



Commission on Criminal and Juvenile Justice  
**Direct File Subcommittee**  
**Minutes**

September 23, 2009  
710 Kipling Street  
3<sup>rd</sup> Floor Conference Room

**Attending:** Ann Terry, Pam Wakefield, Maureen Cain, Evie Hudak, Kim Dvorchak

**Compulsory School Attendance Law (C.R.S. 22-33-104):**

The issues: When a juvenile is direct filed on, he/she is placed in an adult detention facility. While in the facility, the juvenile may not receiving the compulsory education as defined in 22-33-104. How do you provide for the continuance of the juveniles education while in jail? How do you pay for the education?

Kim Dvorchak gave an overview of Rep. Hudak's last meeting. Some of the school districts have reached an informal arrangement with the jails. When a "direct file" juvenile is placed in the local jail, the jail would contact the school district in which the jail resides. The school district would then contact the juvenile's home school district to be reimbursed. The funding for education is supposed to follow the child.

How do you educate the juvenile while in jail?

1. What about on-line possibilities while in jail? Part of the problem is we do not know what all the jails have. Do they have the internet? Getting an on-line education is easier than trying to get an educator to the facility.
2. Can we get an educator to go to the jail? Do county jails provide areas for educational services to the adult population? Can those areas be used for educating the juvenile? The jails may provide paperwork and literature and the ability to take the GED test, but there is not necessarily an area for instruction. Additionally, the jails need to ensure physical separation of juveniles from adults. The child could be moved to an attorney visiting room.
3. What is the average length of stay for a direct file juvenile? Based on 2007 – 2008 statistics, approximately 6 months.

Sen.. Evie Hudak presented her draft bill entitled: "Ed Services for Juv Charges as Adult"

1. Members of her working group have not yet read the bill. The direct file committee is the first to see it.
2. Elements:

- a. The school district in which the jail is located shall provide educational services for the juvenile upon the request of the official in charge of the jail or facility or his or her designee. The school district may provide educational services directly using one or more of its employees or may ensure that educational services are provided through a board of cooperative services or otherwise through contract with a person or entity.
- b. School district must designate an individual who will be the contact for the jail.
- c. Following a request for services, the school district shall determine if the juvenile was held in a juvenile detention facility and obtain the educational materials from the juvenile detention facility. (Should add obtaining the school records from the original school district in to see if there is any special education needs.)
- d. If a juvenile is in the jail facility on October 1 of said budget year, the school district may include the juvenile in its pupil enrollment for the purposes of determining the school district's total program funding under the Public School Finance Act of 1994. If the school district begins providing educational services after October 1, the school district may seek reimbursement for the costs incurred from the school district or charter school that included said juvenile in its pupil enrollment

Discussion:

1. How many juveniles are direct filed on in a year? In 2004 there were 78 cases. In 2008, there were a total of 130 cases. During the first six months in 2009, there were 120 direct files, according to Maureen Cain. Ms. Cain stated there is no entity that formally gathers this data.
2. It would be nice to plot it on a map for the school districts so they would know the home school districts.
3. There is a need to get data collection. The last statewide report was done in 2004. Can the school district contact person be the person who would report the number of juveniles in the jail?
4. Do you think this plan is workable? Yes. Need to show the bill to Sen. Hudak's entire committee which would include the Sheriff's and schools. Also send the bill to Mary Kay Hogan. Ann would like to hear from the Sheriffs and the school districts.
5. Add to the bill: The jail facility in conjunction with the educational provider is responsible to collect and maintain the number of juveniles in the facility, number that are direct files, the length of stay, the dates the juvenile received educational services from the school district, the school districts giving the service and the school district from which the juvenile came, the age of the juvenile, whether the juvenile has special ed needs, Who should the data be sent to? It should go to the Safe School Resource Center who can publish the information on their website. The information can also be sent to DCJ who would want it for their juvenile unit.
6. What is the fiscal note? If you have 150 juveniles that are direct filed on and approximately 1/3 are out on bond, you are talking about 100 individuals. There can be an impact if there is a high concentration in certain areas.

7. Will there be a fiscal note? Not a state one. This would impact the counties and the school districts. Rep. Hudak will run this bill by the Sheriffs and school districts participants in her committee.
8. Rep. Hudak's next meeting is October 26 at 2:00 at the Capitol.

**Next meeting:**

The next meeting will be October 15, 2009 at 10:30 a.m.

Meeting topics will be:

1. Removal of some crimes out of the direct file eligible list
2. Use of detention beds for direct file juveniles
3. Age for direct files
4. Law for pre-trial confinement.
5. Exempting direct files from SB-94 counts

The meeting adjourned at 12:01 p.m.