

**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

POLICY NUMBER AND TITLE: Policy 2800
Regulations for the Education of Juveniles in Secure
Predispositional Juvenile Detention Centers

PUBLIC COMMENT PERIOD ENDS: July 24, 1998 **ADOPTED:** _____

BACKGROUND:

W. Va. Code 49-5E-6, enacted by the 1998 West Virginia Legislature, authorizes the State Board of Education to transfer the responsibility for education in secure predispositional juvenile detention centers from the five (5) county boards of education in whose jurisdictional boundaries these institutions are located to the State Board of Education. The state's five (5) juvenile detention centers, their bed capacities and the county boards of education presently responsible for educational services are as follows:

Eastern Regional Juvenile Detention Center (Martinsburg, WV) Berkeley County Board of Education	10 beds
Kanawha Home for Children (Dunbar, WV) Kanawha County Board of Education	19 beds
Northern Regional Juvenile Detention Center (Wheeling, WV) Ohio County Board of Education	19 beds
Southern Regional Juvenile Detention Center (Princeton, WV) Mercer County Board of Education	15 beds
West Central Regional Juvenile Detention Center (Parkersburg, WV) Wood County Board of Education	10 beds

Juvenile detention is the out-of-home placement of a juvenile in a short-term secure facility while court proceedings are completed. While in detention, juveniles attend school in the facility under State Board of Education Policy 2800: Regulations for the Education of Juveniles in Secure Predispositional Detention Centers. Policy 2800 requires the delivery of short-term, high impact intervention and diagnostic program for these at-risk youth.

PURPOSE:

The purpose of these revisions to Policy 2800 is to transfer the responsibility for education in the state's secure predispositional juvenile detention centers from county boards of education to the West Virginia Department of Education in accordance with W. Va. Code 49-5E-6.

FILED

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TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
POLICY 2800
SERIES 69

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

~~TITLE:~~ Regulations for the Education of Juveniles Placed in Secure
Predispositional Detention Centers (2800)

~~Section 1-0~~§126-69-1. General.

1.1. Scope. – This policy establishes regulations for education programs in the state's secure predispositional juvenile detention centers.

1.2. Authority. – WV Constitution, Article XII, §2; W.Va. Code §§18-2-5; §49-5A-6a; and, §49-5E-6.

1.3. Filing Date. – ~~November 29, 1993~~

1.4. Effective Date. – ~~July 1, 1994~~

~~1.5. Repeal of Former Rule. – None. This is a new rule.~~

~~Section 2-0~~§126-69-2. Purpose.

2.1. Juveniles placed in secure predispositional detention centers represent a population at-risk for school failure, dropping out of school, delinquency, incarceration, chemical addition, and a future of alienation and dependency. Consequently, a specialized education program is required to assist these court-involved youth in making appropriate decisions concerning their future in school, home, and community life. In addition, juveniles placed in detention centers also have a fundamental constitutional right to an education regardless of their custodial circumstance.

2.2. The purpose of these regulations is to provide an intervention program for at-risk youth in secure predispositional detention centers and to ensure they receive appropriate educational opportunities during their period of detention and thereafter.

~~Section 3-0~~§126-69-3. Responsibility for Education.

3.1. ~~A county board of education with secure predispositional juvenile detention center its jurisdictional boundary shall~~ The West Virginia Department of Education will establish and maintain education programs and services for youth placed in ~~the facility~~ secure predispositional juvenile

centers in accordance with these regulations.

Section 4.0§126-69-4. Program.

4.1. ~~A county board of education responsible for providing detention education services shall~~ The West Virginia Department of Education will design and deliver a short-term, high-impact intervention program to achieve the following:

4.1.1.a. provide students with the opportunity to examine attitudes and behaviors for the purpose for the purpose of promoting positive changes;

4.1.2.b. assist students in building positive beliefs in themselves and recognizing how preconceived ideas and low self-esteem can limit their personal growth;

4.1.3.c. provide information concerning prosocial life skills (e.g., social problem solving; anger control; coping and refusal skills; and sound habits of personal health);

4.1.4.d. provide students with the opportunity to continue basic instructional programming including remedial, special and GED educational services;

4.1.5.e. complete an assessment of each student's education status and prepare a report of findings and recommendations;

4.1.6.f. provide transitional planning and linkages to service providers and other resources;
and

4.1.7.g. work in cooperation with detention center staff to achieve the mission of the institution and the juvenile justice system (viz., prevention of delinquency; habilitation of youth; and protection of the juvenile and the public).

Section 5.0§126-69-5. Curriculum and Instruction.

5.1. The detention center education program ~~shall~~ will implement curriculum and instruction in accordance with the following standards:

5.1.1.a. the detention education program ~~shall~~ will have a written curriculum for implementing the program;

5.1.2.b. the curriculum ~~shall~~ will be organized and sequenced in a series of short-term, high-impact modular units which address specified instructional goals and objectives;

5.1.3.c. instructional activities ~~shall~~ will be consistent with the written curriculum and appropriate for the student's developmental level;

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~~5.1.4.d.~~ instructional materials ~~shall~~ will be age-appropriate, functionally-appropriate, and of high interest level for students;

~~5.1.5.e.~~ the program ~~shall~~ will include a library area which houses a variety of age-appropriate books and materials;

~~5.1.6.f.~~ each student ~~shall~~ will have a written set of individualized educational goals which culminate in a transitional plan;

~~5.1.7.g.~~ the instructional program ~~shall~~ will accommodate the frequent entry and exit of students;

~~5.1.8.h.~~ curricular and instructional practices ~~shall~~ will reflect high expectations for students;

~~5.1.9.f.~~ the instructional program ~~shall~~ will be delivered in a climate conducive to learning; and

~~5.1.10.g.~~ sufficient instructional materials, supplies and equipment ~~shall~~ will be available to deliver the curricular content.

~~Section 6.0~~§126-69-6. Transfer of Student Records.

~~6.1.~~ The detention center education program ~~shall~~ will establish and implement written procedures for the immediate transfer of student records from the public schools to the institution, from the institution to the public schools, and from institution to institution. Procedures ~~shall~~ will include a protocol for insuring the confidentiality of school records when sent or received via FAX. County school districts throughout the state shall provide school records to detention education programs in a forthwith manner.

~~Section 7.0~~§126-69-7. Assessment of Education Status.

~~7.1.~~ The detention center education program ~~shall~~ will include an assessment of each student's educational status. Staff ~~shall~~ will refer the student for comprehensive educational assessments in suspected areas of need as appropriate. A report of findings and recommendations ~~shall~~ will be prepared for each student and made available to the court for purposes of disposition.

~~Section 8.0~~§126-69-8. School Calendar.

~~8.1.~~ The ~~county board of education shall~~ West Virginia Department of Education will establish a calendar for the detention center education program in consultation with the director of the juvenile detention centers. The calendar for the detention education program ~~shall~~ will include a regular school term in compliance with state law concerning the required number of instructional and non-instructional days. The ~~county board of education shall~~ West Virginia Department of Education will also provide, and the calendar include, an extended school term of up to 40 days (viz., a 12-month education program) to the extent funds are provided to the ~~county board of education~~ West Virginia

Department of Education for such programs. ~~Nothing shall prohibit the county board of education from providing an extended year program from other sources of funds.~~

Section 9.0§126-69-9. Length of Instructional Day.

9.1. The detention education program ~~shall~~ will provide students the opportunity for a full instructional day in accordance with State Board of Education Policy 2510.

Section 10.0§126-69-10. Educational Facilities and Security.

10.1. ~~The Department of Health and Human Resources Division of Juvenile Services~~ Division of Juvenile Services or its public or private service provider has the responsibility to provide the ~~county school district~~ West Virginia Department of Education with an area of adequate size to implement the program and appropriate security to insure the safety of staff and students. The area shall be safe, meet the needs of students, and provide for an environment conducive to learning.

Section 11.0§126-69-11. Professional Staff Qualifications.

11.1. The professional educator(s) assigned to provide instructional services in the detention center ~~shall~~ will hold or qualify for a West Virginia ~~licensure~~ professional or temporary teaching certificate endorsed to provide special education to behavior disordered students or specific learning disabled students.

Section 12.0§126-69-12. Maintenance of Educational Records.

12.1. Educational records ~~shall~~ will be kept separate from the resident filing system within the detention facility and maintained in accordance with state and federal laws and regulations and State Board of Education Policy 4350.

Section 13.0§126-69-13. Special Education.

13.1. Exceptional students placed in a secure predispositional juvenile detention center ~~shall~~ will receive a free appropriate public education in accordance with applicable regulations under State Board of Education Policy 2419.

Section 14.0§126-69-14. Staffing.

14.1. ~~The county board of education with a detention center in its jurisdiction boundary~~ West Virginia Department of Education ~~shall~~ will provide staff appropriate in number to implement the provisions of these regulations.

Section 15.0§126-69-15. Written Operational Procedures.

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15.1. The State Superintendent of Schools or designee is authorized to develop written operational procedures to implement the intent and provisions of this policy.

§126-69-16. Monitoring.

16.1. The ~~West Virginia Department of Education shall~~ West Virginia Board of Education will monitor compliance with these regulations.

**POLICY 2800: REGULATIONS FOR THE EDUCATION OF JUVENILES PLACED IN
SECURE PREDISPOSITIONAL DETENTION CENTERS**

Directions: Please use this form in commenting on revised Policy 2800. (Please use additional sheets if needed)

Individual/Organization: _____

Title: _____

Street Address: _____ **City/State/Zip:** _____

Comments/Suggestions
126-69-1. General
126-69-2. Purpose
126-69-3. Responsibility for Education
126-69-4. Program

Comments/Suggestions (continued)

126-69-5. Curriculum and Instruction

126-69-6. Transfer of Student Records

126-69-7. Assessment of Education Status

126-69-8. School Calendar

126-69-9. Length of Instructional Day

Comments/Suggestions (continued)

126-69-10. Educational Facilities and Security

126-69-11. Professional Staff Qualifications

126-69-12. Maintenance of Educational Records

126-69-13. Special Education

126-69-14. Staffing

Comments/Suggestions (continued)
126-69-15. Written Operational Procedures
126-69-16. Monitoring

RETURN COMMENTS BY JULY 24, 1998 TO:

Frank D. Andrews
Executive Director
West Virginia Department of Education
Building 6, Room B-016
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

FISCAL NOTE WORKSHEET

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Policy 2800: Regulations for the Education of Juveniles in Secure Predispositional Juvenile Detention Centers

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 0	\$	\$ 0	\$ 0	\$
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ 0	\$	\$ 0	\$ 0	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

This policy requires no additional cost. The Legislature provided funds in the amount of \$316,450 with the passage of W. Va. Code 49-5E-6 to transfer the responsibility for education in juvenile detention centers from county boards of education to the State Board of Education.

DATE

6/2/98

AGENCY

Education

AUTHORIZED REPRESENTATIVE

