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PROBLEMS AND ISSUES REGARDING
THE PROVISION OF EDUCATIONAL SERVICES
IN JINS AND DETENTION FACILITIES

Prepared by:

Task Force on the Juvenile Code
Department of Human Services

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I. Introduction

One of the most important components of the juvenile justice system in New Jersey is the predispositional holding facility - either the JINS shelter or detention center. The JINS shelter is a relatively recent development in New Jersey's juvenile justice system dating back only to March 1974 when the new juvenile code (N.J.S.A. 2A:4-42 et seq) became effective. Shelter care is defined by statute as "the temporary care of juveniles in facilities without physical restriction pending court disposition." Shelter care facilities are primarily for the placement of juveniles with JINS offenses, such as incorrigibility, runaway, or truancy, and are used when there is no appropriate adult custodian to assume supervision pending court disposition.

At the present time, there are 19 JINS shelters specified by the Department of Human Services to accept juveniles. To provide some perspective on the magnitude of the shelter system, it should be recognized that in 1975 there were 4,192 admissions to the JINS shelters in New Jersey.

Detention may be defined in the same context as JINS shelters in that they are holding facilities for juveniles awaiting court disposition. There is one important difference, however, in that detention is a restrictive facility. There presently are 19 juvenile detention facilities in New Jersey, and in 1975 there were 12,142 admissions to these facilities. Virtually all of the detention centers in the State predate the JINS legislation and formerly were used to house both delinquent and status offenders (JINS).

The youth admitted to JINS and detention facilities range in age from 10 to 17, in most cases, and remain in these facilities for periods varying from a few days to several months. In 1975, the average length of stay in JINS facilities was 16.7 days, while the average stay in detention was 12.7 days.

Although detention and shelter are defined as temporary holding facilities, it is not uncommon for some juveniles to spend inordinate periods of time, perhaps several months, awaiting placement by the Division of Youth and Family Services. This problem has been evident long before the passage of the JINS legislation, primarily because of a change in juvenile court practices shifting from commitments to training schools, such as Jamesburg or State Home for Girls, to residential placements in private, therapeutic communities. The admission process for residential facilities is usually quite extensive and many juveniles "wait out" this process by extended stays in detention facilities or JINS shelters.

Because some juveniles stay relatively long periods of time in shelter or detention and education has traditionally been seen as one of the primary socializing agents, effective educational programs in the facilities are essential. However, it is interesting to note that it is only within the past several years that many educational programs in these facilities have been established or substantially upgraded. There are two primary reasons for this effort: the extension of federal funds by the State Law Enforcement Planning Agency (SLEPA) and the impetus for upgraded programming generated by the JINS legislation.

At the present time, education programs in these facilities range from nonexistent to excellent. Perhaps the primary reason for this is that the operation of the educational component comes under the jurisdiction of the superintendent of the facility and the county board of chosen freeholders and, in most cases, no other agency or regulatory authority. If the superintendent or freeholder board gives little regard to education, this component inevitably suffers. In light of all the provisions in "T & E," it seems an anomaly that

some juveniles of school age may spend months in detention without the benefit of any education whatsoever.

Although the Departments of Human Services and Corrections do not provide direct education services in JINS and detention facilities, the responsibilities of the Departments should be noted. By statute, the Department of Human Services specifies, or approves, the place where juveniles, primarily JINS, may be placed in shelter (N.J.S.A. 2A:4-57). Likewise, the Department of Corrections specifies the place where delinquent juveniles may be detained. By way of the specification authority provided by statute, the two Departments act as "overseers," in a certain sense, of the JINS and detention facilities in the State, and have authority to develop standards and inspect, evaluate, and monitor the various facilities. Because of this statutory mandate, the Departments must recognize the need to address violations, upgrade programs, and generally be concerned with the overall management and operation of the facilities. It is in this light that the Department of Human Services should continue the negotiation process with the Department of Education in addressing the myriad problems which presently exist in regard to the funding of education programs in JINS and detention facilities.

In analyzing the problems and issues regarding the provision of educational services in JINS and detention facilities, this paper addresses the role of the State, county, and local units of government, as well as briefly discussing the financing mechanisms currently in use. One section deals with the special problems associated with JINS and detention facilities and several additional sections discuss possible directions for the future in

light of Senator Fay's Bill, development of an appropriate administrative structure, and the impact of "T & E." Finally, the concluding section summarizes the recommendations of the Task Force on the Juvenile Code.

II. Current Departmental Policies

It should be recognized that as a result of the new juvenile code, the responsibilities of the Departments of Human Services and Corrections increased considerably in regard to JINS and detention facilities. Prior to the new juvenile code, the statutory provision for the inspection of county detention centers was contained in N.J.S.A. 30:1-15 which provides, in part, that

"... the commissioner or his duly authorized agent, shall be admitted to any and all parts of any such institutions at any time, for the purpose of inspecting and observing the physical condition thereof, the methods of management and operation thereof, the physical condition of the inmates, the care, treatment and discipline thereof."

The new juvenile code added to the above statutory provision, the power to specify, or approve, the place where a juvenile may be held in detention or shelter. To that extent, a Manual of Standards for Shelters Accepting Juveniles Awaiting Court Disposition was promulgated. These standards stipulate that JINS shelters must have education programs (Section 10:A-5, p. 11). Consequently, all proposed JINS shelters must include provisions for education in their program plans in order to receive Departmental approval and, once in operation, must continue to provide education in order to retain specification.

A similar document is currently being prepared by the Task Force on the Juvenile Code which will address the needs of detention facilities, including the provision of educational services. However, no statutory reference, case law, standard, or regulation presently exists which clearly establishes that detention facilities must provide educational services.

III. Legal Responsibilities and Ambiguities of State, County, and Local Jurisdictions

At present, no legislation exists which specifically identifies the State or Department as being responsible for providing educational services in either JINS or detention facilities. Currently, the only financial obligation of the Department of Human Services is to reimburse the counties at the rate of \$5.50 per day for all juveniles under the care of DYFS who are residing in JINS facilities. No similar provision for financial reimbursement applies to DYFS juveniles residing in detention facilities. However, several counties, including Union, Hudson, and Morris, have joined in litigation against the Department charging that DYFS is financially responsible for all postdispositional shelter care costs for juveniles in county JINS shelters who are awaiting placement by DYFS. The litigation was prompted by the relatively long lengths of stay in county JINS shelters of certain juveniles under DYFS supervision.

County responsibility for the establishment and maintenance of JINS shelters was confirmed in an Attorney General's Opinion subsequent to the enactment of the new juvenile code [Formal Opinion No. 7 - 1974 (M74-1215)]. By and large, the various counties have accepted this responsibility. However, the legal definition of shelter care is based on the need to provide emergency, short-term care for juveniles pending court disposition. The important point here is that the shelters were only to provide emergency care prior to

disposition. The counties which are litigating against the Department contend that DYFS is responsible for all services to juveniles who have been assigned to the care of DYFS by the juvenile court.

This could be a very important case for the Department, particularly if it is decided in favor of the counties. The number of postdispositional JINS represents a very significant segment of the daily shelter populations throughout the State. Also, there are some juveniles in detention facilities under similar circumstances, although a much smaller number, for which the Department of Corrections may be responsible.

In terms of educational services for these juveniles, it is conceivable that the Department could be assessed for the cost of providing educational programs, as well as other services, for each postdispositional day a child remains in a JINS shelter awaiting DYFS placement services.

The county's responsibility for establishing education programs in JINS shelters is clear when one takes into account the Attorney General's Opinion cited above and the appropriate regulation in the Manual of Standards. However, a clear mandate for the establishment of education programs in detention centers does not exist at present.

On July 6, 1972, the Superior Court of New Jersey, Law Division, rendered a decision regarding financial responsibility for education programs in county detention facilities. This decision squarely places the burden for the support of educational programs in detention facilities on the board of chosen freeholders. Bd. of Ed., Passaic v. Bd. of Ed. of Wayne, 120 N.J. Super. 155. However, this decision applies only to education programs which the board of chosen freeholders have already established. The responsibility to establish educational services in detention facilities was not addressed in the case and,

therefore, remains discretionary on the part of the board of chosen freeholders. Pending detention standards, which were mentioned previously, will remedy this situation to a certain extent. The quality of such programs will still remain in question though, since the Department has no accreditation powers in regard to the educational components of these facilities.

Additional litigation regarding the provision of educational services in JINS and detention facilities may also be forthcoming in the near future. At a meeting sponsored by the Education Law Center on November 30, 1976, representatives from the Department of the Public Advocate, Citizens Committee for Children of New Jersey, and the Task Force on the Juvenile Code were informed that the Education Law Center intends to investigate the conditions regarding the provision of education in various JINS and detention facilities throughout the State. The expressed purpose of this investigation is to locate a suitable client residing in a facility which provides little or no education to represent in a possible class action suit.

If a viable case can be developed, the Education Law Center intends to name all involved parties, i.e., county board of chosen freeholders, local school district, Department of Human Services/Department of Corrections, Department of Education, etc. in an effort to establish a legal mandate for the provision of quality education services in JINS and detention facilities. Additionally, the Education Law Center intends to seek an Attorney General's Opinion regarding financial responsibility for providing education programs in JINS shelters. Presumably, such an opinion would serve to clarify whose responsibility it is to provide funds for the education of juveniles in JINS shelters.

Many JINS administrators and other county officials look toward the

local school districts for the provision of educational services for JINS children. The juvenile code defines shelter care as "facilities without physical restriction" (N.J.S.A. 2A:4-43d). Further, the Manual of Standards for Shelters Accepting Juveniles Awaiting Court Disposition stipulates that "shelters shall not be physically restricting, offering free egress to the community " (Section 4:B, p. 1). Also, the Manual of Standards specifically states that "When possible, arrangements shall be made such that children attend school in conformity with the school code of the State of New Jersey" (Section 10:A-5, p. 11). To that extent, the Manual further points out that "children should be encouraged to attend schools in the community." In evaluating JINS shelter programs, the Task Force has also supported this concept. However, again, no clear statutory mandate or regulation exists which clearly delineates the responsibility of the sending school districts when children from their districts are in residence at county JINS shelters which are located in another district. Some sending school districts have accepted the responsibility for providing continuing educational services in the public school for juveniles who are in residence at the JINS shelter. Other sending school districts have maintained that their responsibility for educating juveniles ceases when the juveniles are admitted to the county JINS shelter. Thus, these sending school districts refuse to accept juveniles back into the public school system when requested to do so by the JINS shelter.

Another jurisdictional ambiguity concerns the responsibility of the local school district in which the JINS shelter is located. Again, as in the case of the sending school districts, some local districts which have JINS shelters within their confines accept selected JINS from the shelter; others do not. The ambiguity centers around the legal distinction between "domicile" and

"temporary residence." Those local school districts which refuse to accept JINS from another school district maintain that these juveniles are only temporarily residing within their school district, and that their legal domicile is within the district from which they were sent. Therefore, the legal responsibility for these juveniles' education rests with the sending school district, they argue.

IV. Special Problems of JINS and Detention Facilities

It should be noted that the juveniles admitted to JINS and detention facilities are, for the most part, atypical when compared to students in the public school system. Most juveniles in these temporary holding facilities range from 10-17 in age and bring to the classroom a wide diversity of academic functioning and emotional needs and dysfunctions. A student profile would bring to surface the following:

- (1) The majority of students require individual help since their learning gaps and disabilities place them many years below grade level, rendering many of them functionally illiterate. The incidence of learning disabilities among these children has been estimated by some researchers at between 60 and 80%.
- (2) Many students require almost constant help and encouragement because of their low tolerance for frustration, short attention span, and emotional problems.
- (3) Many students need to develop the social skills required to work effectively in a group.
- (4) Many students have not attended school on a regular basis

prior to admission to the facility. In April 1975, the Task Force on the Juvenile Code conducted a telephone survey on this issue. It was found that 61 percent of the total children surveyed from selected JINS shelters had been absent from school for two consecutive weeks or more prior to their admission to the JINS shelter.

- (5) The latent and overt hostility of many juveniles is quite evident since they have not been admitted to the facility on a voluntary basis, and they very often do not know how long they will be staying or where they will be going after they are discharged from the facility.

In addition to personal traits displayed by juveniles, the nature of institutional care directly affects the learning process. The displacement of juveniles into a new environment inevitably lends itself to the possibility of adjustment problems and situational anxiety. Because youth are continually being admitted and discharged, no cohesive group exists for any considerable length of time. This makes it difficult for a sense of security to develop.

It is quite evident that any viable solution to the educational needs of juveniles in JINS and detention facilities must take into account both the student profile, listed above, and the nature of institutional care. This is true for both in-house programming as well as the education of these children in community schools.

Because of the complex of problems discussed above, community schools, both local and sending districts, are reluctant to admit juveniles. In addition, the local school district in which the JINS shelter is located faces problems in programming for these children because of their transiency. As

mentioned previously, children in JINS shelters remain for widely varying lengths of stay, ranging from several days to several months. Under these circumstances, the local schools are unable to develop viable educational programs and insure continuity of education for these children.

Transportation is also an important problem bearing on the question of JINS attending community schools. Very often, JINS in shelter are from a relatively distant sending school district from another area of the county. Public transportation or school bus services are not always available, and transportation by the shelter's vehicle is not viable in cases where there are several children involved from widely separated schools. It should also be noted that the prevailing attitude among many JINS shelter administrators is that they are very reluctant to allow juveniles out of the shelter unescorted to attend school or any other community activity. This attitude is predicated on the assumption that these juveniles would engage in further status or delinquent activities, or perhaps run away, were they allowed to leave the facility unescorted. It should be noted, however, that in those instances where administrators have allowed juveniles to attend community schools, these fears have not been substantiated to a great extent.

Because of the problems associated with children from JINS shelters attending community schools, most children in JINS shelters receive educational services in-house. In addition, due to the necessity for security in detention centers, virtually no juveniles in these facilities attend community schools. Although all JINS shelters and most detention centers have in-house education programs, many of them are inadequate, fragmented, and disjointed. This is a result of the lack of clear legislation establishing: (1) a mandate for education programs in JINS and detention

facilities, (2) the means for their financial support, and (3) mechanisms for monitoring, evaluating, and accrediting the programs.

Neither the State Department of Education nor the county superintendent of schools has any input in terms of administering the programs, establishing standards, monitoring, evaluating, or accreditation. Consequently, each education program varies in quality according to the amount of funds allocated by the board of freeholders in each county. Also, the individual superintendents play major roles in the establishment of education programs. In general, if the superintendent places a high value on education, the shelter or detention facility will have a fairly good education program. On the other hand, if the superintendent feels that education is overrated and of little value, the facility will probably have a poor education program or none at all.

V. Financing Mechanisms Currently in Use

At present, a wide array of arrangements exist for the provision of funds to support education programs in JINS and detention facilities. In many cases, these arrangements do not provide sufficient funds for adequate materials, equipment, personnel, etc. to insure even minimal educational services. Further, in no cases are adequate funds available to insure the delivery of educational services as defined in "T & E."

The major funding resources currently in use include the following:

- (a) direct support through the board of chosen freeholders; (b) Title I funds;
- (c) grants through the New Jersey State Law Enforcement Planning Agency (SLEPA);
- (d) Federal Law Enforcement Assistance Administration (LEAA) grants distributed by the Task Force on the Juvenile Code; (e) funding through county welfare boards; (f) provision of materials, personnel, and other resources through

county vocational schools; and (g) provision of materials, personnel, and other resources through local schools.

In some facilities, the education program is supported entirely through one of these means. In other instances, a combination of several of these resources is utilized. However, the two primary sources of funds are provided by the boards of chosen freeholders and the SLEPA/LEAA grants. It should also be pointed out that the availability of funds on a year-to-year basis is relatively stable in some cases, while in other situations, the source and amount of funds is uncertain from one year to the next.

VI. Possible Directions for the Future - Senator Fay's Bill

A. Provisions of the Bill

The two main issues bearing on the current dilemma regarding the provision of education for juveniles in shelter and detention facilities which must be addressed are:

1. The lack of a clear mandate for establishing accredited education programs for juveniles residing in such facilities, and;
2. The need for the establishment of financial responsibility to support such programs and the mechanisms whereby such support can be provided.

With these needs in mind, Senator Fay's Bill (S1306), introduced on April 5, 1976, represents a viable starting point.

In essence, Senator Fay's Bill would require the board of chosen freeholders of any county, wherein a detention or shelter care facility is located, to establish education programs in accordance with the

provisions of Article 2 of the "Public School Education Act of 1975" in such facilities within one (1) year from the date of legislative enactment. In addition, the Bill would authorize the boards of chosen freeholders in such counties to assess the boards of education of each school district from which juveniles are sent to such facilities for the actual cost to provide educational services.

Senator Fay's Bill would also require the Commissioner of Education to promulgate guidelines for all such education programs within 180 days following enactment. Further, the provisions of Article II of P.L. 1975, c. 212, which are applicable as stated above, insure compliance with these guidelines through state and local evaluation and monitoring (Article II, 5 j). In general, Senator Fay's Bill appears to be a viable approach to the problem of providing adequate educational services for juveniles in JINS and detention facilities. However, a number of concerns should be addressed if such a program is adopted.

B. Issues Regarding Programming

First of all, while the problems of providing educational services for juveniles in JINS and detention facilities are similar, they are not identical in all respects. Perhaps the most important distinction between the two types of facilities is that JINS shelters must be non-secure, while detention centers must offer secure placement. This distinction should be reflected in the educational programming provided for these two distinct groups of juveniles.

Juveniles in JINS shelters cannot legally be held in secure quarters. As such, the Manual of Standards for Shelters Accepting Juveniles Awaiting Court Disposition requires that JINS must have free access to the community and the services within it. Consequently, the Task Force on the Juvenile Code has consistently advocated utilization of community schools for JINS children

whenever it is feasible.

Some juveniles in JINS shelters regularly attended school prior to their admission to the shelter. In many cases, they functioned quite well and maintained at least average grades. Some of these children will return home after a short stay at the shelter, others may remain at the shelter for longer periods and may eventually be placed in a foster home or residential group home in either their own or some other school district. In any case, disrupting these children's education by removing them from community school immediately upon admission to the shelter is not in their best interest. Whenever possible, these juveniles should be provided the opportunity to continue to attend their own schools. It should not be assumed, however, that attending community schools is the best solution for satisfying the educational needs of all JINS.

Other juveniles in JINS shelters have a rather different educational background. These children come to the shelter as chronic truants and runaways. They are experiencing serious academic and behavioral difficulties in school and in the community. For these JINS, attendance at their previous community schools very often means further and more serious problems for them. Such juveniles are best served within the shelter. Clearly, appropriate educational opportunities must be provided for both kinds of JINS.

Although both community school and in-house education programs should be available for JINS, the greater emphasis should be on community school attendance, since this approach is more in keeping with the spirit and philosophy of the juvenile code, as well as community-based programming tenets. A major goal of the JINS shelter programs should be to insure the continuity of each child's educational experience.

Senator Fay's Bill provides a funding mechanism for the development of in-house education programming in JINS shelters. However, as previously discussed, many JINS would be more appropriately served in their community schools. As such, care should be taken to prevent the provision of educational services exclusively in-house in JINS shelters. Decisions regarding community school attendance vs. in-house education should not be made solely on the basis of financial advantage or administrative convenience. Rather, such decisions should be made after careful consideration of each child's needs and welfare. Perhaps a financial and/or administrative incentive mechanism could be built into any proposed standards which would encourage the utilization of educational resources in the community. General criteria should also be developed as a guide to making decisions regarding whether a juvenile is educated in the JINS shelter or in the community school.

Two options regarding the provision of educational services for juveniles in JINS shelters have been discussed thus far; attending in-house education programs or continuing to attend classes at the juveniles' sending school districts. Another option might be the provision of educational services at the local schools in the district in which the JINS shelter is located. However, this plan, in general, is not recommended by the Task Force for a number of reasons.

Because of the transiency and indefinite lengths of stay by these juveniles, the local schools within the shelter district would either have to establish separate classes for JINS or face constant classroom disruptions by the numerous admissions and withdrawals. In addition, since most of these juveniles would only remain in the local schools for very short periods of time, such a practice would serve to disrupt the continuity of the children's

educational experience rather than insure it. The short stays would also make it difficult or impossible to acquire previous educational records and develop appropriate educational programming for these juveniles. The only positive benefit to be derived from the procedure to educate all JINS in local school districts in which the shelters are located is that transportation of these juveniles would be somewhat simplified. In view of the disadvantages discussed above, however, such a benefit does not warrant this procedure.

The provision of educational services for juveniles in detention may be somewhat less complex. By definition, juveniles housed in secure detention represent a serious threat to the community, or there is good reason to suspect that the juvenile may not appear at his/her next court hearing (N.J.S.A. 2A:4-56). As such, educational services for juveniles in detention should be provided predominately within the facility.

The possibility of a juvenile(s) attending community school while residing in detention should not be entirely dismissed, though. Such arrangements have been made in the past on a selected basis and proved to be relatively successful. Detention superintendents should be aware of this option, and efforts to provide opportunities for juveniles lodged in detention facilities to attend community schools should be expanded. However, decisions of this nature should continue to be made on an individual, case-by-case basis.

The establishment of in-house educational services, according to the provisions of Senator Fay's Bill, would offer a viable solution to the problem of providing adequate educational services to juveniles in detention facilities as well as a significant percentage of juveniles in JINS shelters. A number of problems regarding the implementation of this Bill for both JINS

and detention facilities should be mentioned, though.

C. Issues Regarding Assessment

Senator Fay's Bill provides that:

"Upon implementation of such an educational program, a board of chosen freeholders is authorized to assess the board of education of the school district of any juvenile placed within a detention or shelter care facility for tuition payments not to exceed the actual cost of the educational program for such juvenile during the period of placement in such facility.

Upon receipt of such assessment, the board of education of such school district shall make such payments to such board of chosen freeholders." (Section 5)

A similar arrangement regarding the assessment of sending school districts by the county board of chosen freeholders already exists for the county vocational school system. N.J.S.A. 18A:54-15 provides, in part, that

"... the board of chosen freeholders of the county in which said school shall be established shall be entitled to collect and receive from the sending districts in which the pupils attending the vocational school reside, for the tuition of such pupils, a sum not exceeding the actual cost per pupil as determined according to rules prescribed by the commissioner and approved by the state board."

In most cases, the identification of the financially responsible sending school district will be quite clear. Most juveniles admitted to JINS and

and detention facilities come from relatively permanent living arrangements with their natural families. However, a significant number of these juveniles come from other types of living arrangements such as foster homes, relatives, friends, various institutions, group homes, etc. In addition, they may have lived in a number of such arrangements over a relatively short period of time prior to their admission to the JINS or detention facility. In these cases, identifying the financially responsible sending district may prove to be quite problematical.

The ambiguity concerning the identification of the financially responsible sending school districts in these cases centers around the legal distinction between temporary residence and permanent domicile. In this regard, a recent New Jersey Supreme Court decision regarding legal domicile of children in foster care may have some bearing. In the case of Board of Education, Township of Little Egg Harbor v. Boards of Education, Township of Galloway, et. al., decided on October 20, 1976 (Docket No. A-1), it was held that the legal domicile of children subsequently placed in foster care in another district remains in that district in which his/her natural father resides. This case was litigated because of the questions surrounding the identification of the legally responsible school district in cases where educational services are provided to a juvenile in a private residential facility outside of that district. If such a procedure were to be adopted for assessing responsible school districts for the costs to provide educational services for juveniles in JINS and detention facilities, further clarification may be needed in some cases to establish legal domicile.

It is obvious that if Senator Fay's Bill is to be effectively implemented,

a clear means for both identifying and assessing the legally responsible school districts must be developed. The regulations promulgated by the Department of Education must address the kinds of problems discussed above in developing the funding procedures involving county and local governments.

VII. Administration

In addition to the problems regarding the assessment procedure, an administrative structure must be developed to effectively implement the programs and provide the mechanism for ongoing financial assessments. One possible method for accomplishing this is currently being studied by a special committee from the Department of Education. This would involve the establishment of a new county school district which would have jurisdiction over the educational programs in JINS and detention facilities. One of the major benefits to be derived from establishing these county school districts is that these districts would function as, and be comparable to, local school districts. To that extent, all such programs administered by the county school districts would have the same legal responsibility for providing a thorough and efficient education to juveniles in JINS and detention facilities as the local school districts have for public schools.

Other benefits to be derived from this administrative structure are:

- (1) the plan would serve to centralize the administration of the programs in each county and would make the entire assessment procedure much more manageable;
- (2) if any State funds are provided, the Department of Education would have the option of withholding any portion of such funds to insure compliance with standards; and, (3) the Department of Education would also have the opportunity to review each county school district's budget and shift the amounts of monies allocated to the various budget categories and, if necessary, require an

increase in the total budget allocation in order to insure thorough and efficient education programs.

VIII. Impact of T & E

Educational services for juveniles in JINS and detention facilities are extremely fragmented and disjointed throughout the State. In no case are these children receiving a "thorough and efficient" education. The lack of legislative clarity tends to place all existing educational programs in JINS and detention facilities outside of the free public school system. As such, many have argued that juveniles residing in these facilities are not legally entitled to an education in keeping with the provisions of the T & E legislation.

Of course, such an argument would be moot if Senator Fay's Bill were enacted since the Bill provides for application of Article 2 of the "T & E" legislation in regard to the implementation and operation of the educational programs provided in JINS and detention facilities. Even without the enactment of Senator Fay's Bill, a broader interpretation of the "T & E" legislation would provide for the thorough and efficient education of these children at present. A key phrase in the T & E legislation states that "... all children in New Jersey, regardless of socio-economic status or geographic location..." shall be provided the opportunity for a thorough and efficient education (Chapter 212, Laws of 1975: Article II, 4).

With the passage of the T and E legislation, an increased emphasis on identifying and classifying children with special educational needs will probably be evident. Consequently, the number of juveniles admitted to JINS and detention facilities classified as in need of special educational services should increase. The educational programs offered in these facilities must

take cognizance of these educational needs. Also, provisions may be needed to carry out the testing and evaluation of children who have been identified as possible candidates for special education, but who have not been evaluated and classified prior to their admission to the JINS or detention facility.

At present, many of the juveniles residing in JINS and detention centers have been classified by child study teams and should be receiving special education. However, such services are not provided. While monies for their special education has been allocated to the community schools, these juveniles do not receive the benefits of such funding while they are at the JINS and detention facilities. Perhaps new legislation and clear mechanisms for assessments will relieve this seeming inequity.

IX. Conclusions and Recommendations

Apparently, the most viable solution to the problem of insuring an adequate educational program for all juveniles in JINS and detention facilities throughout the State lies in the development of new legislation and administrative standards. To that extent, Senator Fay's Bill, in conjunction with the establishment of new county school districts which would have jurisdiction over the educational programs in JINS and detention facilities, appears to answer these needs.

It is evident that the development of viable education programs in JINS and detention facilities presents many complex problems. Basically, these problems constitute three main areas.

Initially, problems revolving around the drafting of appropriate legislation, perhaps using Senator Fay's Bill as a starting point, must be addressed. Secondly, upon enactment of such legislation, the Department of Education must promulgate standards and regulations for the development of education programs

in JINS and detention facilities. Lastly, numerous problems regarding the implementation of such legislation, standards, and regulations must be confronted.

This paper has attempted to begin the process of delineating and analyzing the problems and issues regarding the provision of educational services in JINS and detention facilities. Undoubtedly, additional problems requiring further analysis will come to light which must be resolved.

Because of the manifold problems, many of which extend beyond the realm of traditional education, the Task Force recommends that the development of appropriate legislation be pursued as a joint effort among the Departments of Education, Corrections, and Human Services. Further, these Departments should continue to work together after appropriate legislation has been enacted to develop and promulgate the necessary administrative regulations. Such a joint effort would also provide the opportunity to develop a sound working relationship among the three Departments and help prevent any duplication of efforts and/or overlap of jurisdiction regarding monitoring and inspection of these facilities.

Recommendations

1. As provided for in Senator Fay's Bill, juveniles residing in JINS and detention facilities should clearly be entitled to an education in keeping with the provisions of the "T & E" legislation.
2. The provision of educational services for juveniles in JINS shelters should include two options:
 - a. attendance in classes at the juveniles' sending schools, which should constitute the major emphasis; and
 - b. attendance at in-house education programs

for those juveniles who are inappropriate for attending community schools.

3. A financial and/or administrative incentive mechanism should be developed to encourage the use of community schools for juveniles residing in JINS shelters.
4. Guidelines should be developed establishing specific criteria for making the decision regarding whether a juvenile is educated in the JINS shelter or in the community school.
5. The major emphasis for the provision of educational services to juveniles residing in detention facilities should be on the development of in-house programs.
6. As provided for in Senator Fay's Bill, the Department of Education should promulgate program guidelines for the development of in-house educational programs in JINS and detention facilities.
7. As provided for in Senator Fay's Bill, local boards of education of school districts of juveniles placed in JINS or detention facilities should be assessed for tuition payments not to exceed the actual cost of the educational program for juveniles during the periods of placement in such facilities.
8. In the development of regulations by the Department of Education regarding the assessment of local school districts, clear criteria should be established for the identification of the financially responsible school districts.
9. In each county wherein a JINS and/or detention facility exists, new county school districts should be established which would have jurisdiction over and responsibility for the education programs in these facilities.

10. In the development of legislation and subsequent administrative regulations, the Departments of Education, Corrections, and Human Services should work closely together in a joint-effort.

END