

Expanding the Arts Across the Juvenile Justice System

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In a one-day count in 2018, an estimated [37,529](#) youths resided in juvenile placement facilities across the United States. While the estimated number of juveniles in residential placement facilities has dropped by more than [half over 20 years](#), alternative placement to other government juvenile facilities continues to remove youths from their community and education, creating inequitable, unreliable or inaccessible opportunities to engage in the arts. In addition, the COVID-19 pandemic has [intensified persistent inequities](#) in the juvenile justice system, particularly access to resources related to youth well-being and developmental success, such as the arts.

At the end of 2019, the Arts Education Partnership's renewed cooperative agreement with its federal partners identified juvenile justice as a new focus area. AEP began this work with [a landscape analysis](#) on engaging the arts across the juvenile justice system, focusing on programs that employ the arts. This research found that engaging the arts across the juvenile justice spectrum of prevention, intervention, transition and healing is an area that merits further exploration.

To begin exploring the unanswered questions that remained after the landscape analysis, AEP and Education Commission of the States virtually convened 11 leaders in policy, funding and practice to share insights on three themes:

Identifying considerations for **effective and sustainable arts-based programming.**

Identifying key actors in **policy and implementation for arts education** in juvenile justice systems.

Considering **state and federal policy opportunities and barriers** to implement arts-based programming.

This report highlights the participants' conversations and insights.

Program Considerations

Meeting participants shared that although arts opportunities in juvenile justice facilities may vary state to state, the barriers are similar. They identified pathways to overcome access, funding and capacity barriers to provide effective and sustainable arts-based programming to youths impacted by the juvenile justice system.

What Is Effective?

Participants shared that effective programming should be responsive and curated for the communities they serve. This includes uplifting authentic youth voices and cultures within the community.

YOUTH ARTWORK THAT TELLS THEIR STORY

Providing access to different arts disciplines — dance, media arts, music, theater and visual arts — can enable youths to make personal choices about their creative expression. Providing these discipline options, and enabling choice, may encourage long-term engagement in programs because youths are emboldened to tell their stories through their [artwork](#).

The participants agreed: The arts provide youths who are justice involved a platform to express their voices and perspectives, highlighting the potential to affect youth-centered programmatic changes. To demonstrate the effectiveness of participation in the arts and to elevate students' stories, facilities can invite policymakers and stakeholders who are not directly engaged in the classroom to events, productions, exhibits and other opportunities. This focus on showcasing artistic expression provides youths the opportunity to connect with a larger

support network in the community, government and education sectors.

YOUTH-FOCUSED FACILITY SERVICES AND EDUCATOR ENGAGEMENT

Participants noted that when arts programs are not prioritized by correctional facilities and educators lack access to youths and programs, the arts are susceptible to changes in facility operations, including restrictions to educator visitations and limitations on materials. Educator training requirements and professional development paths vary depending on states and facilities, but both focus on orienting educators with the correctional facility's procedures and restrictions rather than the educational resources and youth experiences in juvenile detention facilities.

To establish greater access to arts education in facilities, decision-makers have explored alternative delivery methods, including one-time only, arts-based activities. Participants voiced concern that these one-time-only or limited arts-based events offered in juvenile detention facilities may frame the arts as a reward to earn rather than a core part of their education. Participants agreed that programs can be accessible to youths when prioritized in facility services and educator engagement opportunities.

COMMUNITY PROGRAMMING THAT SUPPORTS AND FOLLOWS YOUTHS AS THEY TRANSITION

Families and communities entrust the juvenile justice system with temporary care of their youths, so their buy-in is key to support their continuum through the juvenile justice system and the community. Decision-makers and funders can ensure that youths continue to

have access to arts programs as they transition back to home and communities. To achieve this goal, participants emphasized the need to create environments, access points and services outside of facilities so that youths can thrive once they make these transitions. Community-based programming that can assist in alleviating this arts-access gap might include [arts-based workforce](#) development, life skills training and [mentorship](#). Participants agreed that community-based programs can support individual youth needs and their access to the required arts education resources.

What Is Sustainable?

Participants shared that effective programs are not guaranteed to be sustained for various factors such as new funding priorities. Participants shared examples of ways to support these programs over time.

REQUIREMENTS FOR ARTS INSTRUCTION WITHIN SCHOOL AND COMMUNITY ENGAGEMENT

Although 43 states have arts education instructional requirements for elementary and middle school — and 44 states have requirements for high school — few states specifically mention requirements for youths in detention. For example, **Nevada** is an outlier

by requiring the arts be taught in all public schools, including schools operated in [juvenile detention facilities](#).

The transient nature of and competing priorities within

The table displays arts education policies for 50 states and the District of Columbia. It is organized into columns for different policy areas: Arts in Curriculum, Arts in Community, Arts in Schools, and Arts in Detention. Each row represents a state, and the cells contain indicators (such as 'Y' for yes, 'N' for no, or 'P' for partial) showing whether a state has a specific policy in that area.

2020 ArtScan At A Glance

the juvenile justice system — such as safety, security and facility operations — means that having reliable access to the arts across the continuum helps youths transition out of the juvenile justice setting and into the community. Once the policy is in place, adequate and sustained funding can help ensure successful implementation of the programs. Participants shared the priority that youths have equitable access to [standards-based](#), funded arts programs regardless of whether they receive their education within detention facilities, traditional schools and/or their communities.

The arts can play an important role in youth development, throughout the juvenile justice continuum of prevention, intervention and transition. To be sustainable over time, requirements for arts instruction should acknowledge the role of arts in healing youth trauma. Furthermore, standardized requirements can follow youths throughout the continuum, including in community and in-classroom engagement programs.

DATA AND IMPACT STORIES

Data can serve as a tool to frame the youth-justice experience and arts-based programming. Participants said community, youth and program data should reflect the juvenile justice and [arts education experience](#) to enable policymakers and stakeholders to make informed decisions that direct limited resources to students who stand to benefit the most.

Decision-makers and funders, who may not be able to perceive direct impact associated with arts education, rely on outcomes and test scores to inform future funding. However, participants mentioned that individuals impacted by data-informed policies, including youths and their families and community, may not have access to the data and therefore

the opportunity to engage in data-informed decisions. If communities had access to [data that reflect](#) the supportive engagement in youth arts education, community members might be more invested in program implementation and practice.

Additionally, narrative stories can complement data by describing the impact of the arts on youth development. A well-designed program can directly affect youths, as well as the artists working with youths in detention facilities, their families, facility administration and staff. Capturing and sharing impact stories with different policymaker audiences gives a voice to youths and the individuals surrounding them by sharing the needs and successes related to supportive arts programs.

FUNDING

Federal and state resources comprise the bulk of education funding to state programs or programs in state-run juvenile facilities.

Stakeholders

Meeting participants stated that cross-sector collaboration should include organizations and agencies focused on youth justice and the arts and can be accomplished by identifying partners at all levels. Individualized partnerships, according to participants, can be unsustainable over time because of changes in roles and policies. Participants reflected that these relationships could include the local-, state- and federal-level juvenile justice and education agencies to ensure sustainability over time. Specifically, participants agreed that stakeholder engagement through task forces and commissions could be a productive and viable way to lift voices and collaborate with partner organizations. Stakeholder

However, funding is part of general education allocations and is not arts-specific, which creates varied approaches to providing arts programs in facilities. Funding is often tied to facilities rather than people, resulting in inconsistent supports as youths move through the prevention, intervention and transition continuum. Once youths transition back into the community, the related funding is often diverted from programs that support youths and reinvested into facilities and juvenile system operations. Participants discussed the need to maintain funding streams to support youth-identified, arts-based programs that work by redefining evidence-based requirements to mirror shared community goals. Participants added that states are examining the [high costs](#) associated with youth incarceration, resulting in policy reforms aimed at establishing [alternative paths to justice](#). Participants are encouraging opportunities in measuring metrics — including attendance, success and youth characteristics — to inform funding decisions.

representation should be consistent across federal, state and local levels to support communication and narratives that can inform decision-making.

Who Is Needed for Programming to Be Effective?

Stakeholders span local, state and federal government agencies and organizations in various capacities to support youths and arts-based programming. Participants noted that alignment across these groups can be achieved by implementing youth-centered approaches.



Participants discussed the importance of including often-omitted stakeholders in discussions around the implementation process of arts-based services in the juvenile justice system continuum of prevention, intervention and transition, particularly:

- Community representatives.
- Youths who are justice-involved.
- Juvenile justice system representatives.
- Juvenile detention facility staff.
- Parents/guardians.
- State agency representatives.
- Educators (in-classroom and teaching artists).

Participants agreed that authentic youth voices — youths currently involved or with

experience in the juvenile justice system — are vital to understand the needs, successes and potential opportunities in programs. Including authentic youth voices in stakeholder engagement and collaboration ensures that program implementation captures the youth perspective. Participants noted that better policy and practices may occur when youth-centered stakeholders are involved in the development, implementation and evaluation processes. This could consist of [credible messengers](#), including individuals with experience in the justice system who understand the barriers and opportunities in the system. Individuals with youths who are justice-involved often interact with other government agencies, including child welfare systems. To better serve these youths,

participants noted that partnerships could include representatives from all juvenile justice-related systems to provide wraparound service opportunities, including continued arts-based learning, as youths transition between systems.

SAFETY AND SECURITY CONSIDERATIONS

While facility operations and oversight differ in each state and within juvenile justice systems, restrictions set in policies may impact the implementation of arts education services. Because of the juvenile justice system's transient nature, including movement in and out of the system, youths may be restricted in their options and subject to unforeseen changes in residential placement that do not align with arts educational opportunities or continuation of existing programs. Participants reflected that although teaching artists and educators are deeply invested in the outcomes of youths, the system may have security regulations in place that do not allow continued connection and educational service once youths move into a different facility or system.

Participants agreed that it is important that youths have educators who understand their unique needs and come [from their respective communities](#). However, security restrictions, such as visitation rights, can limit community engagement and participation in facilities as educators may not be able to access the students or resources, including funding, data and materials. Participants hypothesized that continued monitoring of security measures to ensure that youths receive unaffected or uninterrupted arts education instruction, accompanied with funding, may remove barriers and allow facilities to find creative ways to implement instruction.

Stakeholder Alignment for Sustainability

A shared vision, established through stakeholder collaboration and task forces, across agency sectors and through the federal-state-local pipeline may ensure that all stakeholders are engaged in the work to support youths who are impacted by the juvenile justice system. Cross-agency approaches to [data-sharing](#) can support systemwide alignment, including data that support youths throughout the continuum.

Specifically, participants suggested that local partners communicate directly with state officials and legislators to make changes that support arts programs for youths impacted by the juvenile justice system. This approach, communicating from bottom to top in policy structures, allows individuals on the ground to communicate their needs and ideas. To further this approach, participants noted, shared data among stakeholders can ensure that the collective vision is well informed. In some states, they are using [annual reports](#) that capture a narrative and contextualize the information for agency and public use.

Implementation of arts education programs within the juvenile justice system may rely on [tools](#) for identifying data partners in the arts education space. Participants noted that the different juvenile justice system agencies often have differentiated roles and approaches to their work as designed by organizational policies and regulations, creating a barrier to collaboration with other agencies, communities and stakeholders.

Policy Considerations

Participants discussed throughout the meeting series policy considerations related to barriers to, and opportunities for, arts programming in juvenile-justice settings. As a primary point, participants agreed that arts-based programming should be considered critical support in youth development, particularly for vulnerable populations like youths who are justice involved. Participants provided the following suggestions for what federal and state leaders can do to support arts education:



Collaborate Across Stakeholder Groups

- Convene cross-sector stakeholders through collaborative practices like task forces.
- Implement policies to support and protect cross-sector data-sharing.
- Integrate arts educators who have experience in the community or the juvenile justice system into conversations and opportunities to engage in youth-centered, arts-based programs.
- Create a shared vision to enhance the cross-sector collaboration among federal, state and local entities.

EXAMPLE: State and Federal Task Forces

Existing state and federal task forces, such as the **Maine** Juvenile Justice System [Assessment and Reinvestment](#) Task Force and the [Interagency Working Group](#) on Youth Programs, provide examples of how collaborative work may start and progress.



Align Policy and Funding to Support Youths Involved in the System

- Implement or amend state plans under the Every Student Succeeds Act to support arts education.
- Adopt legislation to clearly articulate funding streams for arts education and programming.
- Clearly define evidence-based practices and share this definition across agencies with funding authority.
- Fund program evaluations to support research including student outcomes.

EXAMPLE: Every Student Succeeds Act

ESSA provides funding opportunities for states to support students who are considered at risk of low academic achievement, dropping out of school and/or involvement in the juvenile justice system. It also includes [the arts](#) as part of a well-rounded education. States may consider designing policies that combine strategies across these funding opportunities:

[Title I, Part D](#) (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent or At-Risk) provides funding to support prevention efforts for youths, in addition to support for services that help youths impacted by the juvenile justice

system successfully transition from an out-of-home placement facility to school or the workforce.

[Title IV, Part A](#), (Student Support and Academic Enrichment Grants program) provides funding to school districts to expand and improve education in their schools, including work to support safe and healthy schools. [The 21st Century Community Learning Center Program](#) also provides funding for after-school programming, including creative youth development programs.

EXAMPLE: Utah

Through its [state ESSA plan](#) under Title I, Part D, Utah includes the arts and music in a nine-month education plan that provides high-quality, credit-earning programs to youths in state custody.



Prioritize Arts Requirements to Ensure Sustainability

- Expand arts-based instructional requirements in education plans for detention centers.
- Create safety and security procedures in juvenile justice facilities that do not inhibit creative programs for youths.
- Ensure that youths have widespread access to the arts as an educational tool rather than as a reward to earn.

EXAMPLE: Los Angeles County

In 2018, Los Angeles County, California, established a plan to elevate the arts as a [criminal justice reform strategy](#), including juvenile justice.

Specifically, the [plan](#) focuses on coordinating, aligning and leveraging resources and assistance across the county department of arts and culture to support and guide arts-based justice reform strategies. This includes expanding arts-based prevention strategies with help from community-based arts organizations, artists and the county government to support justice-impacted youths. The coordination integrates arts-based strategies into the juvenile justice system through rehabilitative practices focused on the justice-impacted youths' well-being.

In 2019, the interagency task force, representing county departments, convened to identify and develop strategies to incorporate [arts-based strategies](#) into justice-impacted youth support services.

The plan incorporates input and engagement from communities on [cultural inclusion](#) and [health](#) to ensure that the arts-based program serves youths through the system and in transition.

Final Thoughts

As the Thinkers Meeting participants noted, the juvenile justice system and arts education programs care for youths on a temporary basis. Youths are members of a family, an education system and a community, but they are nevertheless impacted by the juvenile justice system. This stewardship role has taken on greater importance in a time of social change and the COVID-19 pandemic, when resources are limited and capacity is stretched. However, participants indicated that policy considerations and opportunities to overcome barriers in a youth's experience inside and outside of a juvenile justice facility are not limited to the current situation.

Keeping youths at the center of arts education programs throughout the juvenile justice continuum of prevention, intervention and transition will help aim programming, data collection and reporting, funding and other services on a sustainable path. Furthermore, participants agreed that the alignment of stakeholders from the federal, state and local levels can ensure a shared vision and collaborative process to remove barriers around arts-based programming. The continuum of programs is not meant to be temporary, but rather part of systematic changes needed to secure access to creative opportunities that support youths' well-being.

GLOSSARY

Authentic Youth Voices: Capturing the youth voice and perspective by including impacted youths in stakeholder collaboration, program development and support and other engagement opportunities to better meet needs.

Detention facilities: Facilities within the juvenile justice system where youths reside and receive education and other services.

Educators: Art education teachers, including teaching artists, working artists and certified teachers in arts-based programs.

Impact stories: A narrative built using data, personal stories or experiences that conveys the direct and indirect impact the arts have on youth development in detention facilities.

Justice-involved youths: School-aged youths impacted by the juvenile justice system.

Youth-identified: Programmatic approaches or implementation practices that the participating youths have helped to identify and tailor to meet the needs of the system.

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