JJ7 723 EDUCATIONAL SERVICES FOR JUVENILE JUSTICE

Effective date January 11, 2017
Purpose

Youth that have been referred to the Michigan Department of Health and Human Services (MDHHS) under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 for delinquency that are placed in out-of-home care are subject to the same policy requirements as abuse/neglect foster care youth outlined in FOM 723, Education Services.

Exception: Family Team Meetings (FTM’s) required by FOM 723, Education Services, are not required for juvenile justice youth.
Youth who are six years of age by December 1st of the school year must attend school until graduation or completion of GED.

Work with residential staff and youth to access appropriate educational/vocation opportunities when youth:
- Is placed in a state run or private, contracted residential juvenile justice facility and
- Has graduated/completed GED.

Annual information from a medical provider required if youth incapable of attending school full-time.

School-aged youth must register and attend school within five days of placement or placement change, including while in child care institutions or emergency placements.

Youth in out-of-home placement must attend public or private school. Home schooling is not permitted. Online and blended learning opportunities are not considered home schooling and may be considered in special circumstances.
The Every Student Succeeds Act (ESSA) of 2015 requires a school districts foster care liaison to:

- Coordinate with MDHHS point-of-contact on the implementation of the ESSA provisions.

- Document the best interest determination.

- Facilitate the transfer of records and immediate enrollment.

- Facilitate date sharing with the MDHHS, consistent with Family Educational Rights and Privacy Act (FERPA) and other privacy protocols.
Develop and coordinate local transportation procedures.

Manage best interest determinations and transportation costs disputes.

Ensure youth are enrolled in and regularly attending school.

Provide professional development and training to school staff on the ESSA provisions and on educational needs of youth in foster care.
The MDHHS education point-of-contact will:

- Receive initial and ongoing training when new education policy/law goes into effect that will cause a change in case worker protocol.

- Share information with MDHHS offices.

- Serve as main go-to person for district foster care liaisons.

- Connect education staff with juvenile justice specialist when needed.
MDHHS Point-Of-Contact Continued

- Provide technical assistance with transportation paperwork.
- Notify juvenile justice specialist if working on a case so it can be documented in MiSACWIS.
- Collaborate transportation plans and payment.
Discuss best interest factors with school, parent, foster parent/guardian, and youth when appropriate, regarding school placement which include:

- The parent/legal guardian and youth’s preference.
- The youth’s:
  - Social and emotional state.
  - Academic achievement/strengths.
  - Extra-curricular activity participation.
- Continuity of relationships.
- Special Education programming.
- Supportive relationships and/or services.
- Length of anticipated stay in placement.
- Distance/travel time to and from current school/new placement and impact on the youth.
District Foster Care Liaison and School Staff Involvement in Best Interest Decision

- To make a best interest decision, the juvenile justice specialist should discuss best interest factors with:
  - School staff.
  - Youth’s parents.
  - Any assigned surrogate parents.
  - The youth.

- The local school can:
  - Provide input on any impact changing schools may have on the youth.
  - Determine programs that are comparable and appropriate for the youth.
  - Provide information on the commute.
Parent, legal guardian, or surrogate parent may appeal decision to place youth in school other than school of origin or school the parent or legal guardian prefers.

If remaining in school of origin is not in best interest of youth, the case service plan must include assurances to:
- Provide enrollment in new school within five days.
- Assist with transfer of records to new school.
Transfer of Student Records to New School

- Public schools are to request a copy of the CA-60, the Cumulative Record Folder, from the youth's previous school within 14 school days after enrollment. The sending school must forward a copy within 30 school days of the request.

- If the juvenile justice specialist’s case record does not contain the most recent school records, the juvenile justice specialist must request copies from the last school attended within five days of enrollment. This will ensure special accommodations immediately without having to wait for the full CA-60.

- The DHS-942, School Notification and Education Records Release is used to request records such as:
  - Grades/unofficial transcript.
  - Attendance.
  - Special education records (if necessary)
  - Disciplinary records.
Transfer of Student Records to Placement

- The juvenile justice specialist must transfer any available school records to the new placement within two weeks including:
  - Report cards.
  - Individualized Education Plans (IEP’s).

- Scan these documents into MiSACWIS as part of the juvenile justice assignment unit placement process when requesting placement.
Juvenile Justice Specialist’s Role

Coordinate with school personnel to ensure the youth’s educational needs are identified and youth is provided the necessary services. In coordinating efforts, the juvenile justice specialist must:

- Every placement change, send the DHS-942, School Notification and Education Records Release to district liaison.

- Provide district foster care liaison information needed regarding youth and placement within three business days.

- For youth placed outside of the school of origin, coordinate with district foster care liaisons in both districts prior to school selection and placement.

- For youth placed in care within school of origin, notify district foster care liaison within ten days.
Obtain information from district foster care liaison for use in assessing youth’s education needs and strengths.

Document all contacts and information exchanged in social work contacts.

Update the education portion of MiSACWIS within five business days if a school move is required.

Update the education portion of MiSACWIS to reflect grade advancement.
If in youth’s best interest to remain at current school despite being placed in foster home outside of school district, and there is additional cost for transportation, MDHHS is responsible.

Options for transportation include, but are not limited to:
- Working with school district to re-route school buses.
- Gas reimbursement to foster parent.
- Public transportation.

Cost of transportation cannot be reason youth does not remain in school of origin.
Online Education Programs

- Youth in out-of-home placements must be enrolled in regular public or private school programs as often as possible. If an alternative education program is required, online programs may be considered for youth 16 years and older. All other options must be considered prior to considering an online education program.

- Online education programs may be considered with the following guidelines:
  - The decision to enroll a youth in an online school should be a team decision.
  - A plan is formalized for how it will be monitored by the juvenile justice specialist and JJ placement provider.
  - All information must be clearly documented in the case service plan.
  - Online education best interest factors must be considered.
Online Education Best Interest Factors

- The youth’s preference.

- Whether academic, physical, emotional, and social needs will be met despite not being in a school setting.

- The youth’s ability to follow instructions outside the classroom.

- If youth is eligible for special education, the online program must meet specific education needs identified in Individualized Education Plan (IEP).
Online Education Best Interest Factors

- Whether program offers a high school diploma or Certificate of Completion.
  Note: A youth will not qualify for college federal funding through the Free Application for Federal Student Aid (FAFSA) if obtaining a Certificate of Completion. Eligibility remains for the Tuition Incentive Program (TIP) and the Education and training voucher (ETV).

- The college the youth is planning to attend accepts the diploma/certificate from the online program.

- The school district’s recommendation must be considered.

- The parent/legal guardian’s preference.
Accepted Programs

If an online program within the local public school district is not available these may be considered:

- Cyber Education Center.
- Great Lakes Cyber Academy.
- iCademy.
- K-12.
- Michigan Connections Academy.
- Michigan Virtual Charter Academy.
- Mosaica Online Academy of Michigan.
Exception Requests

- Exception request must be completed:
  - A youth is under the age of 16, or
  - To attend an online program that is not on the list of accepted programs.

- Exception requests must be sent to:
  Juvenile Justice Policy
  235 S. Grand Ave. Suite 1315
  Lansing, MI 48909
  Fax: 517-373-2799
  Email: Juvenile-Justice-Policy@michigan.gov
Exception Requests (age)

For a youth under the age of 16, include:

- Justification for the appropriateness of the online program.
- Documentation that the Online Best Interest Factors were considered.
- Documentation that the county director or desigene has signed in agreement with the decision.
Exception Requests (Unapproved Programs)

Exception for a student to participate in an online program not provided by the local public school district and not on approved list, include:

 Information about the program (contact person and information).
 If the program provides a GED or high school diploma.
 If student plans to attend college, include a statement that the online program will allow the youth to attend a post-secondary institution.
An Individualized Education Plan (IEP) is a written plan for a student who has been determined to have a disability through an evaluation by a multi-disciplinary team.

The following individuals can request an IEP:
- Youth’s parent or guardian.
- Youth’s caregiver.

The following individuals can sign an IEP:
- Youth’s parent.
- Youth’s guardian.
- Youth’s caregiver.
- Appointed surrogate parents.

Note: A juvenile justice specialist cannot sign an IEP as a parent however, the juvenile justice specialist should make every effort to attend IEP meetings.
Suspensions/Expulsions

If a youth is removed from classroom or school for more than 10 consecutive days, or a series of removals accumulates to 10 days over the school year, the IEP team must reconvene to determine if the behavior is a manifestation of his/her disability and consider a change in the IEP.
Surrogate Parents

- Represent youth with disabilities and developmental delays when:
  - No parent can be identified.
  - The juvenile justice specialist, after documented reasonable efforts, cannot discover the whereabouts of a parent.
  - The youth is a ward of the state or court AND parental rights have been terminated.

- Have the rights of birth parents for education matters, (permission for evaluation and placement, release information and request for education hearing).
Surrogate Parents

- Ensure youth with disabilities are provided with a free, appropriate public education.

- Youth must have a surrogate appointed by the local MDHHS office supervising the youth’s case or by the court of jurisdiction.

- Reasonable efforts must be made to assign surrogate not more than 30 days after determination by juvenile justice specialist that youth needs a surrogate parent.
Surrogate Parent Requirements

- Must have general overview training on the developmental needs, service options, and the legal rights of the youth eligible for Part C of IDEA.

- Has all rights accorded parents under Part C and/or Part B of IDEA and represents youth in matters pertaining to educational evaluation and assessment.
Surrogate Parent Requirements Continued

- Has no rights outside Part C and Part B of IDEA.

- May not be employed by agency involved in providing early intervention/special education services to and/or general care for youth.

- Foster parents and relative/unrelated caregivers may be surrogate parents.
All education information and related tasks, activities, and contacts must be documented within social work contacts, case service plans, placement and education sections of MiSACWIS.

Documentation of assessment and reassessment of youth’s education needs must be completed in the Strengths and Needs Assessment.

Transfer of education information must be documented on DHS-69, Foster Care/Juvenile Justice Action Summary and within Placement Details in MiSACWIS. The date information was provided must be entered in “Education Information Provided” and “Education Information Provided” date.

NOTE: For all JJAU referrals, this date should reflect the date the educational records were uploaded as part of the juvenile justice assignment unit referral packet.
At initial placement or placement change, case service plan narrative must include:

- Placement determined by appropriateness of current education setting and proximity to school of origin.

- Best interest factors and input of parent or legal guardian, and district foster care liaison.

- Transportation plan.

- Verification of enrollment and attendance full time within five business days of initial placement or any placement change.

- Verification from new school that youth’s previous school record was obtained.

- Assessment of educational needs within 30 calendar days in the JJ Strengths and Needs Assessment.
The juvenile justice ISP and USP must document or address the following items:

- Name of current school and grade.
- Reassessment of educational needs and strengths each report period in the JJ Assessment of Needs and Strengths.
- Special education information.
- Current academic performance and behaviors.
- Services from school, parent, foster parent/caregiver and/or others to meet education needs.
- A statement that youth is a full-time student, completed secondary education or incapable of attending school full-time due to youth’s medical condition.
Caregiver Involvement

For caregivers receiving Determination of Care supplement, specifics for school collaboration and actual tasks involved in daily education interventions required must be documented in MiSACWIS Strengths and Needs section of the service plan, identifying specific Action Steps with caregiver(s) as the Responsible Person(s).
Policy Contact

- Policy clarification questions may be submitted by juvenile justice supervisors and management to:
  
  **Juvenile-Justice-Policy@michigan.gov**