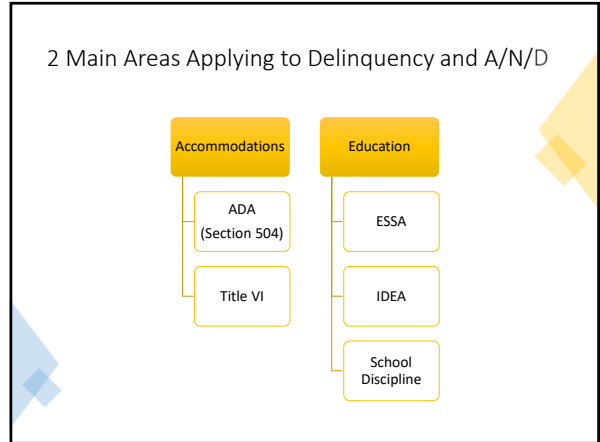


Beyond GS Chapter 7B:
Issue Spotting
Applicable
Federal and State Laws

Introduction to Juvenile Court Proceedings

1



2

Objectives

- There is more to know than the NC Juvenile Code
- Identify
 - Issues that might come before you
 - The law that is triggered and where to find resources about it
 - Your role in applying the law

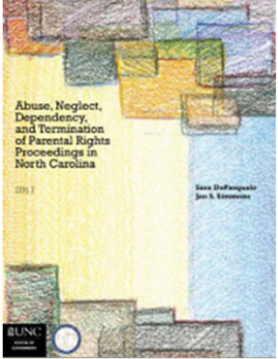
3

who
where
what
when
why
how

DON'T PANIC

4

Chapter 13
Relevant
Federal
Laws




Abuse, Neglect,
Dependency,
and Termination
of Parental Rights
Proceedings in
North Carolina

ISBN 1
Sara DeFonzo
Jan S. Zimmerman

BUNIC

5

Title VI Civil
Rights Act



- Race
- Color
- National
Origin

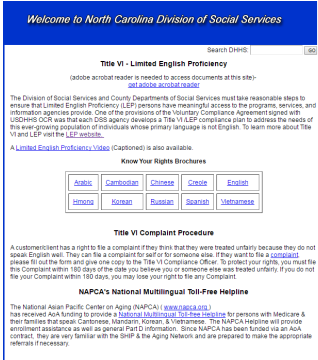
6



National
Origin: Language Access

7

Take Away:
Applies to
Services



Welcome to North Carolina Division of Social Services

Search Online

Title VI - Limited English Proficiency

(Adobe Acrobat reader is needed to access documents at this site: [all state accessible reader](#))

The Division of Social Services and County Departments of Social Services must take reasonable steps to ensure that Limited English Proficiency (LEP) persons have meaningful access to the programs, services, and information agencies provide. One of the provisions of the Voluntary Compliance Agreement signed with USDOJ OCR was that each DSS agency develops a Title VI LEP compliance plan to address the needs of its ever-growing population of individuals whose primary language is not English. To learn more about Title VI and LEP, visit the [LEP website](#).

A [Limited English Proficiency \(LEP\)](#) (Captioned) is also available.

Know Your Rights Brochures

Arabic	Cambodian	Chinese	Crisole	English
Haitian	Korean	Russian	Spanish	Vietnamese

Title VI Complaint Procedure


A customer/client has a right to file a complaint if they think that they were treated unfairly because they do not speak English well. They can file a complaint for part or for someone else. If they want to file a complaint, please fill out the form and give one copy to the Title VI Compliance Officer. To protect your rights, you must file the Complaint within 180 days of the date you believe you or someone else was treated unfairly. If you do not file your Complaint within 180 days, you may lose your rights for any complaint.

NAPCA's National Multilingual Toll-Free Helpline

The National Asian Pacific Center on Aging (NAPCA) ([www.usapa.org](#)) has received Aack funding to provide a [National Multilingual Toll-Free Helpline](#) for persons with Medicare & Medicaid that speak Cantonese, Mandarin, Korean, & Vietnamese. The NAPCA helpline will provide enrollment assistance as well as general Part D information. Since NAPCA has been funded via an Aack contract, they are very familiar with the SHIP & the Aging Network and are prepared to make the appropriate referrals if necessary.

8

Take Away:
Applies to
Court




The screenshot shows a webpage header with a search bar and navigation links. The main heading is "About Office of Language Access Services". Below it, there is a paragraph of text and a small image of a person. The text is partially obscured by a black arrow pointing from the "Take Away" text on the left.

9

Discussion

Do you have suggestions/tips for

- How to work with language interpreters?
- Ensure the agencies are using language interpreters?

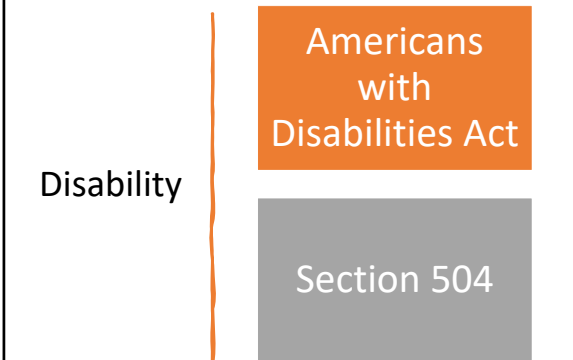


10

Disability

Americans with Disabilities Act

Section 504



11

ADA - 504

Applies to

- Parents, Guardian, Custodian, Caretaker
- Juvenile
- Placement Providers
 - Relatives
 - Foster Parents
 - Pre-adoptive Parents
 - Group Home
- Secure Facilities



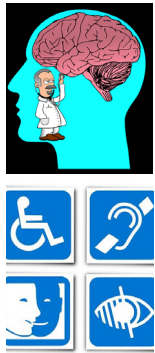
12

Disabilities
(Visible and Invisible)

Diagnosis

Record


Perception



13

—

Is a reasonable accommodation or modification needed?



14



Discussion

Do you have suggestions/tips for

- Have you had to make accommodations in your courtroom?
- Have you had a reasonable accommodation come up in a juvenile case? How did you address it?
- Have you had to address use of accommodation/modifications by agency (including contractor service providers)

15



SCHOOL ISSUES

Federal and State Laws

16

Every Student Succeeds Act (ESSA)

What Does It Do for Students in an Out-of-Home Placement?

Minimize Disruptions

- Remain in School of Origin

Eliminate Delays

- Immediate Enrollment
- Prompt Transportation

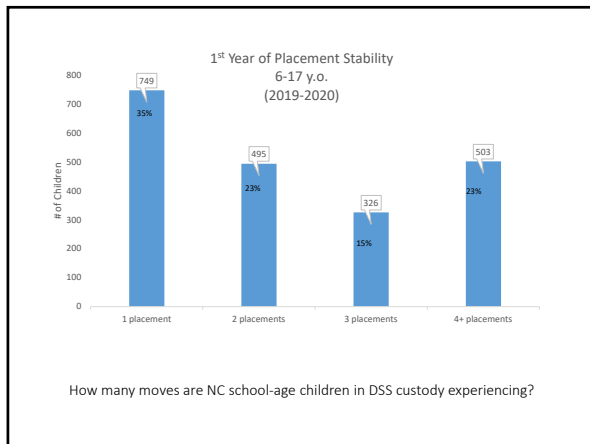
17

Why Is It Important?

- Chronic Absenteeism
- Discipline
- Special Education
- Grade Retention
- Drop Out
- GED

- Academic progress
- Supportive Relationships
- Graduation
- College

18

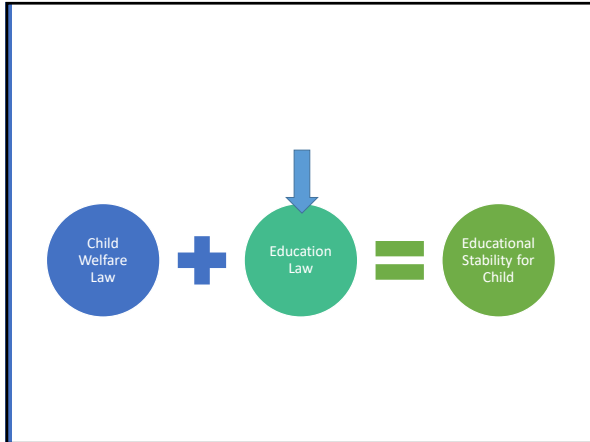


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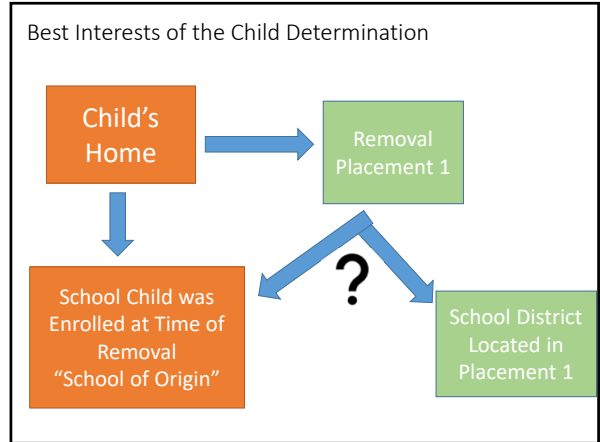
Fostering Connections, 42 USC 675(1)(G)

- Assurances each placement takes into account
 - Appropriateness of current educational setting
 - Proximity to school child is enrolled at time of placement (School of Origin)
- DHHS coordinate with LEA ensure child remain in school child was enrolled in at time of each placement
- If not BIC, assurance DHHS and LEA provide immediate and appropriate enrollment in new school, w/ all educational records provided
- Foster care maintenance payments for transportation expenses

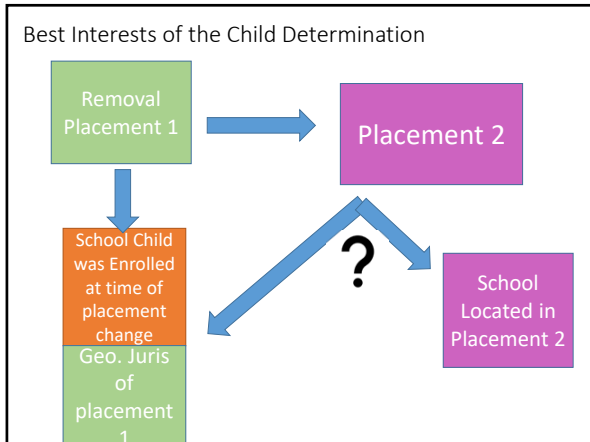
20



21



22



23

NC Policy (Permanency Planning Section)

Meetings

- CFT (Child and Family Team)
- BID (Best Interests Determination), include school
- ES (Educational Services) w/in 30 days of enrollment if transfer

24

BID Factors

- Child and Parent/Ed decision-maker Preferences
- Attachment to school – relationships with staff/peers
- Sibling placements
- Influence of school climate, including safety, on child
- Availability & quality of services to meet educational/socio-emotional needs
- History of school transfers and impact on child
- Impact of length of commute (based on development stage)
- Availability of special education services and modifications in new school
- Availability of EL/Title VI services in new school

25

BID, DSS 5137

NC BEST INTEREST DETERMINATION FORM Case Number: _____

Child's Name: _____

Copy provided to child's placement provider: _____ Name _____ on: _____ Date _____

Completed by: _____ Name _____ Date: _____

Check one: Initial Entry into Placement Services Placement Change Educational Services Meeting

Transportation costs is not a BIC factor

26

DSS 5245

NORTH CAROLINA CHILD EDUCATION STATUS

Case Number: _____ Child/Youth's Name: _____

Copy provided to child/youth's placement provider: _____ Name _____ on: _____

Completed by: _____ Name _____ Date: _____

Check one: Initial Entry into Custody Annual Review Placement/School Change
 Educational Services (ES) Meeting Other

27

DSS 5133: Remain in School of Origin

Foster Child Notification of Placement (Change) Form
For children in the custody of a NC County Child Welfare Agency

Confidential

Child Information

Date of Notification: _____

Child's Name: _____

Age: _____ DOB: _____ Sex: _____

County Child Welfare Agency: _____ Phone: _____ Fac: _____

Foster Care Provider Name: _____ Phone: _____

Foster Care Provider Address: _____

Type of Foster Care Provider: Family Foster Home Relative/ Kinship Home Therapeutic Home Facility # _____

Foster Care Placement: Within School of Origin Not within School of Origin Unknown

Transportation: _____

Check one: Initial Foster Care Placement Foster Care Placement Change Exiting Foster Care

Date of Non-secure Custody: _____ Date of Placement/Plan Change (if different): _____

28

DSS 5135: School Transfer

Foster Child Immediate Enrollment Form
For children in the custody of a NC County Child Welfare Agency
Confidential

Student Information

Date Student Presented for Enrollment: _____

Receiving School: _____

Student Name: _____

Age: _____ DOB: _____ Sex: _____

County Child Welfare Agency: _____

County Child Welfare Agency Contact: _____ Phone: _____ Fax: _____
Email: _____

Foster Care Provider Name: _____ Phone: _____

Foster Care Provider Address: _____

Date of Nonsecure Custody: _____ Date of Placement Change (if different): _____

School Enrollment: Next Intermittent Emergency Foster New Enrollment
Transfer Due to: Uninvolved Member Child Placement Date of Placement Change

Last School Attended: _____ Current Grade: _____

Does student have IEP? Yes ___ No ___ Unknown ___ SDA Plan? Yes ___ No ___ Unknown ___

Any special safety concerns or special conditions? _____

29

Take Away:
School age child!

Are you getting this information?
(Nonsecure; change of placement)

1. What school attending at removal/change of placement?
2. Is it the same, if not why is it BIC?
3. Do you agree?

30

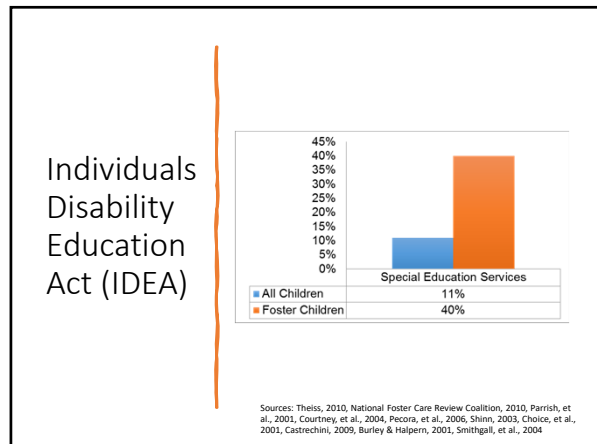
Juvenile Justice Involved Students

ESSA requires educational continuity
Differences from children in foster care

- No standard formal process for how

Do you inquire about educational continuity in delinquency court? If so, when? If not, why not?

31



32

IEP TEAM:
Parent is a member

Educational Decision-Making

- Referral
- Eligibility
- Consent for Evaluations and Services
- Manifestation Determinations
- Due Process

33

Parent Defined

- A biological, adoptive, or foster parent;
- A guardian generally authorized to act as the child's parent or to make educational decisions for the child
- An individual acting in the place of a biological/adoptive parent with whom the child lives;
- An individual legally responsible for the child's welfare; or
- A surrogate if one is appointed under NCGS 115C-109.2

34 CFR 300.30; N.C.G.S. 115C-106.3(14);

POLICIES GOVERNING SERVICES FOR CHILDREN WITH DISABILITIES
Amended - July 2014

34

"Parent"

<p>Parent</p> <p>Without court order addressing who makes educational decisions, bio parent when acting as parent has priority</p> <p>DO YOU NEED TO ENTER ORDER?</p> <p>34 CFR 300.30(b)(1); GS 115C-109.2(c), (d); NC 1500-2.24(b)(1)</p>	<p>Surrogate Parent</p> <ul style="list-style-type: none"> • If No Parent Priority, foster parent, kinship placement, or appointment by school or COURT • Never DSS worker • 7B-903.1(a) exception <p>DO YOU NEED TO ENTER ORDER?</p> <p>34 CFR 300.519(a)(1); GS 115C-109.2(c), (d); NC 1504-1.20(a)(1)</p>
---	--

35

DSS 5245

CHILD EDUCATION STATUS

Case Number: _____
Child's Name: _____


Copy provided to child's placement provider: _____ on _____
Completed by: _____ Date: _____

Check one: Resocialization Legal Guardianship Legal Custody Adoption
 Another Planned Permanent Living Arrangement Reinstatement of Parental Rights

Current School: _____ Grade: _____
School Address: _____
School Contact (name/role/phone number): _____
Child functioning above grade in any subjects (list): _____
Child functioning below grade in any subjects (list): _____
Attendance issues (absences, tardy days): _____
Any special services (IEP, speech, etc): _____
Surrogate parent needed/identified: _____
Any school meetings (date/purpose): _____
Behavioral issues: _____
Are services appropriate (changes needed): _____
Social, Sports, Activities, Other: _____

36


Take Away: Decision-Maker Issue




Ask if surrogate parent is needed? Who is recommended? Appoint when necessary

37

Transfer of Schools




IEP Services Follow



IEP Team meeting

38

Take Away: Special Educational Services



Ask if the IEP services have changed Is so, why? Is that negatively impacting the child?

39

Discipline for Students under IDEA

Any removal from the school setting for more than 10 days (cumulative in one year) requires:

- Continued special education services
- A functional behavioral assessment and behavioral intervention services and modifications to address the prevent recurrence of the behavior violation
- A manifestation determination:
 - (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - (ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.

40

2018-2019 Discipline Data – NCDPI

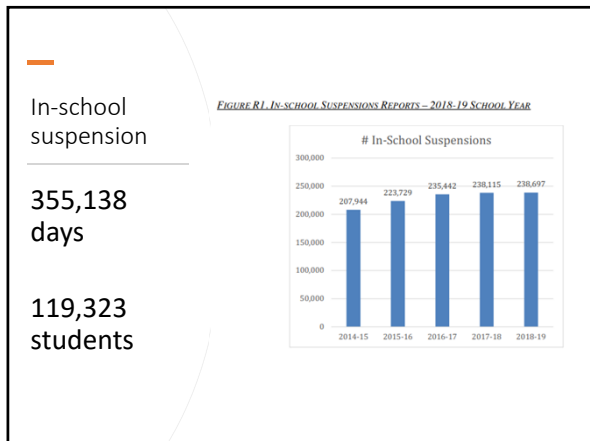
Disability	1 day or less	2 through 10 days	Greater than 10 days	Grand Total
Autism	699	1330	196	2225
Deaf-blindness	0	0	0	0
Developmental delay	361	503	68	932
Emotional disturbance	427	1819	1093	3339
Hearing impairment	56	98	23	177
Intellectual disability	741	1903	606	3250
Multiple disabilities	19	62	17	98
Orthopedic impairment	8	22	3	33
Other health impairment	2436	6068	2242	10746
Specific learning disability	4074	8851	2481	15406
Speech or language impairment	513	641	94	1248
Traumatic brain injury	21	49	20	90
Visual impairment	15	29	4	48
Grand Total	9370	21375	6847	37592

<https://ec.ncpublicschools.gov/reports-data/end-of-year-report/2018-19/discipline/by-disability.pdf/view>

41



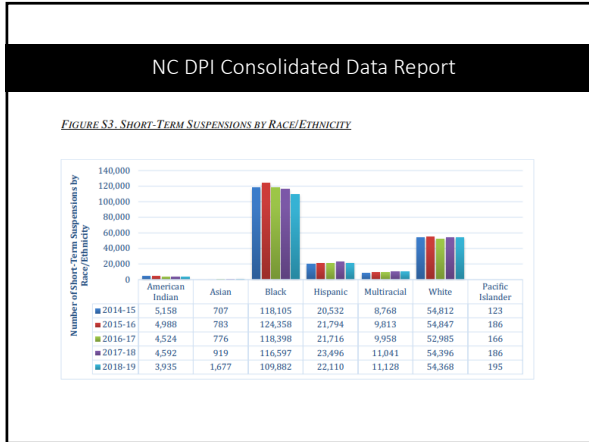
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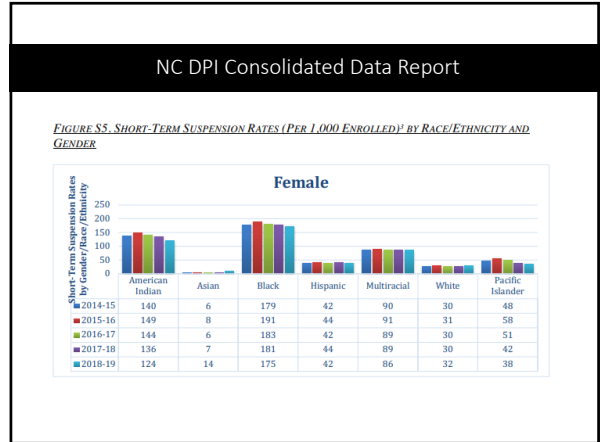
43

- ### Short-term suspensions
- Principal imposed
 - Willful engagement in violation of the Code of Student Conduct authorizing short-term
 - 110,927 students (2018-2019)
 - Avg 1.83 per student
 - 3 days on average

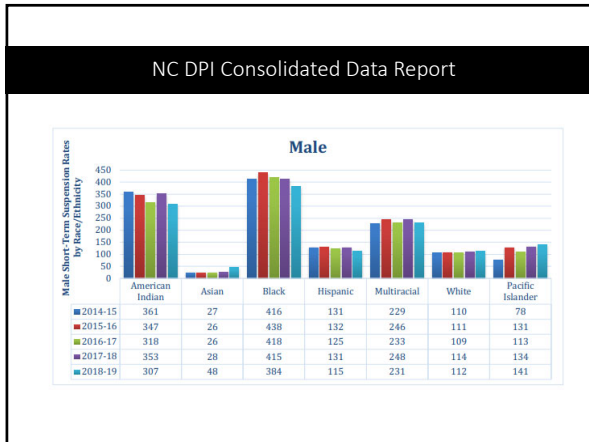
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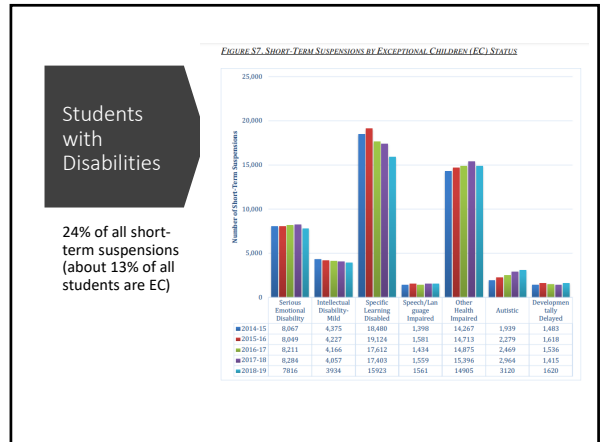
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48

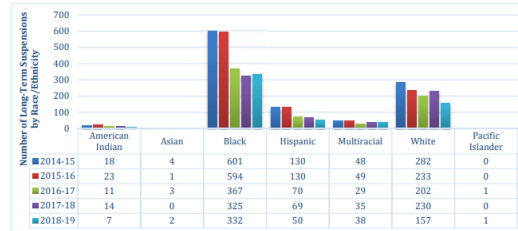
Long-term suspensions

- Principal recommends to superintendent
- Only superintendent can impose
- Willful engagement in violation of the Code of Student Conduct authorizing long-term
- Hearing right attaches
- Disciplinary reassignment to full-time educational program meeting academic requirements of the standard course of study is not a long-term suspension requiring due process procedures

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NC DPI Consolidated Data Report

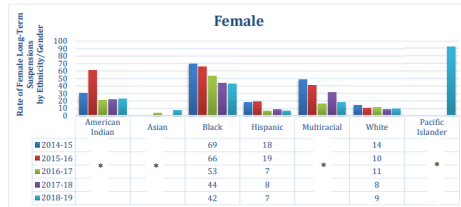
FIGURE S11. LONG-TERM SUSPENSIONS BY RACE/ETHNICITY



50

NC DPI Consolidated Data Report

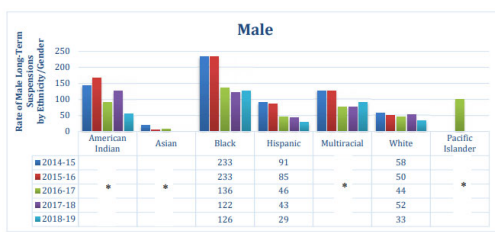
FIGURE S13. LONG-TERM SUSPENSION RATES PER 100,000 STUDENTS BY ETHNICITY AND GENDER



*Due to small population sizes of less than 100,000, rates per 100,000 for these groups are volatile and lead to reported rates per 100,000 that would appear to exceed the actual numbers of suspensions. Therefore, rates are shown only in the bar graph for comparison purposes.

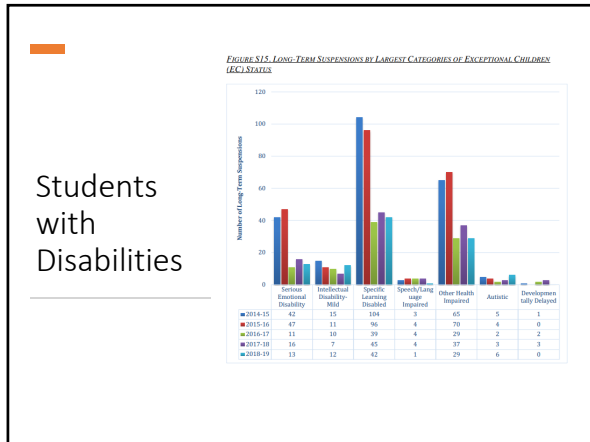
51

NC DPI Consolidated Data Report



*Due to small population sizes of less than 100,000, rates per 100,000 for these groups are volatile and lead to reported rates per 100,000 that would appear to exceed the actual numbers of suspensions. Therefore, rates are shown only in the bar graph for comparison purposes.

52

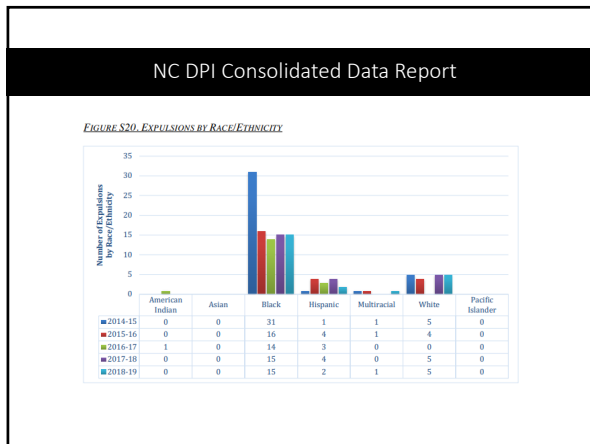


53

Expulsion (indefinite exclusion)

- Superintendent recommends to local board of education
- Only local board of education can impose
- 14+ “whose continued presence in school constitutes a clear threat to the safety of other students or school staff.” 115C-390.11.
- Hearing right attaches
- Local board of education can offer access to alternative educational services that don’t create safety risks
- Can request readmission after 180 days and every six months thereafter

54



55

NC DPI Consolidated Data Report

TABLE S1. EXPULSIONS FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

Special Education Status	2014-15	2015-16	2016-17	2017-18	2018-19
Developmentally Delayed	0	0	0	0	0
Other Health Impaired	1	0	2	0	2
Serious Emotional Disability	0	1	0	0	1
Intellectual Disability - Mild	0	0	0	0	0
Specific Learning Disabled	3	2	2	2	3
Speech/Language Impaired	0	0	0	1	0

56

High School Sports

North Carolina High School Athletic Association

- Rule 1.2.12 Felony Policy
 - Adjudication of delinquency for a felony offense results in permanent ineligibility to play sports through the end of high school



57

Discussion



- What role does a juvenile's history of school suspension play in your consideration of their case?
- When a case arises from a school-based incident, do you make inquiries about special education needs and/or other supportive services provided by the school?
- Are there special considerations for you if a juvenile is on a long-term suspension or expulsion?

58