

JUVENILE JUSTICE

Calling it the single most important step toward improving the lives and futures of Pennsylvania’s children, Governor Tom Ridge urged the General Assembly to pass legislation which ensures that the youth-violence prevention efforts of the Governor’s Community Partnership for Safe Children (Children’s Partnership). “The old adage ‘an ounce of prevention is worth more than a pound of cure’ was never more true,” Governor Ridge said. “In Pennsylvania we’ve proven that prevention works. But we need the General Assembly to pass this legislation to ensure that our work over the last six years—to reduce violence committed by and against Pennsylvania’s children and prevent crime—becomes a permanent mission in state government.

Governor Ridge said, “It’s an historic time in Pennsylvania. We have two choices: We can invest now in a bright future for our children, or we can rely on government institutions like juvenile detention centers, prisons, and substance abuse rehabilitation facilities, which all too often come with tragic human and financial costs.”

House Bill 1048, sponsored by Rep. Beverly Mackareth (R-York), amends the statutory authority of the Pennsylvania Commission on Crime and Delinquency (PCCD), which houses the Children’s Partnership. The legislation guarantees that the youth-violence prevention and crime prevention strategies supported by the Children’s Partnership will continue in future administrations.

Specifically, HB 1048:

- Expands PCCD’s membership to include key players in the violence prevention process, including the Secretary of Health, the Secretary of Public Welfare, the Secretary of Education, the Chairman of the Board of Probation and Parole, and the Executive Director of the

Governor Ridge calls on lawmakers to ensure youth-violence prevention is a permanent mission of State government

- Juvenile Court Judges’ Commission;
- Expands the duties of PCCD’s Juvenile Advisory Committee, which guides juvenile justice policy and practices. The new Juvenile Justice and Delinquency Prevention Committee will blend juvenile justice with delinquency prevention, and will advise PCCD on programs, policies and practices that reduce youth-violence and promote the healthy development of children;
- Continues development and promotion of comprehensive, targeted crime-prevention efforts and a planning process for the revitalization of high-crime and distressed communities.

Governor Ridge praised Rep. Mackareth for sponsoring HB 1048 and for her efforts to guide the legislation through the General Assembly. He said, “As the former Deputy Director of the Children’s Partnership, she understands that the violence-prevention supported by the Children’s Partnership offers a new way of thinking about how families,

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Michael W. McCalpin assumes new duties

Mike McCalpin has accepted a position with the Juvenile Court Judges' Commission to assist in directing the Center for Juvenile Justice Staff Development Program effective April 23. The vacancy occurred as a result of Lisa Freese transferring to a Specialized Probation Services monitoring position in the Harrisburg office of JCJC.

McCalpin began his employment with the Center in June, 2000, as the detention monitoring specialist. In that position he was responsible for monitoring compliance with the standards for secure detention and providing technical assistance to county probation departments and detention facilities regarding the standards and alternatives to detention. In his new capacity, his primary duties will be to share responsibility with John Herb for the ongoing series of training programs for juvenile justice personnel. Those individuals who attend the Center-sponsored training workshops will get to know him well.

McCalpin began his career with Blair County in 1973 and most recently served as the administrator of their juvenile probation, children and youth services, and costs and fines agencies. He has been active with the Chief's Council for many years and serves as a member of the Juvenile Advisory Committee for PCCD. McCalpin holds both a bachelor's and a master's degree in criminal justice from Eastern Kentucky University.

He will continue to be based at Shippensburg University and can be reached at 717-477-1188 or you may email him at mwmcca@wharf.ship.edu

This publication is produced monthly at the Center for Juvenile Justice Training and Research at Shippensburg University.

Guest articles are always welcome; please submit them by email or on a disk. We particularly enjoy your photographs, but we ask that these be mailed - we will be happy to return them to you.

P.J. Verrecchia is the editor. The address is CJJT&R, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257-2299 or email pjverr@wharf.ship.edu

Please send additions or changes to the mailing list to Nina Weaver at the same address or email nsweav@wharf.ship.edu

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schools, and communities assess the risks facing children, and the comprehensive, research-based solutions they prescribe to help kids become healthy, productive adults.

"Just as we have used research, science, and public education to learn more about factors effecting our health, so, too, have our prevention strategies used the latest in research and tested and proven information to guide communities to identify problem behaviors during adolescence, such as school dropouts, teen pregnancy, drug and alcohol use, delinquency, and violence."

Governor Ridge established the Children's Partnership in 1995 to reduce violence committed by and against Pennsylvania children. He appointed Mrs. Ridge to chair the Partnership. "Through our work with literally thousands of Pennsylvanians across the state, we found that, when given the tools and the opportunity to make a difference in their communities, Pennsylvanians willingly step up to the plate to get the job done," Mrs. Ridge said.

Through the Communities That Care process, the Children's Partnership helps to mobilize communities to identify the risks that effect their children, and then develop strategies to reduce those risks. Currently, there are 107 CTC sites in 55 counties across Pennsylvania. Governor Ridge has pledged to expand CTC to all 67 counties.

Mrs. Ridge said, "Through the Children's Partnership, young people across the state are participating in programs, including substance abuse and anti-smoking education, after-school activities, bullying prevention, life-skills development, parenting education, family counseling, home visitation by nurses to at-risk families, and mentoring.

The Ridge Administration so far has invested more than \$30 million for the Communities That Care initiative and research-based delinquency prevention programs.

School Law Q & A

9: School discipline and students with disabilities

We're nearing the end of the school year, and with it, the end of our series on special education law. But there are a few important subjects left to cover. This month's topic – school discipline and students with disabilities – is a major source of confusion for school and non-school people alike. We'll try to clarify it for you; but because this *is* a confusing area, you may also want to call the Education Law Center if you run into problems involving a specific child. ELC can be reached at 215-238-6970 (Philadelphia) or 412-391-5225 (Pittsburgh).

If you have comments on our series, including ideas for additional information you'd like to see provided (now or next year), contact Len Rieser, 215-238-6970 x307, lrieser@elc-pa.org. We haven't had much feedback, so your comments will probably affect our decision as to whether to continue this column in some form.

Q: Can students with disabilities be suspended or expelled from school, or transferred to an alternative school or program?

A: Yes. However, the rules on suspensions, expulsions and transfers aren't always the same as for other students.

Q: In what ways are the rules the same as for all students?

A: Like other students, students with disabilities can be punished only for behavior that violates school rules. School rules must be clear, must be in writing, and must have been distributed to students and their families. Students cannot be punished for exercising their constitutional rights to freedom of speech and expression. And conduct that occurs when the student is not on school grounds, or on his way to or from school, usually cannot be punished unless it has a direct impact on the school process. These rules, incidentally, apply to charter schools as well as to "regular" public schools.

For other rules that apply to *all* students, see the October, 2000, issue of *Pennsylvania Juvenile Justice*, available on the JCJC website (www.jcjc.state.pa.us) under "Publications."

Q: In what ways are the rules on discipline for students with disabilities *different* from the rules applicable to other students?

A: Some of the differences involve the *procedures* that schools must follow in carrying out a suspension, expulsion, or disciplinary transfer. As you may recall, the procedure for suspending a regular education student for up to 10 days (five in Philadelphia), or transferring the student to an alternative school, consists of a simple "informal hearing." Expulsion, *i.e.*, excluding a child from school for more than ten days (more than five in Philadelphia), requires a formal hearing before the school board – but it's still only a one-step process. When a student with a disability is involved, however, additional or different steps may be required, as we explain below.

There are also some differences in terms of *what misbehavior* can result in disciplinary action. Under certain circumstances (see below), suspensions and expulsion cannot be imposed if the child's behavior is found to be a "manifestation" of his or her disability.

Q: What procedures must be followed in order to suspend a student with a disability?

A: Under most circumstances, a student with a disability who violates a school rule can be suspended for up to 10 days (five in Philadelphia). The school must provide an "informal hearing" – *i.e.*, a chance for the student and her family to meet with school officials to discuss the incident. However, there are at least two exceptions to this general rule.

The first exception occurs when the proposed suspension, taken in combination with other suspensions that have previously been imposed on the student, would result in the student's exclusion from school for more than 15 *total* days during the school year (the "15-cumulative-day rule"). For example, if the student has already had one five- and one ten-day suspension, and then commits a new offense for which the school proposes another five-day suspension, the 15-cumulative-day rule comes into play.

Under these circumstances, the IEP team must meet and decide whether the behavior was a "manifestation" of the child's disability. If it was, suspension cannot be recommended. (There are – but of course! – specific regulations on how the team must determine whether behavior is a manifestation of the child's disability.) And even if the

team decides that the behavior was *not* a manifestation of the disability, and recommends suspension, the suspension can occur only with parental approval *or* – if the parent objects – the approval of a special education hearing officer following a “due process hearing.”

Another exception involves students with mental retardation. These students cannot be suspended unless the school gets parental permission, the permission of the state Department of Education, *or* the approval of a special education hearing officer following a “due process hearing.”

Q: What are the rules on expulsions?

A: Expulsions of students with disabilities are rare, so we won't spend a lot of time on them here. Some key requirements are that, as in the circumstances discussed above, the IEP team must decide whether the misbehavior was a manifestation of the student's disability. If the answer is yes, expulsion cannot be recommended. If expulsion *is* recommended, the parent can appeal the recommendation to a special education hearing officer. A school board hearing may also be required – but a school board hearing alone is not enough. Thus, expulsion of a student with a disability is a complex, multi-step process, with several opportunities for parental input and challenge. In addition, even if the student is expelled, the school remains responsible for providing him or her with an appropriate education.

Q: What are the rules on disciplinary transfers of students with disabilities?

A: Under some circumstances, a transfer to different *kind* of school or program (such as an alternative school, or a “more restrictive” program) requires parental consent – or, if consent is withheld, the approval of a special education hearing officer following a “due process hearing.” The hearing officer would have to find that the proposed program and/or placement is appropriate to the child's educational needs, and is the least restrictive setting appropriate for that child.

There is an exception to this rule too. If the student has brought a gun or dangerous weapon to school or a school function, or used or possessed illegal drugs at school or a school function, s/he can be transferred to an alternative school immediately and a hearing held later. A “dangerous weapon” means an object capable of causing death or serious bodily injury; the term does not include a pocket knife with a blade less than 2½ inches long.

Transfers to alternative schools can last for up to 45 calendar days, after which the student must be returned to the regular school. In emergency situations, this 45-day limit can be extended once (for an additional 45 days) by a special education hearing officer.

Q: What if the student *should* have been classified as having a disability, but hasn't been?

A: Sometimes, a student has shown signs of having a disability, and an evaluation for special education may even have been requested – but, for one reason or another, the special education process hasn't moved forward. Then the student gets involved in misbehavior, and the question is whether his or her need for special education should be somehow taken into account in the disciplinary process..

In these situations, the student may have a right not only to be evaluated for special education, but also to remain in school (*i.e.*, not be suspended, expelled, or transferred) while the special education process goes forward. ELC can provide more information.

Q: So what are some bottom lines?

A: When a student with disabilities is involved, be alert to the possibility that the school can't just “follow the usual rules” in imposing school discipline. Here, just to recapitulate, are some of the situations in which special procedures may apply:

- The student has mental retardation. (No suspension without parental consent, Department of Education approval, or a hearing officer's decision.)
- The school is proposing a suspension that would result in the student's being kept out of school for more than 15 days over the course of the school year. (No suspension if behavior was a manifestation of disability; and no suspension in any event without parental consent or a hearing officer's decision.)
- The school is proposing to expel the child (*i.e.*, exclude him for more than 10 days in a row, or five in Philadelphia). (Same as in preceding paragraph; also, education must continue even if the student is expelled.)
- The school is proposing to transfer the child to a different kind of program or school (such as an alternative school). (Except in dangerous-weapon or drug cases, such transfers may require parental consent or a hearing officer decision.)
- The student has been showing signs of disability, but hasn't been evaluated. (Student may have the right to “stay put” pending evaluation.)



JCJC Weekend Master Degree Program at Shippensburg University graduates Class of 2001

Congratulations go out to the Class of 2001 in the Juvenile Court Judges' Commission-sponsored Weekend Masters Degree Program at Shippensburg University. Commencement ceremonies were held at the University on Saturday, May 5, 2001. The 15 members of this year's class are (back row, left to right) Dean Thomas (Westmoreland County), Matt Shomo (Centre County), Patrick Dimmerling (Barnes Hall Detention Center, Lancaster County), Lawrence Gaston (Dauphin County), Don Corry (Chester County). Middle Row (left to right) Tracy Keefer (Westmoreland County), Mindy Musser (Juniata County), Monique Powell (Allegheny County), Carol Murphy (Pike County), Amy Stanton (Loysville YDC). Front row (left to right) Dave Kremer (Berks County), Mike Rose (Cumberland County), Steve Bishop (Dauphin County), Tony Forella (York County). Seth Hendershot (Sullivan County) is not pictured.

Our current graduates have completed a very demanding academic program while achieving outstanding grades. These students are the first class to complete the revised curriculum which included a six credit practicum. It has been a pleasure working with them and on behalf of the Juvenile Court Judges' Commission and the faculty at Shippensburg University we offer them congratulations on an outstanding achievement and wish them the very best in future endeavors.

The Class of 2001 is the 17th class to graduate from the Weekend Master Degree Program, bringing the total number of graduates from the program to 361.

Congratulations!

Dean Thomas
Westmoreland County

Matt Shomo
Centre County

Patrick Dimmerling
Barnes Hall Detention Center,
Lancaster County

Lawrence Gaston
Dauphin County

Don Corry
Chester County

Tracy Keefer
Westmoreland County

Mindy Musser
Juniata County

Monique Powell
Allegheny County

Carol Murphy
Pike County

Amy Stanton
Loysville YDC

Dave Kremer
Berks County

Mike Rose
Cumberland County

Steve Bishop
Dauphin County

Tony Forella
York County

Seth Hendershot
Sullivan County

Kovacevic resigns from CTC Project

Mike Kovacevic resigned from the Communities That Care (CTC) Project effective May 18, 2001. Kovacevic began his affiliation with the Center for Juvenile Justice Training and Research (CJJTR) in 1989 as a research associate. In March, 1990, he was promoted to program coordinator with the now-defunct Child Welfare Division of the Center. In this capacity, he helped county agencies develop Family Preservation Programs.

In April, 1997, Kovacevic took a position with the CTC initiative and quickly became a major contributor in the rapid expansion of the model on a statewide basis. He was promoted to director of the CTC prevention project in November, 2000. His leadership and dedication will be missed.

Kovacevic plans to take some time to spend with his family before looking at other opportunities. We wish him well in his future endeavors.

Gregory A. Young joins Commission staff

Gregory A. Young joined the staff of the Juvenile Court Judges' Commission as a Juvenile Court Consultant on April 23, 2001. His primary responsibilities include providing on-site monitoring, evaluation and technical assistance to approximately 20 juvenile probation departments which receive specialized probation services funding from JCJC.

Prior to joining the JCJC staff, Young was a supervisor in the Dauphin County Juvenile Probation Department where he coordinated the activities of the juvenile probation officers in the Harrisburg Community-based Supervision Unit. Young holds a Bachelor of Arts Degree in Criminal Justice Administration from Mansfield University, and a Master of Science Degree in Administration of Justice from Shippensburg University which he earned in the JCJC-sponsored Weekend Program. He can be reached at 717-787-6910, or gyoung@state.pa.us.

Position Available

Juvenile Court Consultant - Center for Juvenile Justice Training & Research

Shippensburg University is presently accepting applications for the position of Juvenile Court Consultant. The position will serve as the Detention Monitoring Specialist. The current salary range is \$39,785 to \$60,460 annually. The position will be based at Shippensburg University, Shippensburg, PA and is contingent upon yearly grant funding.

This position is responsible for monitoring compliance with standards governing admissions to secure juvenile detention centers and for providing consultant services and technical assistance to county juvenile probation departments and juvenile detention centers. Will provide on-going assistance regarding implementation of the detention standards and will provide assistance regarding development of alternatives to secure detention. Ensure collection of the necessary information and correct problems/oversights in the reporting process. Assume primary responsibility for on-site monitoring of secure juvenile detention facilities in conjunction with the Pennsylvania Commission on Crime and Delinquency. A significant amount of travel is required.

Candidates must have five years of experience in juvenile probation/detention center and a Master's degree in Social Work or the behavioral sciences; or any equivalent combination of experience and training. Successful performance in an on-campus interview is required.

Qualified candidates should send applications/resumes to Victoria Rideout, Assistant Director of Human Resources, Office of Human Resources, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257-2299 by June 15, 2001.

Shippensburg University is an Equal Opportunity Employer.



The Honorable John W. Thompson Jr. presides over the York County Juvenile Drug Court.

York County Juvenile Drug Court Program

by: Becky Glessner, York County Juvenile Probation

The York County Juvenile Drug Court Program has been in operation since February 1, 2001, and is the first of its kind in Pennsylvania. York County recognized the need to provide an intensive community-based treatment for adolescent substance abusers. Through research and assessment of York County's needs, the Juvenile Drug Court Program was carefully planned and implemented in order to address those needs. The program uses a team approach to treatment within the restorative justice framework. Juveniles are held accountable for their actions, while providing community protection and developing competencies.

York County Drug Court team members visited the Baltimore, Maryland, juvenile drug court program and gathered materials from programs from Florida, Montana, New Mexico, California, and Delaware, among others. The team also attended the National Drug Court Conference sponsored by the National Association of Drug Court Professionals (NADCP) in Miami in January. With an enthusiastic and devoted presiding Judge, the Honorable John W. Thompson Jr., and other valuable team members such as public defender Barbara Krier, district attorney William Graff, others from the DA's office, and probation representatives, we hope

the program will be a success.

This program was started as a practicum project for the JCJC-sponsored Weekend Master's Degree Program at Shippensburg University. Due to the support and encouragement from Chief Juvenile Probation Officer Dan Rhoads and other York County officials, the program was so successful that it was funded through PCCD, and then the Juvenile Court Judges' Commission.

The York County treatment team consists of two specialized intensive probation officers, a drug and alcohol case manager, and two family therapists. The juvenile is engaged in drug and alcohol treatment in the community and monitored by an intensive probation officer. An intensive case manager provides drug and alcohol case management services. The family therapist provides counseling to the juveniles and their families to assist them in understanding addiction. Juveniles appear weekly, biweekly, or monthly for court reviews before the presiding drug court judge for consistent and continuing monitoring of the juvenile's treatment progress.

This four-phase program will serve a caseload of 20 families with juveniles who have substance abuse issues; average duration will be 7-12 months. The program is meant to serve as an alternative to placement for non violent juvenile substance abusers who can be maintained through intensive supervision in the community. Juveniles are chosen for this community-based program through a careful screening and assessment process to determine appropriateness. Family participation is imperative. The goal of drug court is to provide a community-based treatment to juvenile substance abusers and have families serve as active participants in the treatment process, in an effort to assist the juvenile in becoming drug-free and crime-free.

Juveniles are engaged in other forms of competency development during the program including upgrading their education and finding employment, as well as addressing individual and family needs. Juveniles are held accountable for their actions throughout the program by participating in victim awareness/empathy groups and addressing victim restoration and payment of restitution. Cases are reviewed throughout the program by the drug court team, the presiding drug court judge, the district attorney, and the public defender.

Juvenile Justice Scholarship Fund at Shippensburg University

The Center for Juvenile Justice Training and Research and the Shippensburg University Foundation established a scholarship program in 1986 to benefit undergraduate criminal justice students at Shippensburg University. From 1986 through 2000, more than \$12,000 in scholarship funds have been provided by graduates and friends of the Juvenile Court Judges' Commission-sponsored Weekend Masters Degree Program at Shippensburg University. The money has been used to present a \$1,000 award in the form of tuition support to a worthy undergraduate student majoring in criminal justice with an interest in juvenile justice.

The Center plans to make a similar award in 2001. As usual, we are relying on graduates of the Weekend Masters Program for their support. However, donations from any person in the Commonwealth's juvenile justice system will be gratefully accepted.

Past recipients of this scholarship have gone on to careers in Pennsylvania's juvenile justice system. Jermaine Fox, a Dauphin County Juvenile Probation Officer, and Michelle Geib, who works for Perry County Juvenile Probation, are just two people who have benefitted from this scholarship. Geib is also a graduate of the Weekend Masters Program.

The fact that past award winners have served or are currently serving as juvenile justice professionals in Pennsylvania attests to the value of the scholarship program. If you would like to contribute to the 2001 scholarship fund, please make your check payable to the SU Foundation/Juvenile Justice Scholarship and mail to:

Shippensburg University Foundation
Shippensburg University
1871 Old Main Drive
Shippensburg, PA 17257

Douglas N. Amsley appointed as Director of Franklin County Children, Youth and Family Services

On October 31, 2000, the Franklin County Board of Commissioners and the Judges of the Court of Common Pleas of Franklin County entered into an agreement that provides for the joint administration of the Franklin County Children and Youth Service and the Franklin County Juvenile Probation Departments. Doug Amsley was selected to be the director of Children, Youth and Family Services for Franklin County, and began his new duties on March 29, 2001.

Amsley has more than 13 years of experience in the juvenile justice system. He was employed by the Franklin County Juvenile Probation Department for the last ten years, serving as a supervisor since 1996.