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Raising the Bar: Creating and Sustaining Quality Education Services in Juvenile Detention

First Edition

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Introduction

During the past 10 years, there has been a steady decline in the number of incarcerated youth across the United States and a corresponding decrease in the number of juvenile detention and commitment facilities. National data on youth in custody show that in 1997, more than 100,000 youth were held in juvenile correctional facilities in the United States. By 2013, the number in custody dropped to approximately 50,000. Of all youth in custody, more than 17,000 are held in juvenile detention facilities each day.[1] This represents a sharp decline from the more than 28,000 youth held each day in juvenile detention in 1997. Sustained advocacy in a number of states has successfully closed youth detention centers and other correctional facilities and has created community-based alternatives for youth and their families.[2]

Youth held in juvenile detention centers are more likely to have intensive educational, mental health, and other treatment needs compared to others their age. Education programs in juvenile detention must be responsive to the multiple functions of juvenile detention settings as well as the changing characteristics of the youth at these facilities. Like students in public school settings, those placed in detention centers have statutory rights to education under federal and state laws.

Characteristics of Juvenile Detention Facilities[3]

Youth are normally held in detention facilities for two primary reasons. When courts believe that youth pose a risk to the community or are likely to fail to appear for scheduled hearings, these youth typically are placed in detention centers.[4] Whereas some youth are detained prior to preliminary hearings, others are placed in detention facilities pending the disposition or resolution of their cases and for short-term sanctions, such as violation of the terms of probation.[5] The adequacy of counsel representing youth and the involvement of youths' parents are also determining factors in juvenile court decisions about whether or not to place youth in custody pending the resolution of delinquency charges or petitions.[6] In some states, youth are detained pending transfer to adult court; in other states, youth remain in juvenile detention following the disposition of their cases. The youth in the latter group often remain in detention until a treatment or placement bed is available.

In many states, public pressure for punishment and accountability of juvenile offenders has led to the increased use of detention even as overall rates of juvenile offending have declined.[7] Although the vast majority of youth are referred to juvenile courts by the police, in recent years schools have become a growing source of court referrals in several states.[8] Zero tolerance policies, the involvement of police in response to school code violations, and the presence of school resource officers all are associated with the increase in school-based referrals to the juvenile courts.

Juvenile detention facilities and other pre-adjudicatory placements, such as nonsecure detention, are managed by a variety of state, regional, and local agencies. In some jurisdictions, detention can become a placement for youth with significant mental health needs in communities where few other treatment options exist.[9]

States provide detention placements that may be separate from or combined with treatment facilities but are shorter term (a few days to a few months) for youth awaiting adjudication, disposition, or treatment placements.[10] Although length of stay varies for youth, those charged with offenses against persons remained in detention the longest (after 60 days, 35 percent of youth charged with crimes against persons remained in detention).[11] In many jurisdictions, preliminary hearings are held within 24 hours.

Approximately one in four detention facilities have been at or over their capacity for the past several years.[12] More than half of detained youth reside in large facilities (containing 21 to 100 beds), but more than half of all detention facilities are small (containing 20 beds or fewer). Private facilities make up less than half of all facilities but hold 29 percent of detainees.[13]

Although many juvenile detention facilities follow traditional institutional models, in recent years a number of states have developed community-based centers with small-group living arrangements, work skills training, and intensive behavioral interventions. Home-based day reporting and electronic monitoring are also forms of pre-adjudicatory detention.[14] In New York, the "Close to Home" initiative has moved youth out of large institutional settings and into small, community-based group homes pending juvenile court appearances and placement.

Approximately two-thirds of youth in detention centers are held for nonviolent charges. These youth are detained for property offenses, drug offenses, public order offenses, violation of probation, or status offenses (events that, for adults, are not classified as crimes, such as running away or breaking curfew). One-third of all youth in detention report being held for just one offense.[15]

Characteristics of Youth in Detention

Providing high-quality education services to children in detention centers presents formidable challenges to educators. Short lengths of stay, the mobility of children and adolescents placed in juvenile detention centers, and youths' school histories require that educators design flexible programs that meet the needs of youth and the characteristics of detention settings. Too often, educators and others cite short lengths of stay and mobility of youth as explanations for lack of rigor in the education program. Setting a low bar—and meeting it—does not serve youth well.

Nearly 85 percent of youth in juvenile detention centers are boys, the majority of whom are 16 to 17 years old. African-American and Hispanic youth are overrepresented in juvenile corrections, and girls are twice as likely as boys to be detained for status offenses.[16] White youth accounted for the largest number of delinquency cases involving detention, although these youth were the least likely to be detained. In most jurisdictions, disproportionate minority detention is not limited to secure detention and confinement; disparity is evident at nearly all key decision points throughout the juvenile justice system.

When compared to their peers in the public school system, a disproportionate number of youth placed in juvenile detention have a history of special education services, suspensions and expulsion, and grade retention.[17] Almost one-half (48 percent) of youth in custody are functioning at less than the typical grade level for their age.[18] Although the percentage of youth in juvenile detention with a history of special education services varies across states, typically more than 50 percent of youth in detention are eligible for special education services. In jurisdictions where the prevalence of youth receiving special education services is comparable to rates in the public schools, difficulty obtaining records from students' previous schools and verifying or initiating students' special education eligibility explains lower-than-expected rates.

A number of youth in juvenile detention have a history of involvement with the foster care and child welfare systems. Often, their detention reflects childhood victimization and the failure of residential placements prior to their involvement in the juvenile delinquency system.[19] Youth with dual-agency involvement often have intensive mental health and educational needs.

Principles for Education Programs for Youth in Detention

The wide range of detention settings and the diverse needs of youth require flexible, high-quality education programs. Describing an optimal instructional arrangement for all youth and all settings is impossible. However, a set of principles can be applied across detention settings, and guidance in the development and delivery of education services can be provided.

1. **Education programs in juvenile detention facilities should engage youth and be tailored to variable lengths of stay.**

   Initial placement in a detention setting can be a frightening and unsettling experience for youth. Through their initial contacts with students, educators have an opportunity to develop relationships, provide support, and allay fears that many youth have during their first few days in detention. Intake classrooms, to which all students are assigned within 24 hours of their placement, can serve as sites where educators and other staff conduct screenings, initial assessments, and intake interviews. Teachers and other staff working with youth in the intake classroom have the opportunity to get to know and develop relationships with youth. An intake classroom with a focus on ***literacy, numeracy, and current events*** can serve to reacquaint students—many of whom have a history of unpleasant school experiences—with academic tasks and routines. In getting to know students, teachers will be able to participate more effectively in transition planning.

   For youth who spend only a few days in juvenile detention prior to their release, the intake classroom will be their only educational experience at the detention center. For others, transition from the intake classroom to a more traditional academic schedule would occur after 7 to 10 days, after teachers and counselors have gathered prior school records and have come to know the students better. This instructional arrangement ensures that the greatest mobility among students in the detention center occurs in the intake classroom. When students leave the intake classroom and are assigned to a more typical education program, the educators in the facility know a bit more about them as learners, have obtained prior school records, have completed initial screening and assessments, and are better able to develop individualized instructional plans and/or schedule meetings to revise individualized education programs (IEPs).

2. **Education programs in juvenile detention should ensure that all youth—even those who spend a day or two at the facility—experience success.**

   Many youth placed in juvenile detention share a history of school failure and disciplinary sanctions. Some of these youth who believe that school is not for them may have low levels of literacy and may not have experienced much success in school. During placement in the intake classroom, teachers have the opportunity to learn about new students. During intake interviews, responses to statements and questions such as “Tell me about the last time you were in school” and “What subjects do you enjoy the most, and which ones give you the most trouble?” enable educators to learn about their new students. Instructional activities in the intake classroom and in the more traditional academic program must ensure that each student experiences success.

   For many students in juvenile detention who have experienced school failure, grade retention, and disciplinary sanction, success in the classroom may be a foreign experience. With the support of educators and other professional staff, students—even those in short-term facilities—can begin to redefine themselves as learners with interests and aspirations that are well within their grasp. Academic success can take many forms in the detention center education program. In addition to traditional academic tasks, success can involve participation in special activities, contributions to group discussions, and creation of original artwork or poetry. The principles of universal design for learning (UDL)[20] provide an excellent way for educators to think about and design instructional activities with multiple pathways for input, output, and engagement in the detention center education program.

3. **Education programs in juvenile detention facilities should focus on transition.**

   By design, juvenile detention centers are short-term placement options. Although the average length of stay in many facilities will be 30 days or less, some youth pending placement in treatment facilities or awaiting transfer to the criminal courts may remain in juvenile detention for 3 months or longer. For all youth and staff, a focus on transition means thoughtfully considering options, opportunities, and aspirations for subsequent placements and return to the community. Time in detention can provide youth with the opportunity to explore—with teachers or the school counselor—career choices, living arrangements, and opportunities for postsecondary education. Some incarcerated youth have had limited exposure to occupational and career choices. Instructional activities for youth in detention should include opportunities to explore vocational and educational options.

   In well-operated juvenile detention facilities, education, custody, and treatment staff should regularly meet with youth to discuss transitions. Youth involvement in the process is an essential component of successful transition plans. Parent or guardian participation is another important part of the process. During the transition planning process, which is an integral part of the education program in detention, school records and other documentation should be more readily available when youth are transferred or released from facilities on short notice.

Delivering Flexible, High-Quality Services

Our visits and discussions with colleagues at detention centers across the country suggest that implementing the recommendations offered and committing to the principles presented in this brief can work. Delivering high-quality education services in detention begins with good communication among education, mental health, custody, and security staff. During the development or revision of the service delivery system, key issues such as staffing, scheduling, adequate space, and assignment of youth to classes based on academic need should be discussed. Initial plans and scheduled activities will need to be refined when unanticipated challenges or obstacles develop.

The Intake Classroom

After students have arrived at the detention center, they should be placed in the intake classroom the same day or, if they arrive in the evening or on the weekend, the next class day. During the initial 7-to-10 day experience, students are given a copy of the student handbook, have the opportunity to meet staff and administrators, and learn about what to expect during their stay in detention. In addition to reviewing school policies and expectations, staff should create a welcoming experience for students, emphasizing positive climate, mission, and high expectations for academic and social behavior. Initial presentations and discussions with the students could involve all members of the detention center team.

During time in the intake classroom, teachers or counselors should conduct initial academic assessments, retrieve prior school records, complete an intake interview, and begin a student portfolio that will follow the students from the detention center to subsequent placements. Because the intake classroom is a short-term internal placement, students can be available for psychological, medical, dental, and other court-ordered assessments with minimal disruption to classroom routines. The intake classroom provides an opportunity for staff to observe students and determine their current level of performance. The number of students in the intake classroom will ebb and flow. Some students will be admitted to the detention center and released to the community after a few days. Others who remain in the detention center will move to the regular school program after 7 to 10 days.

The intake class also enables educators to review special education eligibility if prior school records arrive promptly. In the event that school records are unavailable, educators may, after working with and observing students, make referrals for special education eligibility assessment. When prior school records are available within the first few days, staff have the opportunity to implement prior IEPs and/or schedule a meeting to review and revise a student's IEP. While in the intake classroom, staff can begin planning for transition. During intake interviews, staff can learn about students' interests and aspirations, and they can review this information with students. Interest inventories, career exploration activities, and a review of students' prior school records can inform the conversation and the tentative plans that students develop with the support of staff.

While in the intake classroom, students can review credits and explore high school graduation, high school equivalency, and credit recovery options. Daily activities in the intake classroom may include literacy, numeracy, and current events. Teachers need to establish flexible class routines while accepting high rates of mobility in and out of the classroom. During intake, teachers should expect that students will be out of the classroom for court appearances, meetings with attorneys, and assessments conducted by other professionals at the detention center.

Traditional School Program

Although we suggest that students move from the intake classroom to the traditional school program after 7 to 10 days at the detention center, the timing of the movement should be based in part on the number of students in the intake classroom as well as other factors unique to each detention facility. Students should be grouped for instruction in the traditional program based on their academic needs. Daily schedules should include core subjects such as language arts, mathematics, science, and social studies, along with electives and vocational coursework. In many detention facilities, career and technical education courses may involve career exploration and entry-level programs such as OSHA 10 and ServSafe® Food Handler certifications. For students eligible for special education services and those with 504 plans, a range of inclusive and intensive services and supports consistent with each student's IEP or 504 plan also should be provided.

Special activities in the traditional school program may include literacy and art activities, visits to the facility by community groups, intermural and intramural sports, and after-school clubs. For students with a history of difficult school experiences, special activities provide an opportunity for these students to experience success outside the classroom.

Conclusion

Laws and regulations across the United States require that all students, including those in the custody of the juvenile courts, probation services, or other child-serving agencies, receive education services. Too often, because of short lengths of stay and logistical challenges associated with student mobility, educators and juvenile justice administrators do not provide education services to which youth are entitled.

Providing high-quality services in juvenile detention is essential. The recommendations offered in this brief are intended to "raise the bar" and do not suggest that "one size fits all" or that all juvenile detention facilities will develop identical programs. Rather, this brief suggests an approach that includes an intake classroom designed with principles of engagement, encouragement, and transition planning followed by a more traditional detention center program is the most logical way to assist youth in reconnecting to school and to ensure that they receive the services to which they are entitled.

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