

## AGREEMENT BETWEEN THE DEPARTMENT OF CORRECTIONS, JUVENILE SERVICES, AND THE DEPARTMENT OF EDUCATION

The purpose of this Agreement is to establish a framework for communication in order to improve educational outcomes for students under the supervision of the Department of Corrections. The Agreement describes the roles and responsibilities of the Department of Corrections, the Department of Education, and School Administrative Units.

The Department of Corrections, through the Division of Juvenile Services, is responsible for the supervision of juveniles charged with, or adjudicated of having committed a juvenile crime.

The Department of Education is responsible for overseeing implementation of this Agreement and coordinating the connection between the Department of Corrections, the Department of Education's Project IMPACT and School Administrative Units.

National research finds that students with higher levels of education are less likely to commit crimes as juveniles or adults. Research supports collaboration across the multiple agencies serving these students as one of the most effective strategies for assuring access to educational programs and support for students to continue and complete high school.

# COOPERATIVE AGREEMENT

## SECTION I

### DEFINITIONS

\* **Classification Conference** – A meeting following assessment and orientation of a juvenile committed to a juvenile facility to finalize the juvenile’s Case Plan developed by the assessment team. This plan will be implemented while the juvenile remains at the facility and will be directed towards ameliorating risk factors contributing to his/her offending and preparing the juvenile for community reintegration.

\* **Community Reintegration Plan** – The plan developed by a juvenile’s Unit Treatment Team as part of the juvenile’s case plan to assure successful reintegration into the community. The plan addresses all aspects of a juvenile’s life and specifically addresses a juvenile’s risk factors for continued delinquent behavior.

\* **Community Reintegration Plan Review** – A meeting held prior to a juvenile’s release, for a juvenile committed to a juvenile facility to review and finalize the juvenile’s Community Reintegration Plan.

\* **Department of Corrections** – The Department with responsibility for services to juveniles who have been referred to the Division of Juvenile Services for action by law enforcement, placed under supervision of the Division in the community after having been adjudicated of having committed a juvenile offense, or committed to the custody of the Division (in a juvenile facility) after having been adjudicated of having committed a juvenile offense.

\* **Department of Education** -- The Department responsible for overseeing the provision of educational programs and services to eligible students through School Administrative Units, other State agencies and private schools.

\* **Detention Status** – The status of a juvenile who has been detained by a Juvenile Community Corrections Officer (JCCO), by a prosecuting attorney, or by a court order.

\* **Drug Court Sanction** – A sanction of up to 7 days in a juvenile facility imposed by the court on a juvenile in the Drug Court program.

\* **Electronic Conferencing** – One of several methods to ensure participation in meetings: teleconferencing, video-conferencing and e-mail.

\* **Facility** – A Department of Corrections juvenile facility. In northern Maine, the facility is Mountain View Youth Development Center. In southern Maine, the facility is Long Creek Youth Development Center.

\* **General Education Development (GED)** – Tests that when passed serve as the legal equivalent of a high school diploma.

\* **Individualized Education Program (IEP)** – The document which is the basis for educational programming and placement for a student receiving special education. It

## **DEFINITIONS (CONTINUED)**

describes the amount and type of special education and related services the student will receive, any special accommodations or supplemental aids or services required, the goals and objectives the student may reasonably be expected to achieve, and how the student will participate in State and local assessments. If a student is 14 or older, it also contains required information related to transition planning for the student.

\* **Juvenile Community Corrections Officer (JCCO)** – The Department of Corrections employee who is both responsible for case management of a juvenile under the supervision of the Maine Department of Corrections while the juvenile is in the community and who is a member of the unit treatment team while the juvenile is in the facility.

\* **Project IMPACT (Interagency Model Project for Academic and Correctional Transition)** -- A program funded by the Department of Education through local school administrative units to assist the juvenile correctional facilities and school administrative units in planning for the transition of juveniles back into the community.

\* **Pupil Evaluation Team (PET)** – The team responsible for determining eligibility for special education, determining necessary evaluations, developing the Individualized Education Program, and determining the least restrictive environment in which to implement the Individualized Education Program. (See Maine Department of Education Regulation 101 [Maine Special Education Regulations], Section 8, for a more detailed description of membership and responsibilities.)

\* **Reclassification Conference** – A meeting held for each juvenile returned to a juvenile facility for violating the conditions of the juvenile’s Community Reintegration Plan.

\* **School Administrative Unit (SAU)** – The State-approved unit of school administration for public K-12 education in Maine.

\* **School Reintegration Team** – The school team required by Title 20-A M.R.S.A., §1055, sub-§12. This team comprises an administrator for the school administrative unit; at least one classroom teacher to whom the student will be assigned or who is involved in the school’s student assistant team; a parent, guardian, or custodian of the student; and a guidance counselor. The team is responsible for carrying out reintegration planning for juveniles returning to that community from commitment to one of the Department of Corrections’ juvenile facilities.

\* **Section 504** – The section of the federal Rehabilitation Act requiring school administrative units to make accommodations for students identified with a disability who do not require special education but do require accommodations to participate in their general education program.

\* **“Shock Sentence”** – A disposition imposed by the court for a juvenile to serve up to 30 days in a juvenile facility.

\* **Unit Treatment Team (UTT)** – The multi-disciplinary team responsible for managing a juvenile’s case plan while the juvenile is a resident of Long Creek Youth Development Center or Mountain View Youth Development Center. The team monitors behavior and treatment progress, controls advancements within the system, and recommends action to the Classification Committee. Membership comprises the Juvenile Program Manager of the resident’s unit, the unit psychologist and psychiatric social worker, the resident’s Juvenile Community Corrections Officer, the resident’s coach, the assigned mental health clinician, the assigned substance abuse clinician, a medical services representative and an education representative, and may include other individuals if indicated.

COOPERATIVE AGREEMENT  
SECTION II

UNCONDITIONAL RELEASE, CONDITIONAL RELEASE, INFORMAL  
ADJUSTMENT OR PROBATION

- A. The Division of Juvenile Services will ensure that:
1. The juvenile's school is contacted when the JCCO has determined it is in the best interest of the student, and generally under any of the following conditions:
    - a. The student has repeated contacts with the JCCO for increasingly serious problems;
    - b. School attendance is a condition of conditional release, an informal adjustment agreement, or a probation order;
    - c. The JCCO has been informed that a student is eligible for special education services;
    - d. The JCCO has been informed that the student is eligible for Section 504 services; or
    - e. The JCCO has repeated contacts with a student under age 10 (10 is a guideline; specific concern is for younger students).
    - f. Except in the case of a juvenile on probation, in order to accomplish this, the JCCO will obtain written consent from the student and the student's parent or guardian. Except in the case of a juvenile on probation, the JCCO who receives any school records under this section shall certify in writing to the Superintendent of the SAU that the record will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian; and
    - g. In any case in which substance abuse information is to be disclosed, the JCCO will obtain written consent from the juvenile.
  2. The school is contacted when a student is going to court for a dispositional hearing if the JCCO has advance notice that this is going to occur. The purpose is to gather information that can assist in the recommendation to the court for disposition of the case, but specifically when:
    - a. An out-of-home placement is being considered for recommendation to the court;
    - b. School problems have already been identified in the student's record;
    - c. The JCCO has been informed that a student is eligible for special education services; or
    - d. The JCCO has been informed that the student is eligible for Section 504 services.

- e. Except in the case of a juvenile on probation, the JCCO who receives any school records under this section shall certify in writing to the Superintendent of the SAU that the record will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian; and
  - f. In any case in which substance abuse information is to be disclosed, the JCCO will obtain written consent from the juvenile.
3. The school is notified of the disposition of the case when:
    - a. The student is placed on probation and a condition of probation includes school attendance or other conditions with which the school may assist in supporting the student in meeting the conditions of probation;
    - b. The student will be out of school for a period of time for reasons other than commitment to a juvenile facility;
    - c. The JCCO has been informed that a student is eligible for special education services; or
    - d. The JCCO has been informed that the student is eligible for Section 504 services.
  4. The JCCO participates in joint planning meetings with the school in person, via electronic conferencing, or by written report to develop a cooperative plan for a student when both the school and the Division of Juvenile Services will offer services to the student.
- B. The Superintendent of the SAU will ensure that:
1. A primary contact person(s) is identified for the JCCO. The contact person will be responsible for coordinating the exchange of information with the assigned JCCO.
  2. Information is provided to the Regional Office of Juvenile Community Corrections regarding services which can be made available to students (e.g., sharing of student/parent handbooks) and is updated as this information changes.
  3. The JCCO is informed of the student's attendance and of pertinent changes in the student's educational program.
  4. Information is provided in writing when requested in writing by the JCCO.
  5. The JCCO is informed when the student is suspended or when expulsion is being considered. Notification is required when:
    - a. The student is placed repeatedly on detention for violation of school rules;
    - b. Suspension is ordered;
    - c. A disciplinary hearing is scheduled;
    - d. An expulsion is ordered; or
    - e. A readmission hearing is scheduled.
  6. A school representative participates in person, via electronic conferencing or by written report in joint planning meetings to develop a cooperative plan for the student when both the school and the Division of Juvenile Services will be offering services to the student.

7. The JCCO is invited to participate in PET or 504 meetings for identified students.
8. PET or 504 meeting minutes are shared with the JCCO regardless of the JCCO's attendance.

## COOPERATIVE AGREEMENT SECTION III

### TRANSITION TO THE FACILITY – DETENTION, “SHOCK SENTENCE”, OR DRUG COURT SANCTION

- A. When a student is placed in Detention status or is given a “Shock Sentence” or a Drug Court Sanction, the Division of Juvenile Services will ensure that:
1. Facility staff, or designee, contacts the identified SAU within 1 school day of the juvenile’s arrival to determine what education information and materials, if any, need to be shared and how they will be shared.
  2. The facility staff, or designee, returns any loaned materials (textbooks, workbooks, etc.) and an educational summary to the SAU when the student is released back to the community.
  3. The SAU is notified of the need to convene a PET meeting to review and amend as necessary the student’s IEP if it has been determined by the facility that an identified special education student will be held in the facility for more than 10 school days.
  4. In order to accomplish this when a student is in Detention status, the Division of Juvenile Services will ensure that written consent is obtained from the student and the student’s parent or guardian, if a petition charging the student with a juvenile crime has not been filed.
  5. In any case in which substance abuse information is to be disclosed, the Division of Juvenile Services will obtain written consent from the juvenile.
- B. The Superintendent of the SAU will ensure that:
1. The agreed upon information and materials are provided.
  2. A PET meeting is convened when notified in accordance with Section III.A.3.

### TRANSITION TO THE FACILITY – INDETERMINATE COMMITMENT

- A. When a student is committed for an indeterminate commitment, the Division of Juvenile Services will ensure that:
1. The contact person at the SAU is called for initial education information within 1 school day of the student’s commitment.
  2. A request for the cumulative school record is sent to the contact person at the identified SAU.
  3. A written invitation at least 10 school days prior to the transfer meeting is sent to the administrator of special education or district coordinator for Section 504 and the JCCO to participate in the meeting for a student previously identified as eligible for special education or Section 504 services.
  4. Minutes of the meeting are sent to the administrator of special education or district coordinator for Section 504 and the JCCO, regardless of their attendance at the meeting.
  5. In any case in which substance abuse information is to be disclosed, the Division of Juvenile Services will obtain written consent from the juvenile.

- B. The Department of Education will ensure that:
1. The Project IMPACT Coordinator sends a letter to the Superintendent of the SAU, with copies to the administrator of special education and the guidance counselor, after attending the Classification Conference. This letter will include a reminder of duties outlined in Title 20-A M.R.S.A., §1055, sub-§12.
- C. The SAU will:
1. Forward the student's cumulative school record, including School Health Record, special education record, and/or 504 record to the facility within 10 school days of receipt of the written request for record transfer; or
  2. Contact the facility within 10 school days after receipt of the request to inform them of the SAU in which the student's records are currently located.

COOPERATIVE AGREEMENT  
SECTION IV

RESPONSIBILITIES DURING COMMITMENT TO THE FACILITY (FOR  
JUVENILES COMMITTED FOR AN INDETERMINATE COMMITMENT)

- A. The Division of Juvenile Services will ensure that:
  - 1. Written notification of all educational planning meetings, inclusive of PET or 504 meetings, scheduled for any student during the student's residence at the facility are sent to the student's JCCO and SAU administrator of special education or district coordinator for 504.
  - 2. The JCCO and the administrator of special education or the district coordinator for 504 from the student's SAU are invited to any subsequent meetings if initial identification as a special education or 504 student is considered while the student is residing at the facility.
  - 3. Educational progress reports and transcripts are included in each student's cumulative record.
  - 4. In any case in which substance abuse information is to be disclosed, the Division of Juvenile Services will obtain written consent from the juvenile.
- B. The SAU will participate in educational planning meetings in person, via electronic conferencing, or by written report.

## COOPERATIVE AGREEMENT SECTION V

### TRANSITION OUT OF THE FACILITY (FOR JUVENILES COMMITTED FOR AN INDETERMINATE COMMITMENT)

- A. The Division of Juvenile Community Services will ensure that:
1. Appropriate notification is provided to the Project IMPACT Coordinator assigned to the facility that a student has achieved the last appropriate phase of programming and the Unit Treatment Team is ready to finalize community reintegration planning.
  2. The student's Community Reintegration Plan is shared with the SAU.
  3. The JCCO participates in person, by electronic conferencing, or written report, in the SAU's Community Reintegration Planning meeting.
  4. The cumulative file is returned or forwarded to the SAU within 10 school days following the release of the student.
  5. In any case in which substance abuse information is to be disclosed, the Division of Juvenile Services will obtain written consent from the juvenile.
- B. The Department of Education, through its Project IMPACT Coordinators, will ensure that:
1. When information is received that a student has achieved the last phase of programming, a letter is sent to the Superintendent of the SAU where the student is seeking admission with copies to the administrator of special education or the 504 administrator for the district, and the guidance office.
  2. The letter provides educational information and relevant juvenile justice information to the Superintendent or designee who may request additional information.
  3. When additional information is requested, the Division of Juvenile Services reviews the request with the Project IMPACT Coordinator and determines what additional information, if any, can be released to the SAU.
  4. The SAU receives an explanation of the decision reached and any information that the Division of Juvenile Services has determined can be released.
  5. The SAU Superintendent or designee, with the assistance of the Project IMPACT Coordinator, is notified of the need to assign a School Reintegration Team to the student in preparation for the student's return to school. The Team will consist of, at a minimum, a parent (or guardian or custodial adult), a classroom teacher, an administrator or designee, and a guidance counselor (other individuals may be included as appropriate).
  6. The School Reintegration Team or designee is invited to participate in the Community Reintegration Planning meeting at the facility. The team or a designated member can participate either in person or via electronic conferencing. The purpose of the meeting is to:

- a. Establish a timeline for release and re-entry to school;
    - b. Outline the conditions of release and designate roles and responsibilities of agency representatives such as Department of Health and Human Services and the Department of Labor, Division of Vocational Rehabilitation; and
    - c. Provide all necessary information so that a timely re-entry to school will occur (e.g., most recent PET/IEP information, portfolios, transcripts, etc.)
  7. Written minutes of the meeting including the Community Reintegration Plan are distributed to the invited members of the team.
- C. The Superintendent of the SAU will:
1. Ensure that confidentiality training is provided to all school employees who have access to juvenile justice information regarding the student.
  2. Assign a School Reintegration Team to each incoming student.
  3. Ensure that a School Reintegration Team meeting is scheduled to secure appropriate educational programming for the student which may include such options as alternative education, GED preparation, adult education, or school-to work related programming.
  4. Ensure that the JCCO is invited to participate along with representatives of other agencies who may provide services such as the Department of Health and Human Services, and the Department of Labor, Division of Vocational Rehabilitation.
  5. Ensure that the School Reintegration Team or designee participates in the Community Reintegration Planning meeting at the facility either in person or via electronic conferencing.
  6. Ensure a transfer PET or 504 meeting is scheduled for identified students with appropriate parties invited, including the JCCO.

## COOPERATIVE AGREEMENT SECTION VI

### COMMUNITY REINTEGRATION (FOR JUVENILES COMMITTED FOR AN INDETERMINATE COMMITMENT)

- A. After the student's release from the facility, the Division of Juvenile Services will ensure that:
1. The JCCO will notify the Superintendent of the SAU or designee of any changes made in the student's Community Reintegration Plan which has been shared with the SAU.
  2. The JCCO will participate in person, via electronic conferencing or written report, in educational planning meetings held by the SAU until such time as the student is discharged from the commitment.
  3. The JCCO will notify the Superintendent of the SAU or designee if the student does not comply with the Community Reintegration Plan and is being returned to the facility for any period of time that would affect the student's school participation.
  4. The JCCO will notify the Superintendent of the SAU when a student is discharged from the commitment. The notification will include the date and the basis of the discharge.
  5. In any case in which substance abuse information is to be disclosed, the JCCO will obtain written consent from the juvenile.
- B. The Department of Education, through its Project IMPACT Coordinators, will provide written notification to the SAU's Superintendent if the student is returned to the facility. Copies will be sent to the administrator of special education or the 504 coordinator for the district, and the guidance counselor following the Reclassification Conference.
- C. The Superintendent of the SAU will ensure that:
1. The JCCO is informed if the SAU believes that the student is not complying with the Community Reintegration Plan.
  2. A written report is provided of any failure to follow the conditions of the Community Reintegration Plan.
  3. The JCCO is provided with pertinent information if either the SAU or the JCCO believes the conditions of the Plan may need to be changed.
  4. Written notification is sent to the JCCO of PET meetings, 504 meetings, and other educational planning meetings scheduled for the student during the time the student is under the supervision of the Department of Corrections. Copies of the meeting minutes will be shared with the JCCO regardless of JCCO's attendance.
  5. Educational programming for the student is coordinated according to procedures described in Section III of this Agreement if the student has been returned to the facility.

## COOPERATIVE AGREEMENT SECTION VII

### MONITORING AND IMPLEMENTATION

- A. This Agreement will be monitored by the Project IMPACT Advisory Board.
- B. Membership on the Advisory Board comprises representatives of the following:  
Maine School Superintendents Association, Maine Principals' Association, Maine School Guidance Counselors Association, Maine Administrators of Services for Children with Disabilities, Department of Education (Education Consultants for Special Education and Community Reintegration from Juvenile Correctional Facilities), Department of Corrections (Regional Correctional Administrator, Regional Resource Coordinator, juvenile correctional facility educational and operational representatives), Project IMPACT fiscal agents and Department of Health and Human Services (Bureau of Child and Family Services and Children's Mental Health Services).
- C. The Advisory Board will meet regularly, but not less than quarterly, to review progress in implementation and to review any emerging issues.
- D. The Advisory Board will review this Agreement at least annually to determine the need for any changes or amendments to the Agreement. Any changes will be referred to the Commissioners of the Department of Corrections and the Department of Education for final action. Any changes involving legal issues will be referred to the Office of the Attorney General.
- E. The Department of Education and the Department of Corrections will arrange for dissemination of the Agreement to all appropriate individuals and organizations.

COOPERATIVE AGREEMENT  
SECTION VIII

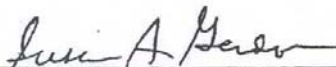
DISPUTE RESOLUTION

- A. All attempts should be made to resolve disputes at the lowest possible level.
- B. When a dispute cannot be resolved between the Regional Correctional Administrator (RCA) and the Superintendent of the SAU (or designee), or the Director of Education at the facility and the Superintendent of the SAU (or designee), the RCA or Director of Education and the Superintendent of the SAU shall send a written explanation of the situation to the Project IMPACT Advisory Board. The Board will review the situation and make a determination as to how the dispute should be resolved. This decision shall be shared in writing with the RCA or Director of Education and the Superintendent of the SAU within thirty (30) calendar days of receipt of the request for a determination.
- C. If the dispute cannot be resolved as described in paragraph B, above, or if the RCA or Director of Education at the facility or the Superintendent of the SAU disagrees with the resolution, the dispute shall be referred to the Associate Commissioner for Juvenile Services for the Department of Corrections and the Deputy Commissioner of the Department of Education for resolution. Their decision shall be shared in writing with the RCA or Director of Education and the Superintendent within 30 calendar days of referral of the matter to them.
- D. If the dispute cannot be resolved as described in paragraph C, above, or if either the RCA or Director of Education or the Superintendent of the SAU disagrees with the resolution, the dispute shall be referred to the Commissioners of the Department of Corrections and the Department of Education. Their decision shall be final and binding on both parties and shall be communicated in writing to all parties within 30 calendar days of referral of the matter to them.

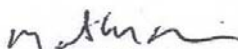
COOPERATIVE AGREEMENT  
SECTION IX

REVIEW, AMENDMENT OR TERMINATION OF AGREEMENT

- A. This Agreement will be reviewed annually.
- B. This Agreement may be amended at any time by mutual agreement of the Commissioners.
- C. This Agreement will be terminated ninety (90) calendar days after receipt of written notice by either party.

  
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Susan A. Gendron  
Commissioner of Education

Date Signed: 8/25/04

  
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Martin A. Magnusson  
Commissioner of Corrections

Date Signed: 9/16/04