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TO

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FROM DRUG COURT TO CLASSROOM: CREATING THE COURT-TO-COLLEGE PROGRAM FOR PRACTITIONERS

ABOUT

The New York Drug Court Higher Education Initiative is a collaboration of the Unified Court System, State University of New York, New York Association of Drug Treatment Court Professionals, and the Center for Court Innovation.

This publication was supported by Grant No. 2010-DC-BX-0121 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, the Community Capacity Development Office, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view and opinions in this document are those of the author and do not necessarily represent official positions or policies of the U.S. Department of Justice.

September 2012

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TABLE OF CONTENTS

INTRODUCTION.....	1
THE STEPS	4
1: FIND A PARTNER	4
2: IDENTIFY PARTICIPANTS	6
◆ Screening for Initiative Participants.....	6
◆ Eligibility v. Readiness Criteria	7
3. CREATE INTERNSHIP PROGRAM.....	9
◆ Collaborating for Implementation	9
4: REFER PARTICIPANTS TO THE INTERNS	12
◆ Application Process.....	12
◆ Other Considerations	14
FINAL CONSIDERATIONS	17
◆ Develop a Participant Tracking System	17
◆ Establish Guidelines for Treatment Plan.....	17
APPENDICES	18
APPENDIX A: MAPS OF COMMUNITY COLLEGES	18
◆ Hudson Valley Community College.....	18
◆ Broome Community College	18
APPENDIX B: FREQUENTLY ASKED QUESTIONS ABOUT DRUG COURTS	19
APPENDIX C: HIGHER EDUCATION DRUG COURT INITIATIVE PARTICIPANT RUBRIC	20
◆ Evaluating Participants.....	20
APPENDIX D: SAMPLE MEMORANDUM OF UNDERSTANDING.....	24
APPENDIX E: HUDSON VALLEY COMMUNITY COLLEGE FERPA WAIVER	25

INTRODUCTION

In the United States, individuals with a college degree typically fare better in the job market and earn higher incomes than those without one. Specifically, people with two and four year degrees tend to have higher incomes than those without degrees and show increased income over time, while income for those without degrees either stagnated or declined.¹ Unfortunately, many if not most drug court participants don't even consider pursuing a degree: some think they can't afford college; some believe they couldn't perform adequately; some have loans in default; and some have never known a family member or friend who has earned a degree. Whatever the reason, too many drug court participants never consider higher education a realistic option. This project seeks to help these individuals access one of the most critical components of real economic stability.

The New York Drug Court² Higher Education Initiative (the Initiative) is a program designed to assist adult drug court participants in New York State obtain a college degree. The Initiative involves four primary partners: the New York State Unified Court System, the State University of New York (SUNY), the Center for Court Innovation (the Center), and the New York Association of Drug Treatment Court Professionals (the Association).

The Initiative operates through the development of partnerships between drug courts and their local SUNY community colleges.³ The partnership helps support the drug court participant through the application and enrollment process at the school. In most cases, the partnership creates an internship program with the drug court where students from the local community college intern with the court and guide drug court participants through the application and enrollment process. Once the partnership is established, the process features four primary components:

- The drug court team selects participants for the Initiative.
- Drug court interns and staff from the local community college assist the participants in the application, financial aid and enrollment process.
- The participant is enrolled and attending community college.
- The local community college staff assists the participants as needed and according to their available resources.

◆ Practitioner Manual

This document, "From Drug Court to Classroom: Creating the Court-to-College Program," referred to as the Practitioner Manual, provides an overview of the New York Drug Court Higher Education Initiative. Three companion documents explain different aspects of the program. Those documents are:

- "From Drug Court to Classroom: Training Program Interns," which provides information on training interns to assist drug court participants in the application and enrollment process;

¹ *Promoting Economic Mobility by Increasing Postsecondary Education, Pew Economic Mobility Project, 2009.*

² *Drug court is a separate court docket for persons who are arrested on charges related to alcohol and/or drug abuse. These persons are offered substance abuse treatment as an alternative to incarceration. Only non-violent offenders are allowed to participate in drug court. The court supervises their progress in treatment and requires frequent court appearances, random drug testing and a plan for education and employment. Successful completion of the drug court program generates a significant legal benefit, such as dismissal of charges or termination from probation. Failure to complete the program typically results in incarceration. See Appendix B: Frequently Asked Questions and Drug Courts for more information.*

³ *The participants may also want to investigate one-year certification programs that are also available at the community colleges.*

- “From Drug Court to Classroom: Helping Participants Attend College,” which is a manual for the interns to use when assisting drug court participants in the college application and enrollment process;
- and, “From Drug Court to Classroom: Your Guide to Enrolling in College,” which is a guide for drug court participants on applying to and enrolling in college.

Also included in the Practitioner Manual are forms and handouts that support and facilitate the entire Initiative process.

The Practitioner Manual describes the step-by-step process by which drug courts and SUNY schools can partner to implement the Initiative. The Practitioner Manual is also a guide to using the other documents.

This document is broken down into multiple sections: 1) Find a Partner, 2) Identify Participants, 3) Create Internship Program, 4) Refer Participants to the Interns and, 5) Final Considerations. Each section has steps for implementing the Initiative in a New York State adult drug court. The “Partnering with your Local Community College” section describes reaching out to the SUNY campuses and speaking with the College Presidents, directors of admissions and financial aid and other department heads. The “Identifying Participants” section focuses on steps the team can take to properly screen a candidate to determine if he is “Initiative ready.” “The Drug Court Interns” section discusses setting up a drug court internship program to assist implementation of the Initiative. The “Referring Participants to the Interns” section discusses how the interns can support the participant in the potentially overwhelming application process. The “Final Considerations” section discusses other factors to keep in mind when establishing this program.

While each drug court and college campus may have with their own rules and requirements, the Practitioner Manual can be a useful guide to all drug courts as they seek to make higher education a realistic and attainable goal for their drug court participants.

◆ **Background**

The Initiative seeks to replicate the success of the Education to Recovery (E2R) Program, pioneered by Rick Washousky, executive vice president for academic affairs at Erie Community College (Erie). Initiated in 2000, E2R sought to provide services to students with substance abuse and/or mental health problems. Prior to E2R, students with substance abuse and/or mental health issues were expected to enroll in college and simply perform, without any acknowledgment of the deficiencies stemming from their conditions. E2R provided these students with support and services throughout the admissions and financial aid processes, placement testing, acclimation to the college environment, and assistance choosing college courses and career paths.

In its first year, E2R assisted 59 clients on Erie’s campus. Since that time, more than 3,000 other clients have benefitted from E2R’s vision. In 2004, Erie expanded E2R’s reach to the drug court world, beginning in Buffalo and eventually incorporating the model into drug court programs in Amherst, Niagara Falls, Cheektowaga, Lackawanna, and Tonawanda courts. Erie deployed staff and student interns to provide GED classes, pre-college services and to motivate and help drug court participants gain access to higher education. The Drug Court Higher Education Initiative was created to take the E2R model to scale in New York State.

The first step involved identifying representatives from the key partners to serve on a committee that would help design the Initiative. The committee, comprised of drug court judges, coordinators, administrators, staff from SUNY, the Center, the New York Unified Court System, the Association, and E2R convened numerous times over 18 months to create the Initiative model.

The second piece of the project featured two pilot sites at the Albany County Drug Treatment Court in partnership with Hudson Valley Community College and at Binghamton Adult Drug Treatment Court in partnership with Broome County Community College. Center staff and committee members met with SUNY leadership at each of the two colleges to introduce the Initiative, adapt it to the unique policies and practices of each site, and obtain approval for implementation. The Practitioner Manual was developed using the work of the committee and the lessons learned from the two pilot sites.

The final step included production of documents that would support the Initiative—the three other manuals in this series and a rubric to help drug court staff identify “college ready” drug court participants. The set of documents enable any drug court in New York State to implement the Initiative. To assist in dissemination of the model, Board members from the Association convened drug court teams and SUNY staff from their respective jurisdictions to educate them on the Initiative and demonstrate how it can be adapted to meet local needs and preferences.

THE STEPS

1: FIND A PARTNER

The conceptual framework of the Initiative involves drug courts partnering with SUNY schools and other community stakeholders to build a process for drug court participants to enroll in college. The first steps entail creating that partnership by meeting with relevant parties at campuses and drug courts.

◆ The College

Identify a local SUNY school or drug court to partner with.

For drug court personnel:

Visit www.suny.edu to pinpoint which community college is closest to where drug court participants live. The majority of drug court participants initially start out at community colleges because four-year colleges have stricter admission requirements that make many drug court participants ineligible until they receive, or have made significant progress toward receiving, an Associate's Degree.

For SUNY personnel:

Visit www.nycourts.gov/courts/ to locate the contact information for the nearest drug court. There are 92 adult drug courts in New York State. The many benefits to partnering with drug courts include: increased enrollment; internship opportunities for current students; and possible access to criminal justice and recovery funding sources.

◆ Developing Contacts

Reach out to the relevant contacts at the drug court or SUNY school.

For drug court personnel: Once the community college is identified, members of the drug court team, including the judge, should reach out to the school's president. If the judge is involved in the Initiative, he may want to initiate the meeting because of the gravitas he carries as the drug court's leader. A copy of this Practitioner Manual was sent to SUNY schools, but the president of the school may still be unaware of the program or have questions and concerns.

Be prepared. Drug court staff should be prepared to explain what a drug court is, how drug courts generally do not accept violent offenders or sex offenders, the impact of drug court participants on school safety, how many participants the drug court initially anticipates referring to the school, what services those participants are receiving from the drug court (such as substance abuse counseling) and how the Initiative can benefit the school (such as being a referral source for students and enriched experiences offered to student interns). Fortunately, Rick Washousky of E2R points out that drug court participants tend to be less likely to cause problems on campus as they are in treatment and are being supervised by the treatment team and a judge. The Practitioner Manual also includes a small FAQ pamphlet to bring to the meeting (attached as Appendix B).

If the president agrees to form a partnership with the court, then the team can start reaching out to the other important campus players, as is explained in parts 2 and 3 below. If the college president is not inclined to form a partnership, the drug court participants should still be encouraged to apply to the college with the drug court team's assistance. The team can guide the participant to on-campus services, as well as off-campus services such as ACCES (discussed in 4: REFER PARTICIPANTS TO THE INTERNS).

After securing the president's approval, meetings with the provost and directors of admissions and financial aid should follow. Drug court participants wishing to enter college may find the college enrollment and financial aid processes daunting (discussed more fully in 3: CREATE INTERNSHIP PROGRAM) and become discouraged. While the Initiative anticipates this possibility and offers a resolution using student interns (discussed in 3: CREATE INTERNSHIP PROGRAM), assistance from admissions and financial aid offices may also be necessary.

With the SUNY system experiencing the same budget crunch as all aspects of government, colleges may be reluctant to dedicate employees from admissions and financial aid to the Initiative. However, school's resources vary, and meetings with the directors of admissions and financial aid inform the drug court team about available assistance.⁴ Once you have the administration's approval, the drug court team can start enhancing its procedures to find potential or Initiative-ready participants.

For SUNY personnel: The Drug Treatment Court website, (www.nycourts.gov/courts/), lists the contact information for the drug court coordinator. The drug court coordinator is the best person to contact to start the Initiative because she may have prior knowledge of the Initiative and can coordinate the appropriate parties at the drug court. First, meet with the drug court coordinator. If the drug court coordinator seems interested, then she might ask you to meet with the drug court judge and other team members (such as the case managers) to discuss the Initiative. Inviting the coordinator and judge to meet with the president or directors of admissions and financial aid may also be a good idea so that all the key players are aware of the Initiative. Once you have the reached out to the drug court and administration, the drug court team can start enhancing its procedures to find potential or Initiative-ready participants.

⁴ For example, Doug Lukasik, the Director of Financial Aid for Broome Community College, provides free financial aid seminars for local high schools and offered to provide seminars at the courthouse for drug court participants. He also offered to be the contact person for Initiative referrals. Lisa Van Wie, Director of Financial Aid at Hudson Valley Community College, offered to assign a specific employee to provide assistance for Initiative participants and interns.

2: IDENTIFY PARTICIPANTS

This section addresses the drug court team's role in choosing participants for the Initiative. There are two sections: Screening for Initiative Participants and Eligibility v. Readiness Criteria.

◆ Screening for Initiative Participants

Add education-related questions to the initial drug court screening process.

The drug court team should add education-related questions to its drug court screening process to determine if a drug court participant is a potential Initiative referral. These questions are aimed at gauging the participant's interest and education level. Questions include:

- What is the highest grade level you completed?
 - If the participant did not finish high school then ask: Do you have a GED?
 - If the answer is “no,” arrangements can be made for him to get a GED.
- Tell me about your interest in college.

The participant's interest in college may change over time, but because the process of applying to college takes preparation and time, those who express interest during the screening may be able to get a head start. Interested participants should receive a copy of the Participant Handbook and visit the community college's website. A participant who initially indicates no desire to enter college should be asked again at a later time, after receiving treatment and stabilizing.

Follow up with interested participants when they are eligible to begin the Initiative.

The previous questions can be asked during the screening process. The following questions are more detailed and can be asked after the participant has been in drug court for a period of time and has stabilized:

- When was the last time you were in school?
 - The participant may need college-prep classes, such as basic computer skills and refresher math and English classes, depending on the last time he attended school.
- What were your Math and English grades like?
 - If the participant performed poorly, college-prep math and English classes may be indicated.
- Were you enrolled in any special programs during school?
 - Special Ed or non-mainstream classes may be another indicator of the need for college-prep classes.
- Did you receive any awards in high school? Did you receive any disciplinary action?
 - Behavior or other issues in high school could impact college readiness.
- Do you have a job? How many hours a week do you work?
 - Obviously, a participant entering college needs time to attend classes, complete homework, study, write papers, and prepare for examinations. Someone who works, on top of drug court and treatment obligations, simply may not have the time for college.

◆ Eligibility v. Readiness Criteria

Use the New York Drug Court Higher Education Initiative Rubric (Appendix C) to assist in evaluating participants' eligibility and readiness.

There is a difference between a participant being eligible to enroll in college and being ready to attend college.

Eligibility refers to certain specific, quantifiable criteria that each potential student must meet before a college allows him to enroll. Eligibility criteria apply equally to all potential students.

Readiness, however, is specific to each individual and takes into account educational, emotional, psychological and intellectual factors. For example, a participant may have a high school diploma, but might not have attended school in over 20 years. While this individual might be eligible for college and accepted into the school, he may not be ready for college after a 20 year absence and may need to take college-prep courses before attending.

The New York Drug Court Higher Education Initiative Rubric was created to assist drug court teams in determining a participant's college eligibility and readiness. The Rubric is designed to act as a guide for referring drug court participants to the Initiative and is not determinative—a participant may be college ready without qualifying under the Rubric.

Eligibility

A high school diploma or GED is not a requirement to gain admission into a community college. However, students without a high school diploma or a GED are not be eligible for financial aid and are not be able to obtain a degree from the college. Therefore, a participant should be encouraged to obtain a GED if he does not have a high school diploma.

To obtain a GED, a participant may be able to access a free GED program. Many non-profit organizations offer GED programs. Additionally, SUNY manages a network of Education Opportunity Centers located in major urban areas across the state. These centers offer computer training, job training, academic services, employment opportunities and free GED programs. The participant must be economically disadvantaged and educationally underprivileged to be eligible for these programs. Even participants with a GED might want to take advantage of the center's computer trainings and academic services. Visit the SUNY Education Opportunity Center website to determine if there is one in your area: www.sunyeoc.org.

Another option in most community colleges is a Matriculated Student Program which is a 24-hour credit program for students who have not attained a high school diploma or GED. Students completing the Matriculated Student Program receive a New York State High School Equivalency Diploma. However, at the time of publication of this Practitioner Manual, the Department of Education had eliminated financial aid for Matriculated Student Programs and New York State has not yet decided to give financial aid for these programs. However, the Adult Career and Continuing Education Services program (discussed in greater detail in Part 3: THE DRUG COURT INTERNS) provides funding for people with disabilities to attend Matriculated Student programs and also offers assistance in gaining a GED.

Another eligibility issue is the local residency requirement. Tuition doubles for all non-New York residents so New York residency is essential in making education affordable for drug court participants. The drug court participant is required by New York State law to present a certificate of residency indicating that he has been a legal resident of New York for one year, and of a county for six months. Certificates of residency are available at county offices.

Readiness

There is no specific benchmark to determine when a participant is Initiative ready because each

participant responds to drug court differently. Some factors to consider in making this determination (and which are also outlined in the Rubric) include:

- Compliance with drug court, criminal court, or treatment directives.
 - A participant who is having trouble complying with the directives of drug court, criminal court, and/or treatment is probably not yet ready to add the responsibilities of college.
- Professed interest in obtaining higher education.
 - The drug court team may wish to gauge a participant's interest in going to college and ensure the participant understands the responsibility that college entails.
- Having a realistic block of time to attend classes and study.
 - As referenced in the Screening section, the participant needs an appropriate amount of time to attend classes and complete school work. If his other obligations take up the majority of his day, he might not be a good candidate to enter college.

While not necessarily determining criteria, the participant's housing arrangements and access to transportation should also be considered. The team and participant should consider whether the participant has transportation to the college and a place to study and keep school materials.

Should a participant lack college-ready computer, math, English, or other skills, the SUNY system offers the University Center for Academic and Workforce Development,⁵ which provides SUNY's academic preparation services to the under-served and under-educated residents of New York State. Educational Opportunity Centers, discussed previously, provide academic assistance, free GED programs, job training and employment opportunities to eligible students. Another program, Counseling and Outreach Centers, also offers education and employment services; however there are only two of these centers in the state (Schenectady and the Bronx). The schools themselves, particularly the community colleges, also offer a host of services to potential students. In particular, Educational Opportunity Programs are available to those eligible students who show an ability to succeed in college but who would not otherwise be offered admission.⁶ The Educational Opportunity Programs offer, among other services, academic counseling, tutoring, and supplemental instruction.

⁵ www.ucawd.suny.edu

⁶ www.suny.edu/Student/academic_eop.cfm

3. CREATE INTERNSHIP PROGRAM

The community college enrollment process can seem frustrating to a recently recovering participant. The best way to help the participants overcome that frustration and navigate potential roadblocks is to provide some support and assistance. While the concept of “assisting” participants through the financial aid and application processes is a simple one, putting it into action requires manpower. In this era of draconian budget cuts, layoffs and downsizing, neither the SUNY schools nor the courts have extra staff to devote to the Initiative. The New York Drug Court Higher Education Initiative Planning Committee sought to remedy this problem by using student interns from the local community college partnering with the drug court.

Using student interns accomplishes a number of goals. First, it solves the manpower issue at no cost to SUNY or the courts in terms of time or funds. Second, most students have recently completed the enrollment and financial aid processes and require minimal training to assist the participants in navigating the process. Third, the interns receive an enriched educational experience by working hands-on with the drug court, drug court participants, treatment agencies and other entities involved with the drug court.

This section addresses how to create the internship, train the interns, supervise the interns, and discusses intern confidentiality.

◆ Collaborating for Implementation

The drug court team and SUNY school should work together to create a drug court internship program. The drug court and SUNY personnel can forge a relationship with the chair(s) of school department(s) from which interns can be drawn. The school and the drug court should enter into a memorandum of understanding (MOU), which spells out the terms of the internship, the length of the internship, the requirements and duties of the interns and who from the court are responsible for supervision (A sample Memorandum of Understanding is attached as Appendix D).

Often a relationship already exists between the drug court and the school. In the two pilot locations, internships between the Albany Drug Court and Hudson Valley Community College’s Chemical Dependency Department and Binghamton Drug Court and Broome Community College’s Chemical Dependency Department were established. Using the structure already in place and adding Initiative-related duties to the existing internships made for a relatively smooth transition in each location.

To create an internship from scratch, the chairperson of the department or an intern coordinator from the college and the drug court coordinator can meet to set the parameters of an internship, including length of the internship, duties, number of hours and days.

The internship can take many forms. For example, Hudson Valley Community College offered interns from their externship classes and they were exploring the creation of a special volunteer class for the internship.

Drug court and the local community college faculty should establish the length of the internship. The length of the internship should be measured in semesters. Ideally, the Initiative internships would run for two semesters to provide continuity and to avoid a participant having to change interns during the enrollment process. However, the school and department sponsoring the interns determine the length of the program.

Drug court and the SUNY school faculty should discuss the interns’ responsibilities. Drug court and SUNY personnel should develop a written agreement spelling out the intern’s responsibilities and requirements and emphasizing the commitment the intern is making to the drug

court. “From Drug Court to Classroom: Helping Participants Attend College” contains a sample Intern Protocol Agreement that can be used, or incorporated into an already-existing contract for drug court internships.

The interns’ Initiative-related duties most likely do not fill enough hours to justify an entire internship. A drug court internship that includes other responsibilities, along with Initiative activities, may serve everyone’s interests more effectively. The interns should be in court on drug court days, but should also be given time to provide campus tours for the drug court participants, as well as “computer time” to allow the intern and participant to fill out online applications and financial aid forms. Ideally, the court or school should have an office or other space where the interns can meet with the participants to discuss ongoing progress in the college enrollment process.

◆ Training the Interns

Use “From Drug Court to Classroom: Helping Participants Attend College” and “From Drug Court to Classroom: Training Program Interns” guide to train the interns. The Practitioner Manual features these two additional tools in the series to enable drug court personnel to train the interns in their Initiative-related duties and responsibilities. These include:

- Assisting the participant in gathering important documentation, including high school diploma and GED transcripts, Certificates of Residency, health and immunization records, and documents for financial aid.
- Assisting the participant with the admissions application.
- Guiding the participant through the online financial aid process.
- Directing the participant to important offices/staff at the community college.
- Ensuring the participant is ready for the first day of classes with a course schedule and books.
- Providing general support and answering questions.

Aside from those responsibilities, boundaries should be discussed with the interns. For example, the interns and participants are working closely together, and the interns have access to personal details about the participants’ lives, ranging from the participants’ struggles with substance issues to the participants’ financial circumstances. Having told interns so much information about their lives, the participants may want, even expect similar disclosure from the interns. Also, the interns are helping the participants and the participants may be grateful and wish to express that gratitude in a material way. Accordingly, it is important to ensure the interns set boundaries with the participants, such as:

- The intern should only meet with the participant at the court, community college or other public place.
- The interns should not go to the participant’s home or invite the participant to the intern’s home.
- The intern should not socialize or develop a sexual relationship with the participant.
- The intern should not have any financial dealings with the participant, including lending/borrowing money or giving/accepting gifts.
- The intern should not share personal information with the participant or give the participant a personal e-mail or home address.
- The intern should not engage with the participant over social media sites such as Facebook, MySpace, Twitter, etc.

See “From Drug Court to Classroom: Helping Participants Attend College” for more information on boundaries.

◆ **Supervising the Interns**

Establish the intern’s supervision and reporting requirements. The drug court and SUNY school should establish a supervision plan that includes oversight by both parties. The college likely has an intern coordinator who supervises the interns’ progress but the college wants supervision from the drug court as well. Some Chemical Dependency departments may require their interns to be supervised by a Certified Alcohol and Substance Abuse Counselor (CASAC). While many drug court coordinators are CASAC certified, this requirement and all others should be spelled out before the internship begins, preferably during the first meeting between the department head and the drug court team.

The intern’s court supervisor should ensure the intern is keeping appointments with drug court participants and is appearing at drug court during the prescribed hours. The supervisor should monitor the intern’s record keeping regarding all contacts with Initiative referrals and completion of the tracking forms provided with the Practitioner Manual and IN “From Drug Court to Classroom: Helping Participants Attend College.” The supervisor should also help the intern keep track of all relevant deadlines for submission of applications and supporting materials to the college. The intern’s supervisor in drug court is responsible for communicating with the Chairperson regarding the intern’s progress.

◆ **Intern Confidentiality**

Establish confidentiality guidelines with the interns and the local community college. During the course of the internship, the intern likely learns confidential information from the Initiative referrals with whom he works. This information includes substance abuse and substance abuse treatment details, information related to the participant’s finances and, potentially, private family information. There is no legally recognizable confidential relationship between the intern and the participant, so it is incumbent upon the drug court to ensure the intern agrees, in writing, to keep all information learned during the course of the internship confidential, except for disclosure for internship purposes.

Most drug courts that already have internship programs have a written agreement that includes a confidentiality clause. This agreement can be modified to incorporate Initiative-related duties. Further, the Intern Protocol Agreement annexed to “From Drug Court to Classroom: Helping Participants Attend College” contains a confidentiality clause, and the drug court can use the process of signing this document to reiterate the importance of confidentiality. In order to trust and work with the interns, the participants must believe their private information is respected.

Another confidentiality issue can arise if the intern attends meetings with the participant and college personnel such as admissions or financial aid staff. College personnel are constrained by what information can be discussed with the intern due to the requirements of the Family Educational Rights and Privacy Act (FERPA).⁷ Tuition costs, class schedules, and disability services are all areas covered by FERPA. The participant needs to provide the school with a FERPA release before certain information can be discussed with the intern present. Each college has a release form they use. A sample FERPA release form is attached as Appendix E.

⁷ 20 USC § 1232(g).

4: REFER PARTICIPANTS TO THE INTERNS

Refer drug court participants to interns in order to begin the application process. Once the interns have been trained and the drug court team has identified college-ready participants, they can be paired-up to begin the application process. When referring participants to interns, it is important to keep in mind the interns' workloads. The more Initiative-ready participants, the more interns needed.

◆ Application Process

The intern supports the participant throughout the application process, which includes admissions and financial aid applications.

Admissions

Similar to financial aid, the admission process can be a daunting task with numerous forms and considerable information required. Participants are expected to provide:

- An application for enrollment. The application can usually be completed online.
- High school diplomas or GED transcripts. Tracking down high school diplomas or GED transcripts can be complicated. The participant needs to contact the issuing school for a high school diploma.⁸ If the school no longer exists, the participant needs to contact the district office where the school was formerly located and inquire where the records for that school were sent. For GED transcripts, the participant has to contact the State Education Department.⁹ There is a fee for the GED transcript.
- Transcripts from other colleges, if any. The participant needs to contact any former college or university and make a request for transcripts. Again, there is likely a fee for this service.
- Proof of residency. To be eligible to pay a New York resident's SUNY rate of tuition, a participant needs to provide the school with a Certificate of Residency. Certificates of Residency are issued by the county where the participant resides. Anyone attending a SUNY school who does not provide a Certificate of Residency must pay double tuition. There are time limitations imposed by NYS counties as to when a Certificate of Residency can be provided. Counties may refuse a request for a Certificate of Residency after the 30th day into a semester.
- Proof of immunizations. Any student entering a SUNY school must provide proof of being immunized for measles, mumps, and rubella. Proof can be obtained from the participant's doctor, high school, or through a blood test.

Financial Aid

The intern works with the participant on the participant's financial aid application. People with substance issues are known to suffer from low frustration-tolerance, which makes the financial aid application process an intimidating task. The number of forms and documentation required can seem overwhelming to the average person. To the drug court participant, applying for financial aid can seem like an insurmountable barrier. It is here that drug court participants may require the most assistance, particularly if the participant is in default on a previous loan. Participants must be prepared to submit:

⁸ www.nysed.gov/admin/bedsdata.html.

⁹ www.acces.nysed.gov/ged/diplomas_transcripts.html.

- A Free Application for Financial Student Aid form (FAFSA).¹⁰
- PELL and TAP applications.
- Social Security number.
- Driver's license or other form of state identification.
- Alien registration number or permanent residence card (if applicable).
- Prior year's W-2s, 1099s and other records of income earned.
- Prior year's tax returns.
- Prior year's untaxed income records (i.e. SSI, SSDI).
- Most recent bank records.

There are some restrictions placed upon a person's access to receiving financial aid. First, if while receiving financial aid he was convicted of certain drug-related crimes, financial aid can be suspended or revoked completely. During the screening process, the drug court team must investigate whether the participant was ever convicted of a drug-related offense while receiving financial aid. The Higher Education Act, 20 U.S.C. §1091(r) states, in pertinent part:

(r) Suspension of eligibility for drug-related offenses

(1) In general

A student who is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance **for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance . . .** shall not be eligible to receive any grant, loan, or work assistance . . . from the date of that conviction for the period of time specified in the following table:

	Possession of Illegal Drugs	Sale of Illegal Drugs
1st offense	1 year from date of conviction	2 years from date of conviction
2nd offense	2 years from date of conviction	Indefinite period
3+ offenses	Indefinite period	

(2) Rehabilitation

A student whose eligibility has been suspended . . . (1) may resume eligibility before the end of the ineligibility period . . . if the conviction is reversed, set aside, or otherwise rendered nugatory; or he successfully completes a qualified drug rehabilitation program as described below:

A qualified drug rehabilitation program must include at least two random drug tests and must satisfy at least **one of the following** requirements:

- Be qualified to receive funds directly or indirectly from a federal, state or local government program or federally or state-licensed insurance company.

¹⁰ www.fafsa.com/home.

- Be administered or recognized by a federal, state or local government agency or court.
- Be administered or recognized by a federally or state-licensed hospital, health clinic or medical doctor.

In most cases, a drug court program satisfies the second requirement.

The second barrier to receiving financial aid arises when the participant has previous financial aid in default. A loan goes into default when the participant fails to repay the loan or to make regular payments as set out in the loan documents. A grant can also go into default when a student violates the terms of the grant (i.e. drops out of school mid-semester) and is therefore required to repay a part of the funds, but fails to do so. If financial aid is in default, the participant is unable to receive additional financial aid until the money is repaid, or in some other manner, remedied. Financial aid departments might be able to offer some assistance in getting the financial aid out of default status by contacting the lender, but legal assistance may also be required. The local bar association or other community groups that deal with credit counseling issues may be able to help the participant negotiate with the financial outfit to remove the loan from default status. The ACCES program also offers assistance with financial aid issues.

◆ Other Considerations

Treatment Agencies

Drug court should collaborate with the treatment agencies when considering a participant for the Initiative. Though the main partnership underlining the Initiative is between the colleges and the drug court, the participant is also engaged in substance abuse treatment and possibly mental health treatment. The participant's providers may have their own opinions as to when the participant is ready to start attending college. While the drug court team already has a working relationship with the providers to whom it refers participants, a separate meeting should be arranged to discuss the Initiative with the providers. Obviously, it makes the most sense for the drug court team, the court and the providers to be in agreement that the participant is ready to enter college.

Social Services

Ensure the participant speaks to his social services worker about how receiving financial aid affects his benefits. If the participant is receiving any social services, such as public assistance, food stamps, housing assistance or Medicaid, enrolling in college can potentially impact his continuing eligibility for those benefits. The participant must be counseled to speak with his social services worker before beginning the process of enrolling in school to avoid a separation from services or benefits.

Criminal Records

Advise the participant to speak with his defense attorney regarding his convictions to ensure he is accurately reporting his criminal history to the college. Offer the intern and participant guidance in reporting the participant's criminal record.

Every SUNY school has a procedure by which the application of a potential student with a criminal background record is reviewed. This review process applies to all Initiative referrals as, by nature of their contact with drug court, the participants either have a conviction or charges pending that may lead to a conviction. Each school likely has a committee that reviews the application, considers the criminal background and makes a determination whether the applicant is a danger to the campus and/or whether his criminal involvement warrants special conditions while he attends college. Initiative participants are not typically deemed a danger to the campus as drug courts generally do not accept participants who have committed violent crimes or sex offenses. However, the reviewing body may still impose restrictions or a probationary period on the student.

The Center for Community Alternatives published a report based upon a survey of 273 colleges and universities.¹¹ The survey found that colleges which do allow persons with criminal records to enroll in the school are likely to require that student to accept some special services or agree to some form of college-based probation. Some students with criminal records are subject to housing restrictions, additional surveillance by security and might be required to take classes online instead of on campus. Other schools restrict access to student services and work study assignments. Initiative referrals should be made aware they could be subject to supervision or have restricted access to student services at either the Initiative referred school or any future school he may attend.

The participant likely has to submit letters of recommendation from entities in the community and the criminal justice system as evidence that the prior criminal activity would not inhibit his ability to be a productive student.

The participant should speak with his attorney to ensure that an accurate picture of his criminal record is reported to the school. The participant should also identify the appropriate college staff member with whom he should discuss the practical impact of his criminal involvement.

Students with Disabilities

Ensure the participant is aware of services available for people with learning disabilities, including ACCES. Both the SUNY system and New York State offer educational and vocational services to students with disabilities **but the participant must ask for the services at the school himself**. A substance abuse disorder can be considered a disability for the purpose of seeking services or assistance from SUNY or the state. Each SUNY school has an office that deals specifically with students with disabilities and provides services for those students and a contact person who coordinates the services. For example, Hudson Valley Community College provides a Learning Disability Specialist for qualified students, and this specialist performs the following duties and tasks:

- Review documentation and recommend accommodations.
- Evaluate diagnostic information to help the student better understand his disability.
- Help prepare the student for meetings with advisors.
- Help obtain texts in alternate format.
- Help find note takers.
- Work with the Disability Resource Center to coordinate accommodations.
- Work with the staff of the Learning Assistance Center to coordinate academic support services.¹²

By visiting www.suny.edu/provost/university_life/Disability%20Service%20Offices.pdf, the participants and interns can obtain a link to each school's disability services as well as the name and contact information for the person in charge of the disability services.

If you are unaware whether the participant has a disability or not, you can use the Learning Needs Screener found at www.ncwd-youth.info/assets/guides/assessment/sample_forms/learning_needs_screening_tool.pdf. The screener will help determine whether a further assessment is needed to determine the existence of a disability.

¹¹ www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf.

¹² <https://www.hvcc.edu/lac/ld/index.html>.

The New York State Department of Education also offers educational and vocational services to adults through the Adult Career and Continuing Education Services (ACCES) programs.¹³ ACCES is comprised of multiple units including Vocation Rehabilitation (VR) and Adult Education Programs and Policy (AEPP). AEPP offers adult literacy programs and GED preparation classes among many other services.¹⁴ By visiting the AEPP website, participants and interns can find the location of local GED preparation courses, download GED preparation materials, and access dates and locations for the GED exams.

Though the focus of ACCES-VR is on younger people graduating high school, a person of any age who meets the eligibility requirements may utilize their services. ACCES-VR's transition services works with students, parents and school districts to create a plan for the student to find employment or enter and succeed at post-secondary education. ACCES-VR workers can also help participants obtain books and provide information regarding financial aid. The goal is to secure employment for persons with disabilities either out of high school or out of college. Service planning ensures not only that the students gets admitted into college, but are ready to enter college and prepared upon graduation to enter community living.¹⁵ Persons with substance abuse issues make up the largest group of people seeking ACCES-VR services.

To determine what services a participant may be entitled to, the participant and intern can contact the district office for that county. Every county has a liaison assigned to assist the participant access services. The ACCES website contains an interactive map to help locate and contact the district office and liaison.¹⁶

¹³ <http://www.acces.nysed.gov>.

¹⁴ <http://www.acces.nysed.gov/aepp>.

¹⁵ www.acces.nysed.gov/vr/do/transition.htm.

¹⁶ www.acces.nysed.gov/vr/do/locations.htm.

FINAL CONSIDERATIONS

◆ **Develop a Participant Tracking System**

A Participant Tracking Form is annexed to “From Drug Court to Classroom: Helping Participants Attend College.” The intern supervisor at both the drug court and the college should ask interns to complete these forms on a regular basis, but no less often than once every two weeks. The tracking form asks the intern to track his contacts with the participant, and the participant’s progress through the enrollment process. The information contained in the tracking form allows the drug court team to both follow the participant’s progress, but to also monitor the intern and participant’s relationship. Further, the information contained in the tracking forms prove useful to help train future interns, and to assist an intern who is taking over for a departed intern who was in the middle of assisting a participant. Copies of the filled out tracking forms can be kept in the drug court’s file on the participant, and in a binder managed by the interns and kept by the intern supervisor at court. This binder can contain blank and filled out tracking forms, a copy of “From Drug Court to Classroom: Helping Participants Attend College,” this Practitioner Manual, a copy of “From Drug Court to Classroom: Your Guide to Enrolling in College,” and other information that help the interns work with participants.

◆ **Establish Guidelines for Treatment Plan**

The judge and drug court team should establish guidelines for how the Initiative fits into a participant’s treatment plan. This decision should be individualized for each participant’s needs. As one example, the Buffalo Drug Court makes enrolling in school a requirement for graduation. On the other hand, if the participant chooses to enroll in school, then school should not become a “punishment.” If the participant was already on track for drug court graduation, it is recommended that the graduation date not be significantly extended because the participant chooses to take the additional step of college enrollment.

APPENDICES

APPENDIX A: MAPS OF COMMUNITY COLLEGES

◆ Hudson Valley Community College



◆ Broome Community College



APPENDIX B: FREQUENTLY ASKED QUESTIONS ABOUT DRUG COURTS

Q: What is a Drug Court?

A: Drug court is a separate, court docket for persons whose court involvement stems in large measure from their alcohol and/or drug abuse. Adult drug treatment courts target non-violent offenders who are offered substance abuse treatment as an alternative to incarceration. The court provides intensive judicial supervision of their progress in treatment, requiring frequent court appearances, random drug testing and a plan for education and employment. Rules of participation are defined clearly in a contract agreed upon by the defendant, the defendant's attorney, the district attorney, and the court. Successful completion of the drug court program generates a significant legal benefit, such as dismissal of charges or termination from probation. Failure to complete the program typically results in incarceration.

Q: Do drug courts work?

A: Over the years, research has consistently demonstrated that drug courts reduce recidivism and save money by keeping people out of the court system, jails and prisons. In New York, a 2003 study of six drug courts conducted by the Center for Court Innovation demonstrates that the rates at which drug court graduates re-offend are significantly reduced. The most recent national research, *The Multi-State Adult Drug Court Evaluation*, confirms that drug courts do reduce recidivism and drug use. The first drug court opened in 1989 in Dade County, Florida. Since that time, over 2,400 drug courts have been created nationwide and more are in the planning or development stages. New York State currently operates 179 drug courts. Drug courts have been proven to reduce drug use, reduce crime by lowering recidivism and save money.

Q: What do drug courts require of participants?

A: Drug courts offer one of the most intensive drug treatment options available in a criminal justice setting. Drug court programs combine the following:

- Strict and frequent supervision, typically by probation staff.
- Intensive drug treatment.
- Frequent, random drug testing.
- Close judicial monitoring by the court.
- A sanctions and incentive scheme that helps to change drug court participants' behaviors.
- Modified adversarialism, with all legal actors sharing a common goal of successful recovery for participants.

Drug court participants report that regular appearances before the court make the difference in this approach to breaking their cycle of addiction and crime.

Q: Have the participants committed a violent crime?

A: No. Drug court participants have committed *non-violent* offenses in which their addiction to drugs or alcohol played a significant role in the commission of a crime.

APPENDIX C: HIGHER EDUCATION DRUG COURT INITIATIVE PARTICIPANT RUBRIC

Two questions should be asked when determining whether a drug court participant should participate in the Higher Education Drug Court Initiative:

- Is the participant **eligible**?
- Is the participant **ready**?

Eligibility examines whether the participant meets the college's entrance requirements and the drug court team's requirements. The participant **MUST** meet all eligibility requirements to participate.

Readiness examines whether a participant will be successful in college. Determining whether a drug court participant is ready for college is not a concrete process. The rubric on the following page is not meant to be determinative, but to give the drug court team guidance when considering readiness.

◆ Evaluating Participants

Step One: Answer the following questions to evaluate eligibility.

- Does the drug court participant have a high school diploma/GED or will the participant have a high school diploma/GED within the next three months?
 - Yes. Go to the next question.
 - No. The participant should work on obtaining a high school diploma/GED before entering the Higher Education Drug Court Initiative program.
- Has the drug court participant lived in New York State for at least one year and in the same county for six months?
 - Yes. The drug court participant meets residency requirements to qualify for in-state tuition. *Use the rubric on the following page to evaluate the participant's college readiness.*
 - No. The participant does not qualify for in-state tuition and should wait until he meets residency requirements because tuition increases for out-of-state residents.

Step Two: Use the rubric to evaluate the participant's college readiness. The following "Key" defines terms in the rubric:

- **Motivation** – examine interest, punctuality, commitment, and financial responsibility.
- **Living Environment** – examine whether the participant has stable housing and whether that housing provides a clean and sober environment for the participant to work and study.
- **Work/Volunteer/School History** – examine whether the participants' history shows they can handle the long-term responsibility that college requires.
- **Drug Court Phase** – the later the phase of treatment, the more likely the participant will succeed.
- **Transportation** – the participant needs reliable transportation (of any kind) that gets them to class on-time.
- **Computer Skills** – if the participant does not have basic computer skills then he may want to take computer courses at Educational Opportunity Centers or other community centers before starting college.

Higher Education Drug Court Initiative Participant Rubric

	0	1	2	3	Sub-Total
Motivation and ability to benefit	<input type="checkbox"/> No motivation (or retired)	<input type="checkbox"/> Little motivation	<input type="checkbox"/> General motivation	<input type="checkbox"/> High motivation (seeks out education as part of their long term goals)	
Living environment	<input type="checkbox"/> Unsuitable housing			<input type="checkbox"/> Safe and supportive housing	
Work/Volunteer/School History	<input type="checkbox"/> Never attended	<input type="checkbox"/> Never consistently attended	<input type="checkbox"/> Some history of consistent attendance	<input type="checkbox"/> Substantial history of consistent attendance	
Drug Court Phase	<input type="checkbox"/> Beginning of initial phase	<input type="checkbox"/> End of initial phase	<input type="checkbox"/> Intermediate phase	<input type="checkbox"/> Final phase or graduation pending	
Transportation	<input type="checkbox"/> No reliable transportation			<input type="checkbox"/> Reliable transportation	
Computer Skills	<input type="checkbox"/> No computer experience	<input type="checkbox"/> Basic (used a computer before but never consistently or frequently)	<input type="checkbox"/> Intermediate (ability to keyboard and basic familiarity with email, internet and word-processing)	<input type="checkbox"/> Advanced (adept at word-processing, email, internet and other technological skills)	
TOTAL	---	---	---	---	

Points Guidelines:

12 – 18 = College ready – refer to Higher Education Drug Court Initiative program

0 – 13 = Not yet college ready – work with participant to develop readiness plan and reassess in 3-6 months

This rubric is designed to act as a guideline for referring drug court participants to the Higher Education Drug Court Initiative program. The rubric is not determinative and a participant may be college ready without qualifying under the rubric.

APPENDIX D: SAMPLE MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding

By and Between

Anytown Drug Court

and

Wiseman Community College

This Memorandum of Understanding (MOU) is entered into on _____ by and between Anytown Drug Court and Wiseman Community College.

Purpose

The purpose of this MOU is to describe the relationship between and obligations of both Anytown Drug Court (ADC) and Wiseman Community College (WCC) in regard to the New York Drug Court Higher Education Initiative (Initiative) internship program.

Background and Need

In partnering together, ADC and WCC seek to assist drug court participants from ADC apply to, enroll in and ultimately graduate from WCC.

Evidence indicates that people with higher education tend to earn higher incomes and tend to commit less crime than those without a college degree. The Initiative seeks to apply this information to the drug court setting by giving drug court participants the tools and support they need to apply for college, apply for financial aid and seek services provided by the college. Due to limited budgets, neither drug courts nor the colleges can be expected to assign personnel for this purpose. Accordingly, the Initiative will rely on student interns, supervised by both ADC and WCC staff, to work with the participants and provide support to them through the enrollment process.

ADC and WCC agree to work together to achieve the following goals.

1. Work together to create an internship where a college student will become a drug court intern.
2. Jointly supervise the intern, with the intern reporting to both college and drug court personnel.
3. Jointly train the intern to work with drug court participants

Duties and Responsibilities of ADC

The ADC will be responsible for the following:

1. Pairing interns with participants.
2. Reviewing relevant documents with interns, including the Intern Protocol Agreement (or similar document), the "From Drug Court to Classroom: Helping Participants Attend College *For Interns*" guide, tracking forms, and other relevant forms contained in the document.

3. Provide supervision to intern while intern is assisting drug court participants.
4. Meet with intern on a weekly or biweekly basis and remain available to interns for questions.
5. Make time to speak or meet with intern supervisor from the college.

Duties and Responsibilities of WCC

The ADC will be responsible for the following:

1. Screen potential interns to ensure intern has the proper level of motivation and maturity to work with ADC and its participants.
2. Provide supervision to intern.
3. Make time to speak or meet with intern supervisor from drug court.

Terms of Understanding

The term of this MOU will begin on _____ and will last until terminated on written notice from either party.

Modification and Termination of MOU

Modifications of this MOU shall be made only by mutual consent. The modifications shall be made in the form of an amended written memorandum of understanding.

Authorization

The undersigned agree to the arrangement outlined above.

Signature	Title
Authorized Representative	

Signature	Title
Authorized Representative	

APPENDIX E: SAMPLE FERPA WAIVER

FERPA WAIVER REQUEST FORM

The Family Educational Rights and Privacy Act (FERPA) of 1974, is a federal law that establishes the rights of students with regard to education records, and ensures students of the right to privacy and confidentiality with respect to those records. This form is provided as a means for students to give the _____ (school name) permission to discuss and/or disclose their academic records with someone other than themselves (i.e., with a parent, guardian, etc.).

Student's Authorization to Release Information

In signing this waiver, I, _____, give access of all my academic records at the _____ to the individual(s) listed below. (Individual must know student's ID Number, date of birth, and FERPA password before information can be released.)

Name	Relationship to student
------	-------------------------

Name	Relationship to student
------	-------------------------

I understand this release authorization remains in effect as long as I am a student at _____ or until I revoke this authorization in writing. I have carefully read the forgoing authorization and fully understand the meaning of this waiver form. I affirm that I have signed this authorization voluntarily.

Student's Name (please Type or print)

Signature	Date
-----------	------

ACKNOWLEDGMENTS

The New York Drug Court Higher Education Initiative, a project supported by the Bureau of Justice Assistance, is designed to assist drug court participants gain access to higher education. Judge Judy Harris Kluger, Deputy Chief Administrative Judge for Court Operations and Planning, the driving force for the initiative, created an advisory committee of dedicated professionals from the New York State Unified Court System, the State University of New York, Erie Community College, the New York State Office of Alcoholism and Substance Abuse Services, and the Center for Court Innovation. The creation of this document would not have been possible without the assistance and hard work of the members of the New York Drug Court Higher Education Initiative Advisory Committee. It was a truly collaborative effort, and the following committee members provided invaluable advice, information and feedback.

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Hon. Mark A. Violante, Chief Judge, Niagara Falls City Court

And a special thanks to Dr. Richard Washousky, Executive Vice President for Academic Affairs at Erie Community College for his inspiration, insight, and guidance.

Sarah Schweig of the Center for Court Innovation's Communications Department was an essential contributor as the editor and the creator of the impressive look and style of this manual.