

# 40th Annual InterCourt Conference



## Session 3D: Leveraging Partnerships in Schools to Support Justice-Involved Students

Presenters: *Kerry Agins, Betsy  
Hauck & Valerie Kunze*

March 14, 2024  
3:15 - 4:45 p.m.



THE SUPREME COURT *of* OHIO  
JUDICIAL COLLEGE



# LEVERAGING PARTNERSHIPS WITH SCHOOLS TO SUPPORT JUSTICE-INVOLVED STUDENTS

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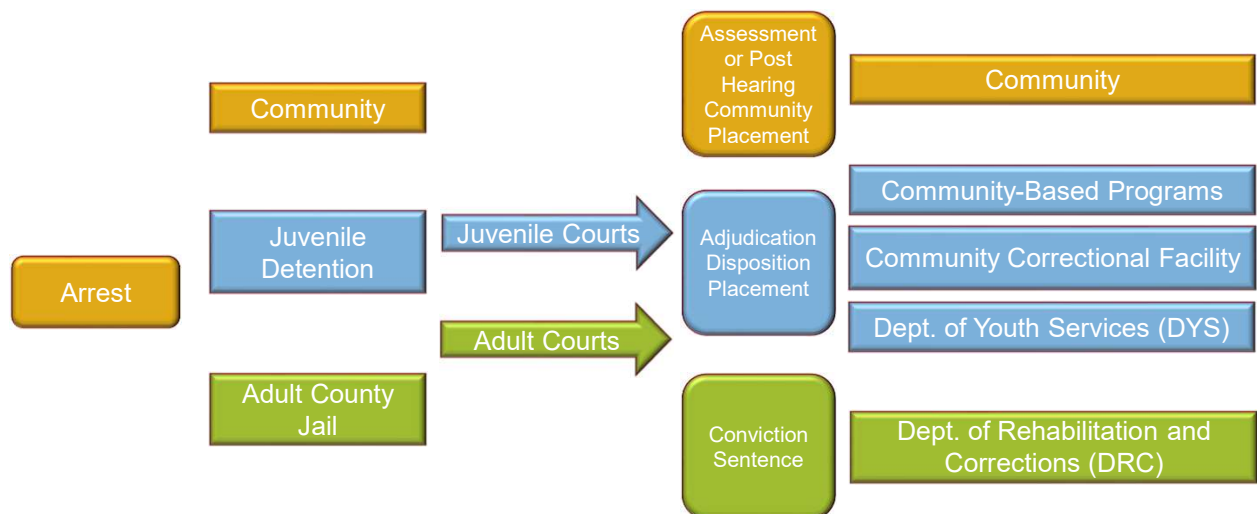
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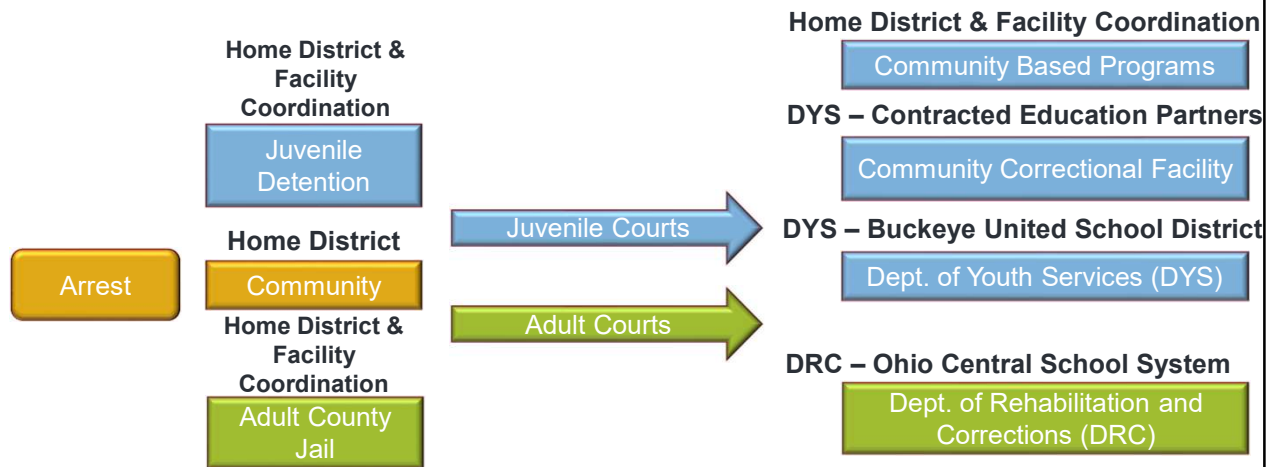


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## YOUTH IN LEGAL SYSTEM



## RESPONSIBILITY FOR EDUCATION



## RESPONSIBILITY FOR EDUCATION

Location of the child	Stage(s) of Juvenile/Criminal Legal Process	Who is responsible for educating the child?
Juvenile Detention Center	Pending outcome of case	Facility & home school district collaboration <b>Ohio Revised Code 2151.362</b>
Juvenile DYS Facility	Adjudicated delinquent for felony	DYS Buckeye United School District <b>Ohio Revised Code 5139.07</b>
Adult DRC Facility	Convicted of a felony	DRC Ohio Central School System <b>Ohio Revised Code 5145.06</b>



## DETENTION EDUCATION COORDINATION

- Facility shall be responsible for coordinating by:
  - Arrange with the school district responsible for bearing the cost of education the child, for the facility to educate the child on its own
  - Contract with an educational service center
  - Contract with the school district in which the facility is located for that school district to educate the child
  - Chartered nonpublic school that facility operates
  - Continue instruction in internet community school



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## DETENTION EDUCATION REQUIREMENTS

- Keep student current with their studies, minimum amount of time per school calendar year
- Restriction of educational programs only by detention center director/designee
- All academic teachers are licensed
- Recommends the following minimum services and programs for all children admitted: education, recreation and exercise, religious programming



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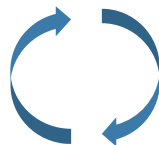
## WHO PAYS FOR EDUCATION IN DETENTION?

- A child's school district, as determined by the court or the department, shall pay the cost of educating the child based on the per capita cost of the educational facility within the detention home or juvenile facility (ORC §2151.362(C).)



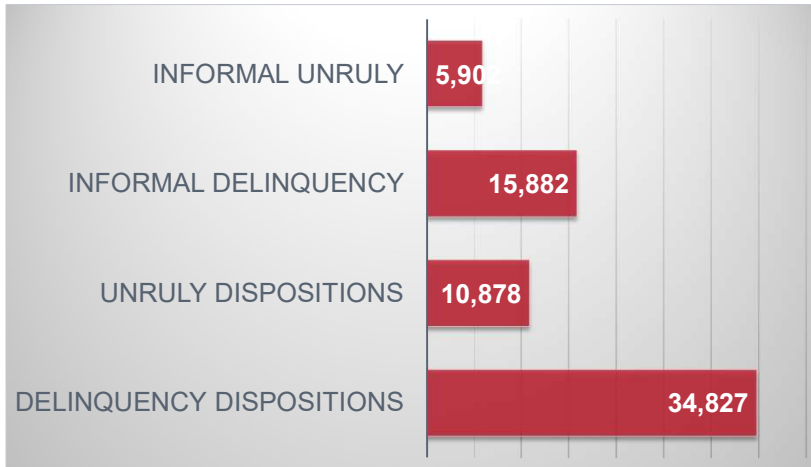
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## COLLABORATION IS KEY



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## 2022 STATE OF OHIO COURTS COMMON PLEAS, JUVENILE DIVISION DISPOSITIONS

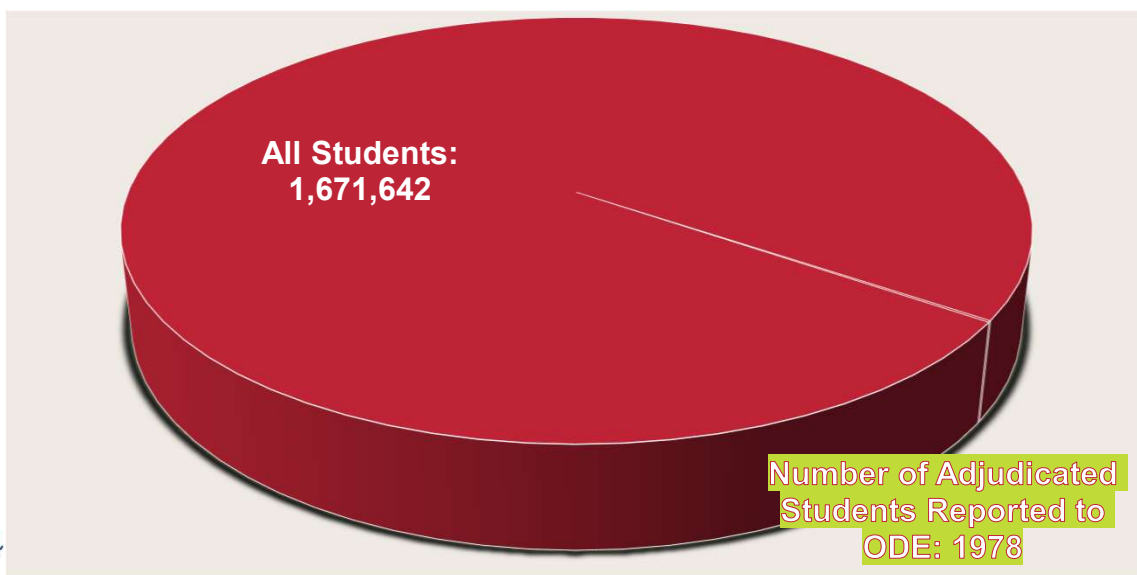


**Total  
Dispositions:  
36,829**



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## OHIO'S 2022-2023 REPORTED ENROLLMENT



KV0

IN DECEMBER 2015, CONGRESS PASSED THE EVERY STUDENT SUCCEEDS ACT.



KV0

Approximately two out of three young people returning from the juvenile justice system drop out.



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## EVERY STUDENT SUCCEEDS ACT OVERARCHING GOALS FOR JUSTICE-INVOLVED YOUTH

- 1) Improve educational services in institutions
- 2) Improve youth transitions between institutionalization to further schooling or employment
- 3) Prevent dropout



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## EVERY STUDENT SUCCEEDS ACT SPECIFIED PROVISIONS

- Plan and coordinate education between facilities and local districts
- Support reentry to the community for youth returning from juvenile justice placements, including timely re-enrollment in appropriate educational placements
- Create opportunities to earn credits in secondary, postsecondary, or career/technical programming
- Require transfer of secondary credits to the home school district upon reentry
- Prioritize attainment of a regular high school diploma



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## EVERY STUDENT SUCCEEDS ACT: STATE PLAN

Ohio's plan for assisting in the transition of children and youth between correctional facilities and locally operated programs includes strategies at the state and local levels. The plan addresses **five** key issues:

- Improving communication/coordination
- Ensuring all districts have formalized policies/procedures
- Ensuring plans, informed by a needs assessment, incorporate relevant strategies
- Ensuring districts provide effective services and supports
- Improving data collection and use



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## EVERY STUDENT SUCCEEDS ACT: DISTRICT PLANS

**District plans for educational stability for justice-involved students also answer these key questions:**

- Does it support when they leave a detention center or other secure settings?
- Does it provide students with opportunities to participate in grade-appropriate coursework?
- Does it support students in obtaining high school diplomas, participating in career training opportunities and receiving non-academic support to keep them on a pathway to college and career readiness?



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## JUSTICE-INVOLVED YOUTH LIAISONS

- Work with juvenile detention centers, local juvenile courts, community agencies and community partners to support students involved in court system
- Responsible for the following:
  - Communication regarding student placement.
  - Transfer of student records (including IEPs)
  - Transfer of credits
  - Serving as a liaison
  - Developing transition plans
- Be informed on supports for students returning

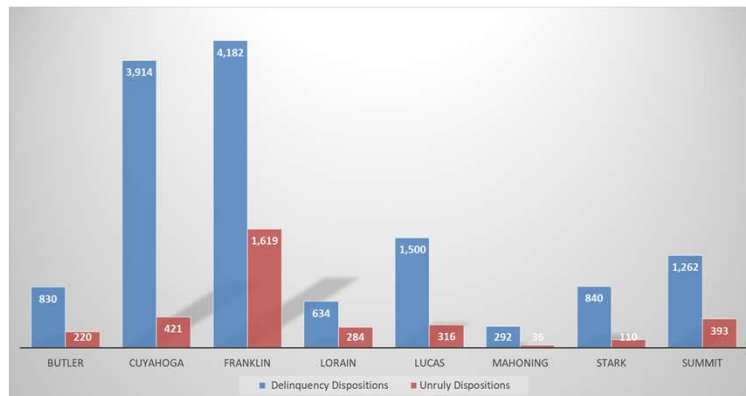


## COLLABORATIVE PARTNERSHIPS

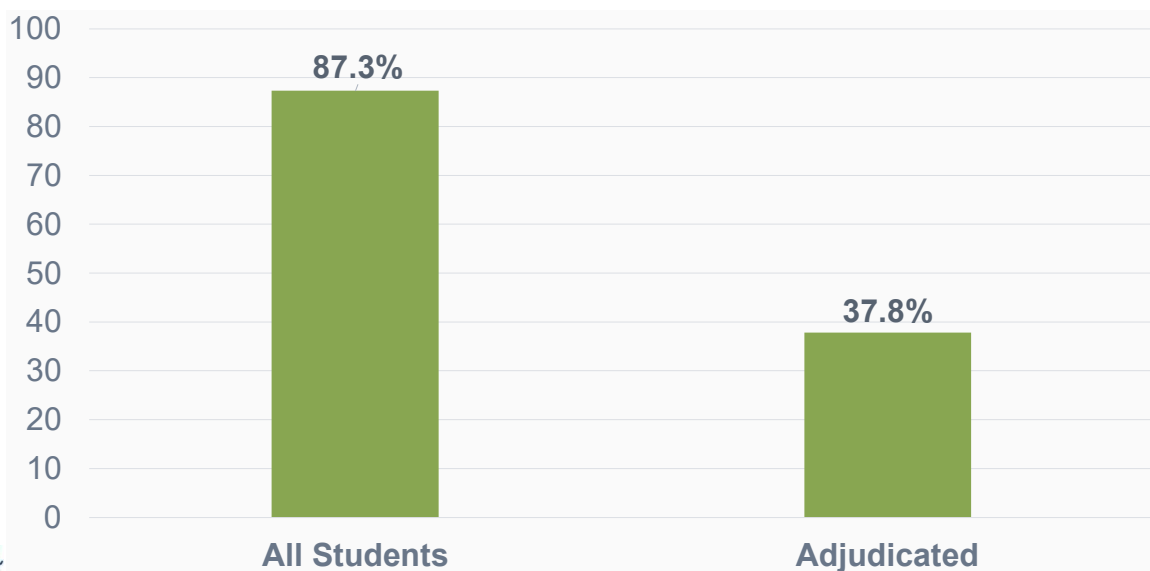
- Community partners who help students transition from secure care can include:
  - Parents, caregivers and families
  - District and school-level educators
  - Government agencies and representatives
  - Community-based organizations,
  - Physical health and mental health providers
  - Student and youth mentor organizations
  - Faith-based organizations



## OHIO 8 & URBAN EDUCATION FOR JUSTICE-INVOLVED



## OHIO'S FOUR-YEAR GRADUATION RATES IN 2022



## JUSTICE-INVOLVED YOUTH AND CHILD WELFARE

### Multi-system involved students

- Over 65% of youth involved with the juvenile justice system in the United States report a history of child welfare system involvement ([Cusick, Goerge, & Bell, 2009](#); [Halemba & Siegel, 2011](#)).

### Various transitions

- According to the Juvenile Law Center a juvenile with five or more placements while in foster care is 90% more likely to be justice-involved



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**Nationally, youth in the juvenile justice system are identified as eligible for special education services at three to seven times the rate of youth outside the system (Leone & Weinberg, 2010)**



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## LEVERAGING PARTNERSHIPS WITH SCHOOLS TO SUPPORT JUSTICE-INVOLVED STUDENTS

*How do we resolve the issues that emerge at the intersection of Special Education and Juvenile Justice?*

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## LEVERAGING PARTNERSHIPS WITH SCHOOLS TO SUPPORT JUSTICE-INVOLVED STUDENTS

### Unique issues facing Juvenile Justice System for Students with Disabilities:

- **Providing special education services to students in detention**
  - Receipt of student records
  - Allocation of special education and related services
- **Addressing truancy reports/filings**
  - Special issues with mental health referrals
  - Students with Autism Spectrum Disorders
- **School District referral to police and juvenile courts in lieu of providing intensive behavioral or mental health services to students who need them**



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## LEVERAGING PARTNERSHIPS WITH SCHOOLS TO IDENTIFY A STUDENT WITH A DISABILITY

A child with a specified disorder who, by reason thereof, needs special education:

- Hearing Impairments
- Speech/Language Impairments
- **Emotional Disturbance**
- **Autism**
- **Traumatic Brain Injury**
- Specific Learning Disability
- **Cognitive Impairment**
- Visual Impairments
- Orthopedic Impairments
- Deaf/Blind
- **Other Health Impairment**
- Preschool Child with Disability

Any student with a disability (or suspected of having a disability) should have an evaluation (MFE/ETR) completed



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## LEVERAGING PARTNERSHIPS WITH SCHOOLS TO PROVIDE APPROPRIATE SPECIAL EDUCATION SERVICES

### School district obligations to Students with Disabilities:

- Once evaluated, provide special education and related services designed to meet the unique needs of the child in areas of academics, communication, behavior, self-help, etc.
- This may include specially designed instruction, counseling services, social skills training, social-emotional and self-regulation support, speech and language services, occupational therapy, parent training, and other services needed by a student to enable them to access their educational program.



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## LEVERAGING PARTNERSHIPS WITH SCHOOLS TO PROVIDE APPROPRIATE SPECIAL EDUCATION SERVICES

### **School district obligations to Students with Disabilities:**

- The special education and related services to be provided to a student with a disability are outlined in the Individualized Education Plan (IEP) and must be provided as written.
- The IEP team (educational professionals and parents along with those invited by the parent to participate) decides in a collaborative manner what services will be included in the IEP.
- The IEP must address all areas of need and be designed to confer *meaningful* educational benefit to the student.

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## LEVERAGING PARTNERSHIPS WITH SCHOOLS TO MANAGE SPECIAL ED STUDENT DISCIPLINE ISSUES

### **Students with Disabilities and Discipline:**

- “10 day rule” – schools can exclude students with disabilities for up to 10 school days without providing educational services
- Beyond 10 days, ***in all cases***, educational services designed to enable a student to make progress in the general education curriculum AND on IEP goals and objectives must be provided.
- The location of services might change depending on (a) whether the IEP was being properly implement, (b) the behavior was a manifestation of the child’s disability, or (c) the severity of the behavior.

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## LEVERAGING PARTNERSHIPS WITH SCHOOLS TO MANAGE SPECIAL ED STUDENT DISCIPLINE ISSUES

### **Students with Disabilities and Discipline:**

-If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability, or the conduct was the direct result of the school's failure to implement the IEP, then the behavior is a manifestation of the child's disability and the student must be returned to their educational placement unless the conduct involved drugs, weapons, or serious bodily injury.

See: [Discipline-Flowchart-Update- 2021.pdf.aspx \(ohio.gov\)](https://discipline-flowchart-update-2021.pdf.aspx (ohio.gov))

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## LEVERAGING PARTNERSHIPS WITH SCHOOLS TO SUPPORT JUSTICE-INVOLVED STUDENTS

### **Advocacy and Collaboration is Key:**

- If you suspect a student should be identified with a disability, make a referral for an evaluation
- If there is lack of progress in student performance of a key area of need/development, the IEP may be inadequate. Call a team meeting to amend the IEP.
- Services to be provided must be individualized and targeted to the student's areas of need – there is no one size fits all approach

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## LEVERAGING PARTNERSHIPS WITH SCHOOLS TO SUPPORT JUSTICE-INVOLVED STUDENTS

### **Advocacy and Collaboration is Key:**

- Students with behaviors that interfere in their learning or the learning of others should have a functional behavior assessment completed
- A positive behavior intervention plan may need to be created and added to the IEP
- If a child requires a service but the District does not have the personnel to provide it, the district must contract with and pay for the service from an outside provider.

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## LEVERAGING PARTNERSHIPS WITH SCHOOLS TO SUPPORT JUSTICE-INVOLVED STUDENTS

### **Advocacy and Collaboration is Key:**

- Set measurable goals for outcomes with concrete data collection targets – and do not expect perfection.
- Ask the hard questions – confirm details. “Who, when, where, how often, how long”
- Collaboration between schools, county and community agencies, and families yields the best outcomes. Maintaining clear communication and sharing resources is critical.

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[Integrated Student Supports | Department of Education and Workforce](#)

[Students in the Justice System | Department of Education and Workforce](#)

[Special Education | Department of Education and Workforce](#)



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# QUESTIONS?

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