

MEETING THE EDUCATIONAL NEEDS OF SYSTEM-INVOLVED YOUTH

It is no exaggeration to say that America's future will be defined, and our progress determined, by the doors we open and the support we offer to our nation's young people... I'm convinced that, so long as we work together, we'll be able to empower millions of students to pursue their dreams, to achieve their full potential, and to forge the better, brighter futures they deserve.

Attorney General Eric Holder, March 2014, Civil Rights Data Collection release event

BACKGROUND

Every youth deserves to learn in a safe, healthy environment staffed by highly qualified professionals who are appropriately trained to support young people's positive, long-term educational, social-emotional, and behavioral health outcomes. For youth who come into contact with the juvenile justice system, education can serve as an especially important protective factor by helping them address individual needs, move past previous, negative educational experiences and ultimately prevent future delinquency and crime. The educational experiences of system-involved youth should be comparable to the education received by non system-involved youth.

Our nation cannot continue to accept the future risks, poor outcomes, and collateral consequences that too often have become a foregone conclusion for those who end up in the juvenile justice system. Providing system-involved youth with quality education is essential to keeping them engaged in their education and enabling them to set realistic long-term goals, including a successful return to school and community upon release.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is committed to reforming our nation's juvenile justice system so that it promotes positive educational outcomes for all system-involved youth, enhances their academic and social-emotional skill sets, lessens the likelihood of youth reentering the justice system, and increases their chances of success in life.

This document is being released in conjunction with **the Correctional Education Guidance Package (Guidance)**, jointly developed by the U.S. Department of Justice (DOJ) and U.S. Department of Education and outlines the steps OJJDP will take, in collaboration with federal and other partners, in the short term to ensure this Guidance is a useful tool for the field.

OJJDP envisions a nation where our children are healthy, educated, and free from violence. If they come into contact with the juvenile justice system, the contact should be rare, fair, and beneficial to them.

STATEMENT OF THE PROBLEM

In 2011, more than 61,000 youth under the age of 21 were in a juvenile detention or corrections setting in the United States on any given day. The largest share of these youth were housed in short-term detention centers (34 percent), followed by group homes (30 percent) and long-term secure facilities (27 percent). Additionally, on any given day in 2011, an estimated 10,000 youth were being held in adult jails and prisons.ⁱ The length of time a youth is confined in pre-adjudication secure detention varies from state to state and can range from one day to well over a year. Lengths of stays in secure corrections settings are even longer – ranging from months to years.

On any given day in the U.S., it is estimated that 2,186 youth are in residential placement either awaiting adjudication or are post-adjudication for cases in which their most serious offense was a status offense. Forty percent are awaiting adjudication (detained) and 60% are post-adjudicated (committed).ⁱⁱ Status offenses are non-delinquent offenses that are only considered crimes when committed by juveniles (i.e. truancy, curfew violations, running away, and underage drinking, among others). Valid court orders (VCO) are the detention orders issued in status offense cases. VCO usage numbers are reported by states through the annual compliance monitoring reports they submit to OJJDP. VCO usage varies widely from state to state. In FY14, some states issued zero VCOs while other states issued thousands of VCOs.ⁱⁱⁱ Research gathered by the Coalition for Juvenile Justice^{iv}, a nationwide coalition of State Advisory Groups (SAGs), indicates that placing youth who commit status offenses in locked detention facilities jeopardizes their safety and well-being, and may increase the likelihood of delinquent or criminal behavior.

As in our nation's adult correctional facilities, there is an overrepresentation of youth of color in our juvenile justice systems. In 2011, 86% of youth in juvenile facilities were male, 40% were black and 23% Hispanic. Approximately 30% of youth in out of home placements were under the age of 16, 55% were ages 16 or 17, and 14% were ages 18 to 20.^v Girls are the fastest growing segment of the juvenile justice population, entering the system at younger ages than boys - 42% are 15 years old or younger - and present with higher rates of serious health problems.^{vi}

Fully accurate information on the number of lesbian, gay, bisexual, transgender or questioning (LGBTQ) youth in the juvenile justice system is not available. However, national survey data indicate that 15 percent of youth in the juvenile justice system are LGBTQ. Many experts feel that this estimate is low because many youth do not disclose their orientation out of fear of disparate treatment. These youth often enter the juvenile justice system for reasons that are different than their heterosexual counterparts. These reasons include but are not limited to running away from home, living on the streets, or receiving a status offense for truancy while trying to avoid bullying.^{vii} In some facilities, LGBTQ youth are housed in sex-offender units because being LGBTQ is perceived as the same as having a sexual problem or they are

segregated “for their protection” both of which result in LGBTQ youth being deprived of their rights – including education.^{viii}

American Indian and Alaska Native (AIAN) children have an exceptional degree of unmet need for services and support to prevent and respond to the extreme levels of violence they experience.^{ix} According to the Attorney General’s National Task Force on Children Exposed to Violence 2012 report^x, the juvenile systems impacting American Indian and Alaska Native youth, whether federal, tribal, or state, are failing these children and causing more harm, while not reducing juvenile delinquency or truancy.

System-involved youth, many of whom are students with disabilities or English language learners, are often the students in the greatest need of academic, emotional, and behavioral supports.^{xixii} Among the adjudicated youth population, there are three to four times more students with disabilities who require special education and/or related aids and services than among students in community schools.^{xiii} Many of these students may have been absent from school for extended periods of time, experienced personal and family traumas, and/or may suffer from emotional disturbances.

Seventy-three to ninety-five percent of system-involved youth exhibit trauma symptoms due to violence exposure.^{xiv} These children have often experienced abuse or neglect, unsafe neighborhood environments, homelessness, and/or involvement in the child welfare system.^{xv, xvi, xvii} Exposure to violence often leads to distrust, hyper vigilance, impulsive behavior, isolation, addiction, lack of empathy or concern for others, and self-protective aggression.^{xviii} Research on the impact of adverse childhood experiences has shown that traumatic childhood experiences can lead to chronic disease in adulthood including heart disease, cancer, chronic lung disease, skeletal fractures, and liver disease. “Prior studies have shown that for children who have experienced four or more adverse childhood experiences (ACEs), the odds of having one of the above-mentioned negative health outcomes in adulthood are up to 12 times greater than those of children who have not had such exposure.”^{xix}

A large percentage of system-involved youth exhibiting signs of unaddressed trauma have, historically, not received mental health services.^{xx} Additionally, the nature of services and supports provided by public institutions and service systems are often trauma-inducing.^{xxi} These realities coupled with the challenges of coping with a disorder, place system-involved youth with mental health needs at a higher risk of suicide than other youth.^{xxii, xxiii, xxiv} Snyder and Sickmund^{xxv} found that 90% of incarcerated youth in their study had some type of emotional problem, 71% percent had multiple emotional problems, and 20% of surveyed males and 40% of females reported that they had previously attempted suicide.

The Northwestern Juvenile Project – a prospective longitudinal study of youth detained at the Cook County Juvenile Temporary Detention Center in Chicago, IL revealed that 92.5 percent of surveyed youth had experienced at least one trauma, 84 percent had experienced more than one trauma, and 56.8 percent were exposed to trauma six or more times. More than 1 in 10 of

the surveyed youth had Post Traumatic Stress Disorder (PTSD) – an anxiety disorder that may develop in response to traumatic events and which includes symptoms such as flashbacks, avoidance of reminders, emotional numbing, and increased arousal. Among those participants with PTSD, 93 percent had at least one comorbid psychiatric disorder. Youth with PTSD and comorbid disorders demonstrate more behavioral and health problems. These youth also tend to have more impaired interpersonal relationships.^{xxvi}

All youth in the United States, **including system-involved youth**, have the right to a publicly funded education. It is incumbent upon states, school districts, and juvenile correctional facilities and detention centers to serve confined students. The question is not whether to provide education services for system-involved youth, but *which types of programs are most effective*.^{xxvii} Grants from the U.S. Department of Education^{xxviii} and the U.S. Department of Justice can be important tools to help meet the needs of this student population. These grants also require compliance with federal civil rights laws by recipient agencies and facilities.¹

Juvenile correctional facilities and detention centers indicate they face significant barriers in providing system-involved youth the opportunity to meet the same challenging state academic content standards and student academic achievement standards that all other children in the state are expected to meet. Those barriers include, but are not limited to, interruptions from institutional activities (e.g., facility-based therapy and counseling, security procedures, court appearances, etc.); inadequate fiscal and administrative support; philosophical and mission differences between or within agencies^{xxix}; delays in the transfer of student records; difficulty recruiting and retaining high-quality teachers; correctional authority oversight; lack of understanding of the legal requirements to provide educational services to confined youth; and meeting the current demand to leverage information technology in educational settings, including computer-based testing (i.e. 2014 GED).^{xxx}

PRINCIPLES FOR QUALITY EDUCATION IN JUVENILE CORRECTIONAL FACILITIES

While it is imperative that communities strengthen school, family, and community supports to prevent youth from having any contact with the justice system in the first place, educational and juvenile justice agencies must also ensure that system-involved youth receive the services they need to meet their educational goals, obtain employment, and avoid recidivism.^{xxxi} Interagency communication and collaboration is a key principle in addressing the unmet educational needs of youth in the juvenile justice and child welfare systems. When child-serving agencies communicate and work with each other, and are committed to coordinating services and supports for the youth and families they serve, they become part of a more integrated system. Such a system may prove more efficient and effective than one in which child welfare, juvenile justice, education, and related agencies work in silos.^{xxxii}

¹ See U.S. Departments of Education and Justice (2014), Civil Rights of Students in Juvenile Justice Residential Facilities, December 8, 2014, <http://www2.ed.gov/policy/gen/guid/correctional-education/cr-letter.pdf>.

Building on prior guidance from ED and DOJ,² the Federal government recommends focusing on the five principles³ for improving education programs in juvenile justice secure care settings:

- I. A safe, healthy facility-wide climate that prioritizes education, provides the conditions for learning, and encourages the necessary behavioral and social support services that address the individual needs of all youth, including youth with disabilities and English learners.
- II. Necessary funding to support educational opportunities for all youth within long-term secure care facilities, including youth with disabilities and English learners, comparable to opportunities for peers who are not system-involved.
- III. Recruitment, employment, and retention of qualified educational staff with skills relevant to juvenile justice settings who can positively impact long-term student outcomes through demonstrated abilities to create and sustain effective teaching and learning environments.
- IV. Rigorous and relevant curricula aligned with state academic and career/technical standards that utilize instructional methods, tools, materials, and practices that promote college and career readiness.
- V. Formal processes and procedures – through statute, memoranda of understanding, and practice – that ensure successful, navigable transitions across multiple child-serving systems, and smooth reentry into communities.

OJJDP'S COMMITMENT

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is committed to providing support to help enhance educational and training programming for system-involved youth. In partnership with other federal agencies, states, localities, and other partners, OJJDP will help support cross-systems conversations and collaborations, as well as state, local and tribal policy and practice changes that are needed to ensure that system-involved youth receive an education that is comparable to the education received by non system-involved youth. OJJDP's commitment includes integrating this work into existing efforts and creating new supports as needs are identified.

Strategic Partnerships

- OJJDP will initiate and support collaborative partnerships at the federal, state, local, and tribal levels to advance the goal of a developmentally appropriate juvenile justice system.
- OJJDP will establish partnerships and engage with youth and families whose lives have been impacted by the juvenile justice system.

² See U.S. Departments of Education and Justice (2014), Key Policy Letters Signed by the Education Secretary or Deputy Secretary, June 9, 2014, www2.ed.gov/policy/elsec/guid/secletter/140609.html.

³ See U.S. Departments of Education and Justice (2014), Correctional Education Guidance, December 8, 2014, <http://www.ojjdp.gov/correctionaled>

- OJJDP is working with the U.S. Department of Education to help juvenile corrections and detention facilities ensure the seamless reentry of youth from facilities to schools or community-based technical/career training programs.
- OJJDP will collaborate with other federal agencies, national organizations, and others that are focused on a trauma-informed response to the needs of youth (e.g., mental health, education, behavioral health, and alcohol and other drug abuse) and that are also working to identify and develop evidence-based policies and practices that respond to those areas of need.

Programmatic Resources

- OJJDP is coordinating with the U.S. Departments of Education and Health and Human Services, Substance Abuse and Mental Health Services Administration through the FY14 School Justice Collaboration Program to improve school climates, support student mental health and behavioral needs, avoid referring students to law enforcement as a disciplinary response, and facilitate a proactive and supportive school reentry process in the rare instances in which a youth is referred.
- OJJDP is coordinating with the Bureau of Justice Assistance through the FY14 Second Chance Act Two-Phase Juvenile Reentry Demonstration Program to help ensure that the assessments and services youth receive in secure confinement, the reentry planning process, and the services and supervision youth receive upon reentry promote positive youth outcomes and reduced recidivism rates.
- OJJDP is providing resources to state, local and tribal law enforcement officials to address racial and ethnic disparities.
- OJJDP, in partnership with the Corporation for National and Community Service (CNCS) is jointly funding [Youth Opportunity AmeriCorps](#). The program, which totals up to \$10 million over three years, will enroll disconnected youth in national service programs as AmeriCorps members. It includes a mentorship component, which will provide critical mentoring support to the AmeriCorps members.

Training and Technical Assistance

- OJJDP has provided 12-month planning grants to states to convene reentry task forces and develop and finalize comprehensive statewide juvenile reentry systems reform strategic plans through the FY14 Second Chance Act Comprehensive Statewide Juvenile Reentry Systems Reform Planning Program.

Research and Data Collections

- OJJDP will develop and distribute information on research-based and evidence-based education practices for system-involved youth by collecting research-based practices and making this information readily available to stakeholders, including the education field, correctional facilities, correctional educators, reentry programs, and other individuals and organizations interacting with justice-involved youth, potentially through a centralized online database.

- OJJDP will continue to maintain and enhance the OJJDP Deinstitutionalization of Status Offenders (DSO) Best Practices Database to assist jurisdictions in identifying and implementing evidence-based initiatives that lead to the removal of status offenders from secure detention or correctional facilities, in accordance with the deinstitutionalization of status offenders (DSO) requirement of the Juvenile Justice and Delinquency Prevention Act (JJDP) of 2002.

We anticipate that existing projects and new projects will extend into FY15.

RESOURCES

The following is a non-exhaustive list of data sources, professional associations, technical assistance and training providers, and relevant federal agencies.

Census of Juveniles in Residential Placement (CJRP) The Census of Juveniles in Residential Placement (CJRP), which is conducted biennially, provides the nation with the most detailed picture of juveniles in custody ever produced. The CJRP asks juvenile residential custody facilities in the U.S. to describe each youth assigned a bed in the facility on the last Wednesday in October. Characteristics of the facility, treatment services, and facility population are also collected.

Center for Educational Excellence in Alternative Settings CEEAS helps alternative schools—in community settings and in locked facilities—implement transformational, student-focused practices, designed to significantly improve the life chances of the students they serve. CEEAS initiates and supports a range of local and national projects, including a recently launched Blended Learning Initiative, designed with and implemented by partner agencies in the **Consortium for Educational Excellence in Secure Settings**.

Civil Rights Division – U.S. Department of Justice The Civil Rights Division of the Department of Justice, created in 1957 by the enactment of the Civil Rights Act of 1957, works to uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society. The Division enforces federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status and national origin.

Coordinating Council on Juvenile Justice The **Juvenile Justice and Delinquency Prevention (JJDP) Act** establishes the Coordinating Council on Juvenile Justice and Delinquency Prevention as an independent body within the executive branch of the federal government. The Council's primary functions are to coordinate federal juvenile delinquency prevention programs, federal programs and activities that detain or care for unaccompanied juveniles, and federal programs relating to missing and exploited children.

Council of Juvenile Correctional Administrators The Council of Juvenile Correctional Administrators is a national non-profit organization dedicated to improving youth correctional systems and services. Through the education and development of correction agency leaders, CJA aims to improve the practices and policies in local systems and increase the chances of success for delinquent youths.

Federal Advisory Committee on Juvenile Justice The Federal Advisory Committee on Juvenile Justice (FACJJ) is a consultative body established by the Juvenile Justice and Delinquency Prevention Act (Section 223) and supported by the Office of Juvenile Justice and Delinquency Prevention. Composed of appointed representatives of the nation's State Advisory Groups, the committee advises the President and Congress on matters related to juvenile justice, evaluates the progress and accomplishments of juvenile justice activities and projects, and advises the OJJDP Administrator on the work of OJJDP.

Federal Interagency Reentry Council The Federal Interagency Reentry Council represents more than 20 federal agencies, working towards a mission to make communities safer by reducing recidivism and victimization, assist those who return from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration. Established by Attorney General Holder in January 2011, the Reentry Council represents a significant executive branch commitment to coordinating reentry efforts and advancing effective reentry policies. A **juvenile justice subcommittee** focuses squarely on the juvenile reentry challenges and opportunities.

Juvenile Justice Geography, Policy, Practice & Statistics Juvenile Justice GPS (Geography, Policy, Practice, & Statistics) is a project to develop an online repository providing state policy makers and system stakeholders with a clear understanding of the juvenile justice landscape in the states. The JJGPS is one of several communications and technical assistance strategies intended to continue the reforms of the **Models for Change Initiative**.

Juvenile Residential Facility Census (JRFC) The Juvenile Residential Facility Census (JRFC) collects basic information on facility characteristics, including size, structure, security arrangements, and ownership. It also provides information on the use of bedspace in the facility to indicate whether the facility is experiencing crowding.

Models for Change Initiative. Models for Change is an ambitious multi-state juvenile justice system reform initiative, launched in 2004 by the John D. and Catherine T. MacArthur Foundation with the goal of guiding and accelerating the nation's progress toward more rational, fair, effective, and developmentally appropriate responses to young people in conflict with the law. Models for Change supports a network of government and court officials, legal advocates, educators, community leaders, and families working together to ensure that kids who make mistakes are held accountable and treated fairly throughout the juvenile justice process.

The National Center on Education, Disability and Juvenile Justice EDJJ is a collaborative project involving partners from the University of Maryland, Arizona State University, the American Institutes for Research in Washington, DC, and the PACER parent advocacy center in Minneapolis. EDJJ focuses on assisting practitioners, policymakers, researchers and advocates to identify and implement effective school-based delinquency prevention programs, education and special education services in juvenile correctional facilities, and transition supports for youth re-entering their schools and communities from secure care settings.

National Center for Youth in Custody The National Center for Youth in Custody was launched in 2010 by the Office of Juvenile Justice and Delinquency Prevention in response to the call from the field for assistance, leadership and support to improve and reform youth detention and correction facilities and adult facilities housing youthful offenders. NCYC is directed by the National Partnership of Juvenile Services and is guided by a national Work Group of professionals, experts, researchers and youth and family representatives.

National Council of Juvenile and Family Court Judges (NCJFCJ) The National Council of Juvenile and Family Court Judges serves an estimated 30,000 professionals in the juvenile and family justice system including judges, referees, commissioners, court masters and administrators, social and mental health workers, police, and probation officers. For those involved with juvenile, family, and domestic violence cases, the NCJFCJ provides the resources, knowledge, and training to improve the lives of families and children seeking justice.

National Center for Juvenile Justice, NCJFCJ's research division, is the country's only non-profit research organization dedicated to the juvenile justice system

Office for Civil Rights - US Department of Education OCR can provide technical assistance to help state education agencies, local education agencies, juvenile justice agencies, and facility staff understand and comply with the laws enforced by OCR. OCR is also available to provide technical assistance to students, parents/guardians, community-based organizations, and other stakeholders who are interested in learning more about the Federal civil rights of students and parents and the responsibilities of facilities.

Other Relevant Publications

- Federal Advisory Committee on Juvenile Justice. **2013 Recommendations to the President, Congress, and OJJDP Administrator.** July 2014.
- My Brother's Keeper Task Force Report to the President.** May 2014
- National Research Council. **Reforming Juvenile Justice: A Developmental Approach.** Washington, DC: The National Academies Press, 2013.
- National Research Council. **Implementing Juvenile Justice Reform: The Federal Role.** Washington, DC: The National Academies Press, 2014.
- Office of Special Education Programs Memorandum and Questions and Answers on Dispute Resolution,** July 23, 2013.
- Principles of Reform. Keep Youth Out of Adult Courts, Jails and Prisons. National Juvenile Justice Network (NJJN). Accessed November 2014 <http://www.njjn.org/about-us/keep-youth-out-of-adult-prisons>
- Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations,** September 2011.
- The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System.** The Council of State Governments Justice Center, New York. 2014.
- Statement of Interest of the United States, *G.F. v. Contra Costa Cnty.*,** No. 3:13-cv-03667-MEJ (N.D. Cal. Feb. 13, 2014).

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