

## Fact Sheet:

# NDTAC Fact Sheet: Youth with Special Education Needs in Justice Settings<sup>a</sup>

December 2014  
Washington, DC



## Introduction

Many youth involved with the juvenile justice system have education-related disabilities and are eligible for special education and related services under the Federal Individuals with Disabilities Education Act (IDEA). In most cases, the rates of disabilities in the court-involved youth population are much greater than those in the general youth population. This fact sheet explores the prevalence of these youth within justice settings and describes the characteristics and challenges of serving these young people.

## Prevalence of Youth with Special Education Needs Involved with the Juvenile Justice System<sup>b</sup>

- In 2012, approximately 5.8 million children and youth, ages 6–21, in the general population received special education and related services, which is about 13 percent of all public school students.<sup>2</sup>
- Generally, African American and Native American youth are more likely to be identified with disabilities than white youth.<sup>3</sup>
- Most often males make up approximately two-thirds of the special education population with higher percentages of both emotional/behavioral disorders (E/BD) and specific learning disabilities (SLD) relative to females.<sup>3</sup>
- Youth with E/BD and related disabilities are three times more likely to be arrested before leaving school, when compared to all other students.<sup>4</sup>
- Youth with E/BD and related disabilities are twice as likely to live in a correctional facility, halfway house, drug treatment center, or experience homelessness after leaving school, when compared to students with other disabilities.<sup>4</sup>
- Many youth with learning and related disabilities are referred to the juvenile justice system directly by schools.<sup>5</sup>
- Youth with learning disabilities are more readily referred to the juvenile justice system than non-disabled peers due in part to few community-level service options available to youth with educational needs and delinquent behavior.<sup>6,7</sup>
- Rates of disabilities among incarcerated youth are generally estimated between 30 and 80 percent, which greatly exceed the approximate 13 percent of youth with disabilities in public schools.<sup>2,8</sup>
- In 2012, students identified as having SLD and those with E/BD disturbances represented the largest percentage of students with disabilities in correctional settings.<sup>2,8</sup>
- The rate of youth with diagnosed SLD in juvenile justice custody has been observed at more than seven times that of learning disabilities in the general population.<sup>9</sup>
- Six times more incarcerated youth than youth in public schools have an E/BD.<sup>10</sup>
- A substantial proportion of incarcerated youth (up to 50 percent) may have diagnosed or undiagnosed Attention Deficit Hyperactivity Disorder, ADHD.<sup>11</sup>
- More than three times as many youth in custody are eligible for special education than youth in public schools.<sup>10,12</sup>

## Special Education and Title I, Part D

State and local agencies, facilities, and programs receiving Federal Title I, Part D funds are required to work with children and youth with disabilities in order to meet existing individualized education programs (Sect. 1414(c)(14)) and to ensure staff are trained to do so (Sect. 1425(5)). Part D recipients also are required to notify local schools of youth who are identified as in need of special education services while in custody (Sect. 1414(c)(14)(A) and Sect. 1425(2)) and to coordinate between programs working with students with special education needs (Sect. 1414(c)(8)).

<sup>a</sup> Whenever possible, the specific population of youth studied/reported on is included.

<sup>b</sup> "While available research corroborate the high prevalence of special education needs among incarcerated youth, heterogeneity of research methods and varying operationalization of 'disability' contribute to considerable variability in prevalence data."<sup>1</sup>



## Federal Programs for Youth with Special Education Needs<sup>c</sup>

- In the **2012 IDEA count**, more than 16,000 children and youth (ages 6–21) in correctional settings<sup>d</sup> were designated to receive special education services, of the more than 45 million youth eligible for services overall.<sup>13</sup>
- According to the **2012–13 Consolidated State Performance Report (CSPR)**, at least 22,500<sup>e</sup> youth (ages 3–21) served by Title I, Part D funds in *State-operated* juvenile detention and correctional facilities and adult correctional facilities (Subpart 1) were students with disabilities.
- According to the **2012–13 CSPR**, school districts supported at least 41,500<sup>e</sup> students (ages 3–21) with a disability in Title I, Part D programs in locally operated juvenile detention and correctional facilities (Subpart 2).
- According to a 2010 survey, less than one-half (46 percent) of youth with a *diagnosed* learning disability report participating in a special education program while in custody.<sup>9</sup>

## Characteristics of Youth with Special Education Needs and Challenges for Justice Settings

Youth with disabilities, when compared to their peers without disabilities, experience educational and related challenges, which can be even more pronounced for youth involved with the justice system.<sup>14</sup> Thus, “addressing special education needs within custody settings is a significant service planning concern for...educational professionals working within the juvenile justice system.”<sup>15</sup>

### *Youth with Disabilities in the General Population*

- Youth with disabilities in the general population are characterized by a gap in school completion, post-school employment, and entry to higher education institutions.<sup>16,17</sup>
- Youth with disabilities may not read at levels proficient enough to gain basic information from passages.<sup>18–21</sup> They are typically behind peers in mathematics by as many as four academic years.<sup>20,22</sup>
- While in school, youth with E/BD, one of the most prevalent disabilities among youth who are incarcerated, typically have poor academic and social outcomes,<sup>23,24</sup> earning lower grades, failing more courses,<sup>25</sup> missing more days of school, and being retained more than youth in any other disability category.<sup>4</sup>
- Youth with E/BD in the population at-large commonly have significant communication-skills deficits in both expressive and receptive language that may affect both academic and social success.<sup>23</sup>
- Youth with E/BD also have the lowest graduation rates of all children with disabilities. According to 2011–12 IDEA Part B data, only 50 percent of students (ages 14–21) with E/BD graduated with a regular high school diploma, compared to approximately 64 percent of *all* students (in the same age range) with disabilities. Similarly, 38 percent of students (ages 14–21) with E/BD dropped out of school, compared to approximately 21 percent of *all* students with disabilities.<sup>26</sup>

## Federal Protections for Youth with Special Education Needs in Juvenile Justice Settings

According to federal disability law (i.e., Section 504 of the Rehabilitation Act of 1973, the Individuals with Disability Education Act (IDEA) of 2004, Title II of the Americans with Disabilities Act, all children and youth with disabilities, regardless of their custody, their placement, or their individual characteristics, are to be protected by a variety of disability-related services, including offering them specialized education. (Geib et al., 2011)

These protections and related rights extend to children and youth involved in the juvenile justice system. In fact, the U.S. Congress has stated explicitly that the rights and protections secured by IDEA and related regulations should remain in place even when youth are detained, incarcerated, in an alternative placement, or in other juvenile justice programs. These juveniles’ rights are protected and enforced by the authority of the U.S. Department of Justice as specified by the Civil Rights of Institutionalized Persons Act (CRIPA, 42 U.S.C. § 1997 et seq.) (Geib et al., 2011)

<sup>c</sup> Counts of youth served by various federally funded programs are conducted differently. Therefore, counts do not necessarily represent the same population of students during any given time period and may vary from each other.

<sup>d</sup> The number of children, based on snapshot counts on State-designated dates between October 1 and December 1, who received special education in correctional facilities. These data are intended to be an unduplicated count of all children receiving special education in short-term detention facilities (community-based or residential) or correctional facilities.

<sup>e</sup> The 2012–13 school year was the first year in which the number of students with disabilities served by Title I, Part D was collected. Additionally, not all States, including some States with large Part D populations, reported this data. Thus, this figure may not fully capture the number of students with disabilities served by Part D.



## Youth with Disabilities in Justice Settings

- Many youth enter custody with fewer academic credits and lower grade point averages than youth not in custody.<sup>27</sup> The situation may be worse for those students with disabilities.
- Incarcerated youth who have unaddressed special education needs are less likely to acquire skills that aid in successful transitioning back into the community.<sup>28,29</sup>
- Educational programs in justice settings can become overburdened with a large number of youth with learning disabilities that must be addressed through federal legal requirements.<sup>30</sup>

## Current Programs and Practices Designed to Meet the Needs of These Youth

While more research is needed on the youth with special education needs in justice settings, recent studies have identified programs and practices designed to meet the needs of this population. State and local programs across the country are using instructional practices designed to address literacy and mathematics challenges, including explicit and strategic instruction. Additionally, a growing number of facilities are utilizing tiered behavioral interventions that are supportive rather than punitive to help students with E/BD and related needs. Agencies are also enhancing transition services and supports, through the use of transition specialists and transition portfolios, to help students with special education needs return to the community more successfully and not recidivate.

As NDTAC and the U.S. Department of Education formulate future technical assistance around this topic, we will work with the Center's Expert Panelists and other experts in the field to help justice agencies and facilities better address the needs of youth with special education needs. Of consideration to agencies and facilities are addressing social-emotional needs through multidisciplinary supports while meeting state-level academic standards; improving teacher and instructional effectiveness; incorporating technology and Universal Design for Learning; fidelity of implementation of effective programs; monitoring student needs and progress; and more.

## Endnotes

- <sup>1</sup> Morris, K. A., & Morris, R. J. (2006). Disability and juvenile delinquency: Issues and trends. *Disability & Society*, 21, 613–627—as quoted in Cruise, K. R., Evans, L. J., & Pickens, I. B. (2011). Integrating mental health and special education needs into comprehensive service planning for juvenile offenders in long-term custody settings. *Learning and Individual Differences*, 21(1), 30.
- <sup>2</sup> U.S. Department of Education. (2014). *Part B State Performance Plans (SPP) letters and Annual Performance Report (APR) letters*. Washington, DC: Author. Retrieved from <http://www2.ed.gov/fund/data/report/idea/partbspap/allyears.html>
- <sup>3</sup> National Council on Disability. (2003). *Addressing the needs of youth with disabilities in the juvenile justice system: The current status of evidence-based research*. Washington, DC: Author.
- <sup>4</sup> Comstock-Galagan, J., & Brownstein, R. (n.d.). *Stopping the schoolhouse to jailhouse pipeline by enforcing federal special education law*. Montgomery, AL: Southern Poverty Law Center and Southern Disability Law Center. Retrieved from <http://www.splcenter.org/sites/default/files/legacy/images/dynamic/main/SpecialEducationLaw.pdf>
- <sup>5</sup> Pacer Center. (2013). *Students with disabilities & the juvenile justice system: What parents need to know*. Bloomington, MN: Author. Retrieved from <http://www.pacer.org/jj/pdf/JJ-8.pdf>
- <sup>6</sup> Eggleston, C. (2008). Juvenile offenders with special education needs. In R. Hoge, N. Guerra, & P. Boxer (Eds.), *Treating the juvenile offender* (pp. 239–257). New York: Guilford.
- <sup>7</sup> Green, D. M., & Twill, S. (2006). Special education advocacy: An intervention program. *School Social Work Journal*, 30, 82–91.
- <sup>8</sup> Quinn, M. M., Rutherford, R. B., Leone, P. E., Osher, D. M., & Poirier, J. M. (2005). Youth with disabilities in juvenile corrections: A national survey. *Exceptional Children*, 71, 339–345.
- <sup>9</sup> Sedlak, A. J., & McPherson, K. S. (2010). *Youth's needs and services: Findings from the Survey of Youth in Residential Placement*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Retrieved from <https://www.ncjrs.gov/pdffiles1/ojdp/227728.pdf>
- <sup>10</sup> Gagnon, J. C., Barber, B. R., Van Loan, C. L., & Leone, P. E. (2009). Juvenile correctional schools: Characteristics and approaches to curriculum. *Education and Treatment of Children*, 32, 673–696.
- <sup>11</sup> Rutherford, R. B., Jr., Bullis, M., Anderson, C. W., & Griller-Clark, H. M. (2002). *Youth with disabilities in the correctional system: Prevalence rates and identification issues*. College Park, MD: Center for Effective Collaboration and Practice
- <sup>12</sup> Stizek, G. A., Pittsonberger, J. L., Riordan, K. E., Lyter, D. M., & Orlofsky, G. F. (2007). *Characteristics of schools, districts, teachers, principals, and school libraries in the United States 2003-2004: School and staffing survey* (NCES 2006-313 Revised). U.S. Department of Education, National Center for Education Statistics. Washington, DC: U.S. Government Printing Office.
- <sup>13</sup> Based on NDTAC analysis of data from U.S. Department of Education, *EDFacts Data Warehouse (EDW)*, OMB # 1875-0240: "IDEA Part B Child Count and Educational Environments Collection," 2012. Retrieved from <https://inventory.data.gov/dataset/8715a3e8-bf48-4eef-9deb-fd9bb76a196e/resource/a68a23f3-3981-47db-ac75-98a167b65259>
- <sup>14</sup> Bullis, M., Yovanoff, P., Mueller, G., & Havel, E. (2002). Life on the "outs"—Examination of the facility-to-community transition of incarcerated youth. *Exceptional Children*, 69, 7–22—as cited in Geib, C. F., Chapman, J. F., D'Amaddio, A. H., & Grigorenko, E. L. (2011). The education of juveniles in detention: Policy considerations and infrastructure development. *Learning and Individual Differences*, 21, 30–40.



- <sup>15</sup> Malmgren, K. W., & Meisel, S. M. (2002). Characteristics and service trajectories of youth with serious emotional disturbance in multiple service systems. *Journal of Child and Family Studies*, 11, 217–229 and Rozalski, M., Deignan, M., & Engel, S. (2008). The world of juvenile justice according to the numbers. *Reading & Writing Quarterly: Overcoming Learning Difficulties*, 24, 143–147—as quoted in Cruise, K. R., Evans, L. J., & Pickens, I. B. (2011). Integrating mental health and special education needs into comprehensive service planning for juvenile offenders in long-term custody settings. *Learning and Individual Differences*, 21, 30.
- <sup>16</sup> Hasazi, S. B., Furney, K. S., & DeStefano, L. (1999). Implementing the IDEA transition mandates. *Exceptional Children*, 65(4), 555–566.
- <sup>17</sup> Wagner, M., & Cameto, R. (2004). *The characteristics, experiences, and outcomes of youth with emotional disturbances*. Minneapolis, MN: National Center on Secondary Education and Transition (NCSET). Retrieved from <http://www.ncset.org/publications/viewdesc.asp?id=1687>
- <sup>18</sup> Beebe, M. C., & Mueller, F. (1993). Categorical offenses of juvenile delinquents and the relationship to achievement. *Journal of Correctional Education*, 44, 193–198.
- <sup>19</sup> Coulter, G. (2004). Using one-on-one tutoring and proven reading strategies to improve reading performance with adjudicated youth. *Journal of Correctional Education*, 55(4), 321–333.
- <sup>20</sup> Krezmien, M. P., Mulcahy, C. A., & Leone, P. E., (2008). Detained and committed youth: Examining differences in achievement, mental health needs and special education status. *Education and Treatment of Children*, 31, 445–464.
- <sup>21</sup> Wilkerson, K. L., Gagnon, J.C., Mason-Williams, L., & Lane, H. B. (2012). Reading instruction for students with high incidence disabilities in juvenile corrections. *Preventing School Failure*, 56(4), 219–231.
- <sup>22</sup> Baltodano, H. M., Harris, P. J., & Rutherford, R. B. (2005). Academic achievement in juvenile corrections: Examining the impact of age, ethnicity, and disability. *Education and Treatment of Children*, 28, 361–379.
- <sup>23</sup> Wagner, M., Kutash, K., Duchnowski, A. J., Epstein, M. H., & Sumi, W. C. (2005). The children and youth we serve: A national picture of the characteristics of students with emotional disturbances receiving special education. *Journal of Emotional and Behavioral Disorders*, 13, 79–96.
- <sup>24</sup> U.S. Department of Education. (2005). *Twenty-seventh annual report to congress on the implementation of the Individuals with Disabilities Education Act*. Jessup, MD: Education Publications Center.
- <sup>25</sup> Landrum, T. J., Tankersley, M., & Kaufman, J. M. (2003). What is special about special education for students with emotional and behavioral disorders? *The Journal of Special Education*, 37, 148–156.
- <sup>26</sup> Based on NDTAC analysis of data from U.S. Department of Education, *EDFacts Data Warehouse (EDW)*, OMB # 1875-0240: “IDEA Part B Exiting,” 2012. Retrieved from <https://inventory.data.gov/dataset/2011-2012-idea-part-b-exiting/resource/3887a286-d6c1-4c5a-a211-cc18b34254e9?>
- <sup>27</sup> Major, A. K., Chester, D. R., McEntire, R., Waldo, G. P., & Blomberg, T. G. (2002). Pre-, post-, and longitudinal evaluation of juvenile justice education. *Evaluation Review*, 26(3), 301–321.
- <sup>28</sup> Baltodano, H. M., Mathur, S. R., & Rutherford, R. B. (2005). Transition of incarcerated youth with disabilities across systems and into adulthood. *Exceptionality*, 13, 103–124.
- <sup>29</sup> Foley, R. M. (2001). Academic characteristics of incarcerated youth and correctional education programs: A literature review. *Journal of Emotional and Behavioral Disorders*, 9, 248–259.
- <sup>30</sup> Robinson, T. R., & Rapport, M. J. K. (1999). Providing special education in the juvenile justice system. *Remedial and Special Education*, 20, 19–26.

## About the National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk

This document was developed by the National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk (NDTAC), which is funded by a contract awarded by the U.S. Department of Education to the American Institutes for Research (AIR) in Washington, D.C. The mission of NDTAC is to improve educational programming for youth who are neglected, delinquent or at-risk of academic failure. NDTAC’s mandates are to provide information, resources, and direct technical assistance to States and those who support or provide education to youth who are neglected or delinquent, develop a model and tools to assist States and providers with reporting data and evaluating their services, and serve as a facilitator to increase information-sharing and peer-to-peer learning at State and local levels. [For additional information on NDTAC, visit the Center’s Web site at http://www.neglected-delinquent.org.](http://www.neglected-delinquent.org)

### Suggested Citation:

Read, N. W. (2014). *NDTAC Fact Sheet: Youth with Special Education Needs in Justice Settings*. Washington, DC: National Evaluation and Technical Assistance Center for Children and Youth Who Are Neglected, Delinquent, or At-Risk (NDTAC).

The content of this document does not necessarily reflect the views or policies of the U.S. Department of Education. This document was produced by NDTAC at the American Institutes for Research with funding from the Office of Safe and Healthy Students, OESE, U.S. Department of Education, under contract no. ED-ESE-10-O-0103. Permission is granted to reproduce this document.