



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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MEMORANDUM

DATE: May 18, 2015

TO: All Members of the Delaware House of Representatives
and Delaware State Senate

FROM: Ms. Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: H.B. 116 (DSCYF Education System)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 116 which would explicitly characterize the Education Unit of the DSCYF as a "local education agency" for certain purposes: 1) educator eligibility for loan forgiveness programs; 2) eligibility for grants; and 3) authority to issue academic credits to students.

As background, the Governor established a Youth Re-entry Education Task Force in 2014 through Executive Order 45. The Order included disturbing statistics. For example, of 184 juveniles in state custody in 2013, only 11 returned to a traditional school setting, 91 withdrew or failed to return to school, and 42 were in alternate placements. The Task Force was charged with making recommendations to improve educational outcomes for youth in the DSCY&F system. The synopsis to H.B. 116 indicates that the bill implements the recommendations of the Task Force.

SCPD endorses the proposed legislation and has the following observations.

First, the DSCY&F operates education programs in several behavioral health and youth rehabilitation settings. See attached descriptive list from pp. 44 - 45 from the MOU between the DOE, LEAs, and the DSCY&F (December 19, 2013). It is arguable whether State law already grants DSCY&F the power to offer credits in its "training schools". See Title 31 Del.C. §§5106(a)(1), 5106(a)(4), and 5107(a)7). However, a Department of Education (DOE) regulation contemplates districts and charter schools awarding credits upon review of DSCY&F transcripts. See 14 DE Admin Code 505.10.2. The MOU (attached pp. 17-18) envisions essentially automatic approval by the districts:

3. LEAs shall:

...e. The receiving school shall immediately apply full credits and is encouraged to accept partial credits to benefit the student. The receiving and sending schools should determine, for transferring seniors, which school will provide the diploma.

It would be highly preferable to allow DSCY&F to issue credits independent of a district or charter school. If a student leaving DSCY&F custody does not immediately enroll in a Delaware school, it may be very difficult to later acquire credits for schoolwork performed in a DSCY&F setting since the process is cumbersome. Moreover, the DSCY&F can encourage an exiting student to continue education since it can present the student with a precise overview of remaining credits needed to obtain a diploma.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Mr. Brian Hartman
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 116 dscyf education system 5-18-15

EXCERPT

12/19/13



MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF EDUCATION,

**LOCAL EDUCATION AGENCIES
AND THE**

**DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR
FAMILIES-DIVISION OF FAMILY SERVICES, DIVISION OF PREVENTION AND
BEHAVIORAL HEALTH SERVICES, AND DIVISION OF YOUTH
REHABILITATIVE SERVICES**



children. Services may include in-home services, placement, family reunification, or other permanency options including adoption, guardianship, and independent living.

Division of Management Support Services (DMSS)

Education Programs

1. **Ferris School** - Education is provided on site by certified school personnel to youth in the secure treatment facility. Students transitioning through Mowlds Cottage either continue in the Ferris Program or return to the home school. Regular and special education courses are offered through a schedule which mirrors any local public high school. Electives include art, technology, media literacy, school to work and JDG classes.
2. **New Castle County Detention Center** - All students attend a full day of courses which include all the Core Courses. GED is available to youth meeting criteria for entry into the Program. Special education services are provided in accordance with state and federal law.
3. **Grace and Snowden Cottages** - This program is a residential treatment program for adjudicated males and females. Students are typically between the ages of 12-18. The program, located on the Wilmington Campus, is operated directly by the Division of Youth Rehabilitative Services. Education is provided on site by certified school personnel who are employed by DSCYF.
4. **Terry Children's Psychiatric Center** - This DPBHS program is a Residential Treatment Center providing inpatient and day hospital services for youth under the age of 14. Education is provided on-site by certified school personnel. Special education services are provided in accordance with state and federal law.
5. **Northeast Treatment** - This program is operated by Northeast Treatment Centers, LKEC (Delaware) Inc. under contract to the DPBHS. Students ages 12-17 receive a full day of education by certified teachers. Special education services are provided in accordance with state and federal law.
6. **Silver Lake Treatment Center** - This DPBHS program provides day treatment and educational services to youth ages 12-17. Full complement of core courses is provided by teachers certified by Delaware Department of Education. Special education services are provided in accordance with state and federal law.
7. **Stevenson House Detention Center** - All students attend a full day of courses which include all the Core Courses. GED is available to youth meeting criteria for entry into the Program. Special education services are provided in accordance with state and federal law.
8. **People's Place II** - Peoples' Place II is a non-secure detention environment for non-adjudicated males and females ages 12-18. While in placement youth are required to attend school. The certified educator employed by Department of Services for Children, Youth, and Their Families, Education Unit works closely with the youth's "home-school" to make sure the on-site education provided while in placement is aligned with the child's "home school" class assignments. The DSCYF teacher also ensures compliance with special education regulations as required and assists in arranging a smooth return to a more conventional school environment upon discharge from the non-secure detention placement. Education is provided year round, on site, and in compliance with state and federal regulations. Peoples' Place II is located in Milford, DE
9. **Seaford House Treatment Center** - This program provides day treatment and educational services at the treatment center operated by Children and Families First under contract with DPBHS. Students ages 12-17 receive a full day of education by certified teachers. Special education services are provided in accordance with state and federal law.
10. **Delaware Day Treatment Center** - There are two Delaware Guidance programs: one in Kent County and one in Sussex County. Both programs are operated by Delaware Guidance Inc. under contract to the DPBHS. Students ages 6-15 are provided with day treatment and educational services. Education is provided on site by certified teachers

employed by DSCYF. Special education services are provided in accordance with state and federal law.

Division of Youth Rehabilitative Services (DYRS)

1. Secure Detention

Youth who are eligible to be detained, per Del. C., can be securely detained at New Castle County Detention Center, on the Youth & Family Center campus or at Stevenson House in Milford. The behavioral model utilized at the facilities is the Cognitive Behavior training model.

Residential Alternatives to Secure Detention (RAD)

Youth eligible to be securely detained are also eligible to be placed by court order into a residential, mix gendered, facility with up to 10 beds located within the State of Delaware.

Pre-trial supervision services

Youth are placed in the community, under the supervision of a parent/guardian, along with a DYRS probation officer or a provider overseeing the conditions of the youth's bail order. Should electronic monitoring be indicated, the Division provides Global Position Supervision (GPS) to support the pre-trial worker.

2. Probation Services

Level I Administrative Probation

This level is appropriate for juveniles who have committed minor misdemeanor offenses but do not require supervision by a juvenile probation officer. Level I placements require an adequate family and/or community structure to monitor and notify the Court of violations. Dispositions to this level consist of fines and costs, restitution, counseling, community service, and education programs ordered by the Court and supervision by family or community members. There is no DYRS involvement with these programs.

Level II and Level III Probation

Youth ordered to Level II will be assessed by the Division's Assessment & Monitoring unit with the Positive Achievement Change Tool (PACT) and if found to be low to moderate risk of reoffending, they will be referred to the appropriate low level provider.

Youth ordered to Level II and Level III who are assessed (PACT) and found to be at moderate-high or high risk of reoffending will be assigned to a probation officer, who will refer as necessary to the umbrella services provider for programs to match the youth's criminogenic needs. Youth and their families will have contact with the probation officer based on their level of risk to reoffend.

3. Secure Programs

Level IV and Level V programs are indicated for juveniles whose adjudicated offenses include at least one of the following offenses:

- Level IV: Violent Felony D, E, and F
- Level V: Felony A, B, and C

- g. Provide the school with proof of legal custody, with court order appointing the child's legal representative, and an authorized list of contacts and transportation authority.
 - h. Request the assignment of an Educational Surrogate Parent (ESP) for any child in foster care who receives or may be in need of special education services and no parent can be identified; parent/legal guardian/Relative Caregiver cannot be located; parental rights have been terminated and the child has not been adopted; the child is an unaccompanied homeless youth; the child is in the custody of DSCYF; or the parent/legal guardian/Relative Caregiver voluntarily consents to having an ESP appointed. Appointment of ESPs must be approved by DOE. The referral form for an ESP can be found on the Parent Information Center's website at <http://www.plcofdel.org/resources/index.asp>.
 - i. Withdraw a child in foster care immediately (24-48 hours) from their original school to facilitate enrollment in a new school, if a decision (at a meeting with the child's school staff and DSCYF) has been made that it is in the best interest of the child to change schools.
 - j. Attend an annual "best interest of the child meeting" at the child's school for educational planning of a child in foster care. This meeting, to be held generally in May or June, shall include the CASA or Guardian ad litem, parent/legal guardian/Relative Caregiver or educational surrogate. If this discussion occurs during an IEP meeting, it may occur from April through June.
 - k. Consider maintaining a child in his or her own community, school or school district when a change in foster care placement is imminent and in the child's best interest.
 - l. Support parents' rights to plan for their child's education.
 - m. Share the cost of transportation for IV-E eligible and qualified foster care students to the school of origin. This responsibility will be managed by the DFS Treatment Program Manager.
 - n. Share the educational stability plan with school staff to include the transition plan for emancipating youth (at least 90 days prior to emancipation date).
3. LEAs shall:
- a. Provide children in foster care placement the benefits of the McKinney-Vento Act for homeless children, i.e. the right to stay in

their school of origin and be provided transportation to the school of origin when a change in foster care placement occurs, when in the best interest of the child.

- b. Enroll a child in foster care (based on the results of the Best Interest Meeting) within two school days of referral in a new school even if DSCYF is unable to produce records, or the sending school has not yet transferred the records, such as previous academic records, medical records, proof of residency, and/or other documentation if all parties (child, school, parent/legal guardian/Relative Caregiver, Guardian ad litem, CASA, and DSCYF staff) agree that it is in the best interest of the child to change schools according to the McKinney-Vento Act.
- c. Ensure that the receiving school promptly obtains school and medical records from the sending school for a newly enrolled child in foster care.
- d. Transfer school and medical records from the sending school immediately (within three school days during the school year, or five working days in the summer) to a new school for a child in foster care who is transferring schools.
-  e. The receiving school shall immediately apply full credits and is encouraged to accept partial credits to benefit the student. The receiving and sending schools should determine, for transferring seniors, which school will provide the diploma.
- f. Accept a DSCYF letterhead statement as proof of residency of a child in foster care with the placement resource identified.
- g. Accept registration materials from DSCYF case managers via fax and schedule a meeting or a teleconference with the caseworker for a later date, within five business days, to discuss other educational information that may not have been shared.
- h. Host meetings with necessary parties to develop the best educational plan for a child or youth in foster care, as may be needed from time to time.
- j. Host a meeting in May or June, with all involved parties (district/school liaison, caseworker, parent, Guardian ad litem, CASA, and child) to determine whether it is in the best interest of the child to remain in the school of origin or be transferred to the district in which they are now living for the subsequent year. The school liaison will schedule the meeting and be responsible for scheduling other school personnel.