SPONSOR: Sen. Pinkney & Rep. Griffith
Rep. Harris

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE JOINT RESOLUTION NO. 11
AS AMENDED BY
SENATE AMENDMENT NO. 1

ESTABLISHING THE DELAWARE JUVENILE JUSTICE EDUCATIONAL TRANSITIONS TASK FORCE TO STUDY AND MAKE FINDINGS AND RECOMMENDATIONS REGARDING RE-ENTRY INTO COMMUNITY-BASED SCHOOLS AFTER INCARCERATION.

WHEREAS, 85% of all youth released from the Level V facility at Ferris School and the Level IV cottages located on the Ferris campus are rearrested within 18 months of release, according to the 2025 Juvenile Recidivism report from the Delaware Criminal Justice Council's Statistical Analysis Center; and

WHEREAS, many of the youth incarcerated at the Ferris School and the Level IV cottages have committed criminal offenses that prohibit them from in-person attendance at the middle school or high school in which they were enrolled before their arrest; and

WHEREAS, Regulation 611 of Title 14 of the Delaware Administrative Code prohibits youth who have committed many higher level violent offenses, sex offenses, drug offenses, and weapons offenses from attending alternative schools in the Consortium Discipline Alternative Program; and

WHEREAS, as a result of being banned from both traditional secondary schools and alternative schools, many, if not most, juveniles released from detention either drop out of school or are educated through home-based instruction, lacking any of the support services offered in a school setting; and

WHEREAS, empirical evidence indicates that a positive post-release educational environment reduces the likelihood that a youth will be rearrested post release.

NOW, THEREFORE:

BE IT RESOLVED by the Senate and the House of Representatives of the 153rd General Assembly of the State of Delaware, with the approval of the Governor, that the Juvenile Justice Educational Transitions Task Force ("Task Force") is established to study and make findings and recommendations to ensure more successful transitions of youth from Level V and Level IV facilities back into community-based schools after their incarceration ends.

BE IT FURTHER RESOLVED that the Task Force be comprised of the following members:

(1) The following members serving by virtue of position, or a designee appointed by the member:

a. The Secretary of the Department of Education ("DOE").

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b. The Controller General of the Office of the Controller General.

c. The Director of the Office of Management and Budget.

d. A State Senator from the majority caucus, appointed by the President Pro Tempore of the Senate.

e. A State Senator from the minority caucus, appointed by the President Pro Tempore of the Senate.

f. A State Representative from the majority caucus, appointed by the Speaker of the House of Representatives.

g. A State Representative from the minority caucus, appointed by the Speaker of the House of Representatives.

h. The Secretary of the Department of Services for Children, Youth & Their Families ("DSCYF").

i. The Attorney General of the Department of Justice.

j. The Chief Defender of the Office of Defense Services.

k. The Director of the Division of Youth Rehabilitative Services.

(2) One individual who has been educated in Ferris School, a Level IV cottage, or other Delaware state-owned facility for the post-adjudicatory residential placement of juveniles detained by authority of law, appointed by the President Pro Tempore of the Senate from a list provided by DSCYF.

(3) One parent of an individual who has been educated in Ferris School, a Level IV cottage, or other Delaware state-owned facility for the post-adjudicatory residential placement of juveniles detained by authority of law, appointed by the President Pro Tempore of the Senate from a list provided by DSCYF.

(4) One representative of the Consortium Discipline Alternative Program, appointed by the President Pro Tempore of the Senate from a list provided by the DOE.

(5) One representative of a traditional local education agency, appointed by the President Pro Tempore of the Senate.

(6) One representative of a charter school, appointed by the President Pro Tempore of the Senate.

(7) Three community members, appointed by the President Pro Tempore of the Senate.

BE IT FURTHER RESOLVED that members serving by virtue of position who are granted the ability to designate another individual to attend a Task Force meeting must provide the designation in writing to the Chair. An individual attending a meeting for a member serving by virtue of position has the same duties and rights as the member serving by virtue of position.

BE IT FURTHER RESOLVED that the State Senator from the majority caucus who is appointed by the President Pro Tempore of the Senate to the Task Force serves as temporary Chair to guide the initial organization of the Task Force by doing all of the following:

(1) Notifying the individuals of the formation of the Task Force and, if applicable, notifying a person of the need to nominate or appoint a member.

(2) Setting a date, time, and place for the initial organizational meeting.

(3) Supervising the preparation and distribution of the meeting notice and agenda for the initial organizational meeting of the Task Force.

(4) Providing the meeting notice and agenda for the initial organizational meeting to the Director of the Division of Legislative Services.

(5) Notifying the Director of the Division of Legislative Services of the individual chosen to be Chair of the Task Force and providing contact information for that individual.

BE IT FURTHER RESOLVED that the members of the Task Force choose a Chair from among themselves at the initial organizational meeting. The Chair must be a member of the General Assembly.

BE IT FURTHER RESOLVED that the individual chosen to be the Task Force Chair shall select a Vice Chair from among the other members of the Task Force at the initial organizational meeting.

BE IT FURTHER RESOLVED that when a Chair of the Task Force has been chosen, the Chair is responsible for guiding the administration of the Task Force by, at a minimum, doing all of the following:

(1) Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and reports of the Task Force.

(2) Sending to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director of the Division of Legislative Services, after the first meeting of the Task Force, a list of the members of the Task Force and the person who appointed them, and providing notice of any changes in the make up of the Task Force to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director of the Division of Legislative Services.

(3) Providing meeting notices, agendas, and minutes to the Director of the Division of Legislative Services.

(4) Ensuring that the report of the Task Force is submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, with copies to all members of the General Assembly, the Governor, the Director and the Librarian of the Division of Legislative Services, and the Delaware Public Archives.

(5) Ensuring that at the conclusion of the Task Force's work, all other documents produced by the Task Force are provided to the Director and the Librarian of the Division of Legislative Services.

BE IT FURTHER RESOLVED that the Task Force must hold its first meeting between July 1, 2025, and August 1, 2025.

BE IT FURTHER RESOLVED that a majority of the members must be present at a Task Force meeting in order to have a quorum and conduct official business. A vacancy on the Task Force is not counted for quorum.

BE IT FURTHER RESOLVED that a member receives no compensation but may be reimbursed for the member's actual and necessary expenses incurred in the performance of the member's official duties.

BE IT FURTHER RESOLVED that official action by the Task Force, including making findings and recommendations, requires the approval of a quorum of the Task Force.

BE IT FURTHER RESOLVED that the Task Force may adopt rules necessary for its operation. If the Task Force does not adopt rules or if the adopted rules do not govern a given situation, the current edition of Mason's Manual of Legislative Procedure controls.

BE IT FURTHER RESOLVED that staff support and materials for the Task Force be provided as follows:

(1) The Senate majority caucus is responsible for providing or obtaining reasonable and necessary support staff and materials for the Task Force except for the matters specifically assigned to the Office of Management and Budget.

(2) The Office of Management and Budget, is responsible for providing support staff and materials with respect to cost estimates for any new programming recommended by the Task Force. The Task Force is not required to use the services of the Office of Management and Budget if the estimates can be performed by its members or the other agency providing staff support.

BE IT FURTHER RESOLVED that, notwithstanding any other provision of Delaware Code or Delaware Administrative Code, the DOE and the DSCYF are authorized to provide otherwise confidential materials to private individuals formally designated by the DOE and the DSCYF as providing volunteer research support for the work of the Task Force ("Task Force volunteers"), to the extent that doing so is consistent with federal law. The Task Force volunteers shall adhere to all confidentiality restrictions required by the DOE and the DSCYF. The DOE and the DSCYF are directed to provide any necessary agreements or forms to Task Force volunteers that will allow the Task Force volunteers to review materials under DOE and DSCYF supervision consistent with the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., and the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

BE IT FURTHER RESOLVED that the Task Force shall issue a report to the General Assembly, the Governor, and the Director and the Librarian of the Division of Legislative Services, and Delaware Public Archives, not later than December 1, 2025.

BE IT FURTHER RESOLVED that the report must detail the Task Force's findings and recommendations with respect to all of the following:

(1) The successes of and challenges faced by other states in those states' traditional schools and alternative schools with respect to educating youth released from secure post-adjudicatory residential placement and ensuring that those youth stay in school.

(2) The successes of and challenges faced by Delaware traditional schools and alternative schools in educating youth released from post-adjudicatory residential placement and ensuring that those youth stay in school.

(3) Potential program modifications to existing Delaware traditional schools and alternative schools to create better outcomes for Delaware youth released from post-adjudicatory residential placement.

(4) The need and feasibility for a separate alternative school primarily designed for Delaware youth released from post-adjudicatory residential placement, and with respect to such a potential alternative school:

a. The potential costs of creating and maintaining such a school.

b. The potential savings to the State resulting from the successful operation of such a school through a reduction in recidivism.

c. The steps necessary to create such a school, should the State decide that a separate alternative school is a preferred option.

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the State Senator from the majority caucus who is appointed to the Task Force of the Task Force's creation and temporary Chair appointment, and provide the temporary Chair with a copy of the resolution creating the Task Force.

BE IT FURTHER RESOLVED that this Senate Joint Resolution expires on the date the Task Force submits its report.