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To: BOCES District Superintendents  
Superintendents of Public Schools  
Principals of Public Schools  
Charter School Leaders

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From: Gemma Rinefird, Ed.D.

Re: Responsibilities for Transitioning Students In/Out of Juvenile Detention Facilities

The New York State Education Department believes every student should have access to a high-quality and academically rigorous education that prepares them for college and career as well as developing their social-emotional competencies. This memo will clarify the district's responsibilities for students who are transitioning into, between, and out of juvenile detention facilities overseen by the New York State Office of Children and Family Services.

### **Maintaining Enrollment for Students Remanded to Juvenile Detention**

School districts are required to maintain enrollment for students remanded to juvenile detention pending the outcome of their court case. Detention is short-term residential supervision provided to youth who are alleged to have committed an unlawful offense. Detention can last anywhere from a day to a few months or longer while a youth waits for their court case to be adjudicated. Students may be remanded to the facility closest to their home or in the closest juvenile detention facility that has availability.

While a youth is remanded to detention by the court, this differs from a placement order. A placement order is issued when the court has adjudicated a youth as a juvenile delinquent, juvenile offender, or an adolescent offender, and orders them to be placed in a residential facility. In some instances, a youth placement order may be for a detention facility, post adjudication. Schools and districts may only disenroll students after receiving notification of a placement order.

**Schools and districts should consult the [Student Information Repository System \(SIRS\) Manual's section for Court-Placed Students](#).** While students are residing in juvenile detention, school districts must use the first eight digits of their district's BEDS code followed by "0777" to keep the student enrolled without them adversely affecting accountability measures (i.e., chronic absenteeism) (See page 29 of the SIRS Manual).

### **Transition Liaison**

[Commissioner's regulation §100.2\(ff\)\(2\)](#) requires all school districts to have a designated employee to serve as the transition liaison for a student transitioning into, between, and out of residential facilities, including detention facilities. The crucial first step is when a student's educational records, which include, but are not limited to, the student's report card, transcripts, progress notes, and Individualized Education Program, are transmitted to, received, and reviewed by the detention facility in a timely manner. The transition liaison must continue to work collaboratively with the student's family, detention facility personnel, and the education provider at the facility to ensure the student is receiving the appropriate academic and social-emotional services. While the length of stay in detention will vary on the student's specific situation, transition liaisons must maintain regular communication with the detention facility and the student's family to stay abreast of the student's progress and any upcoming transitions.

## **Transmission of Student Records**

Whether a student is transitioning from their community's school to an education program in a detention facility or from a residential facility to their community's school, educational continuity is central to a student's success. Ensuring educational continuity requires a student's records to be transmitted in as quickly as possible between schools and education programs pursuant to [Commissioner's Regulations §100.2 \(ff\)\(2\)\(ii\)](#). Schools and districts should promptly - within two days including breaks – transfer a student's educational records upon receiving a request and documentation authorizing the release of this information. Moreover, schools and districts must communicate with personnel from the residential facility and respond to any questions or concerns in a timely manner that could hinder records from being transferred as quickly as possible.

Transmittal of records may occur through electronic means if appropriate precautions are taken. Please see attached Appendix A for a summary of best practice in electronic record transfers.