment plan to the re-enrollment coordinator for the receiving school division at least 25 days prior to the court review, the proposed regulations will very likely reduce the frequency and length of delays in school re-enrollment. Also, the receiving school division will be better prepared to place student into the most appropriate educational services.

Placing these requirements within regulations for the first time may also increase the likelihood that the relevant parties act in a timely fashion since regulations have the power of law. On the other hand, there are no clear repercussions if agencies do not meet deadlines. So, while there will likely be reductions in the frequency and length of delays in re-enrollment, some delays will likely continue.

The proposed regulations do also introduce some additional costs. Since not all scheduled case reviews in court result in release from DJJ custody, DCE staff will be required to provide a letter of pending release, student scholastic record and a preliminary re-enrollment plan to the re-enrollment coordinator in cases where the child is not actually released. This will involve some additional costs that are not currently incurred. But the costs involved are likely less than the benefits gained from reduced delays in re-enrollment and perhaps better placement in the receiving school divisions due to increased time to prepare for the child's arrival when the child is actually released from a scheduled case review in court. To the extent that the proposed regulations effectively reduce delays in re-enrollment, and re-enrolled students are better placed in appropriate education programs, the long-term employment prospects of the affected children may improve. Thus overall, the proposed regulations do likely provide a net benefit for the Commonwealth.

Businesses and Entities Affected

The proposed regulations affect children who have been in the custody of Department of Juvenile Justice and their families, the 132 local school divisions and their staff, the Department of Juvenile Justice, and the Department of Correctional Education.

Localities Particularly Affected

The proposed regulations affect all school divisions in all localities.

Projected Impact on Employment

To the extent that the proposed regulations effectively reduce delays in re-enrollment, and re-enrolled students are better placed in appropriate education programs, the long-term employment prospects of the affected children may improve.

Effects on the Use and Value of Private Property

The proposed regulations directly affect the use of public employees and property. As stated above, the proposed regulations may potentially improve the long-term employment prospects of children who have been in the custody of the Department of Juvenile Justice. Thus, their future net worth may increase.

References:

Bullis, Yovanoff, Mueller and Havel, “Life on the ‘Outs’—Examination of the Facility-to-

Community Transition of Incarcerated Youth,” *Exceptional Children*, Vol. 69, No. 1, pp. 7-22, 2002

deFur, Messier, and Potter, “An Evaluation of Virginia’s School Re-Enrollment Plan for Juvenile Offender,” a Report to the Virginia Department of Criminal Justice Services, December 2000.

Geddes and Keenan, “A Summary of Best Practices in School Reenrollment and Reentry for Incarcerated Youth Returning Home,” a Submission to the Commonwealth of Virginia Board of Education, JustChildren, Legal Aid Justice Center, October 2004.