Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings

U.S. Department of Education

U.S. Department of Justice

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Executive Summary

Providing high-quality education in juvenile justice secure care settings presents unique challenges for the administrators, teachers, and staff who are responsible for the education, rehabilitation, and welfare of youths committed to their care. The United States departments of Education (ED) and Justice (DOJ) recognize that while these challenges cannot be overcome without vision, dedication, and leadership, there is also a critical need in the field for supportive resources grounded in the available research, practitioner experiences, and promising practices from around the country.

The more than 2,500 juvenile justice residential facilities across the country need support from federal, state, and local educational agencies; the broader juvenile justice system (particularly the juvenile justice agencies that oversee facilities); and their communities to improve services for committed youths. The services provided to them in secure care facilities should be developmentally appropriate and focus on the youths' educational, social-emotional, behavioral, and career planning needs so that their time within a secure care facility is a positive experience during which they attain new skills and move on to a more productive path.

Building on prior guidance from ED and DOJ,[1] this report focuses on five guiding principles recommended by the federal government for providing high-quality education 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 youths, including those with disabilities and English learners.**

 II.   **Necessary funding to support educational opportunities for all youths within long-term secure care facilities, including those with disabilities and English learners, comparable to opportunities for peers who are not system-involved.**

III.   **Recruitment, employment, and retention of qualified education staff with skills relevant in 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 and technical education standards that utilize instructional methods, tools, materials, and practices that promote college- and career-readiness.**

  V.   **Formal processes and procedures – through statutes, memoranda of understanding, and practices – that ensure successful navigation across child-serving systems and smooth reentry into communities.**

Throughout this report, each guiding principle is accompanied by supportive core activities for consideration by agencies and facilities seeking to improve existing education-related practices or implement new ones. These principles and core activities are not an exhaustive list of responsibilities for either agencies operating secure care facilities or those providing educational services on facility grounds. Instead, both the guiding principles and the attendant core activities are ED's and DOJ's suggestions for creating environments conducive to the teaching and learning process, enhancing academic and social-emotional supports, promoting positive educational outcomes for all system-involved students, and lessening the likelihood of youths reentering the justice system.

The five guiding principles explained in this document are suggested as a framework for implementing promising practices to provide high-quality education in juvenile justice secure care settings. Consistent with these principles, the document also references a number of requirements specified under various federal laws that, as applicable, must also be considered by the agencies and professionals responsible for the welfare of the youths committed to their care. We note, however, that these references do not reflect an exhaustive discussion of federal requirements that may apply under a particular program. For complete information regarding applicable federal requirements, please consult the relevant federal statute and implementing regulations. More information on federal education requirements can be found at the U.S. Department of Education website at http://www.ed.gov.

Introduction

Although the overall number of youths involved in the juvenile justice system has been decreasing, on any given day in 2011 there were still more than 60,000 young people detained or committed to juvenile justice residential and secure care facilities.[2] Many of these youths have experienced abuse or neglect, unsafe neighborhood environments, homelessness, and/or involvement in the child welfare system.[3, 4, 5] A large percentage of committed youths exhibit mental health conditions[6] and have, historically, failed to receive mental health services.[7] In addition, there are three to four times more students with disabilities who require special education and related services—such as those identified with emotional disturbance or specific learning disabilities—in the adjudicated youth population than among students in community schools.[8]

Research provides compelling evidence of the negative effects on youths of long-term commitments to juvenile justice secure care facilities. For example:

- Experiencing incarceration as a youth greatly increases the likelihood of reoffending.[9] Congregating youths adjudicated as delinquent together can negatively affect the behavior of the group and individuals, such as create changes in attitudes toward antisocial behavior, affiliation with antisocial peers, and identification with deviancy.[10]

- For youths with mental health conditions, the negative effects of institutionalization coupled with the challenges of coping with a disorder, place them at a higher risk of suicide than other youths.[11, 12, 13]

- Committing youths interrupts their education and can have an adverse effect on their employability.[14]

- After leaving secure care settings, many youths do not return to school, and of those who do, many drop out before completing high school.[15, 16]

Because accumulating research suggests that incarceration is neither meeting the needs of many youths nor necessarily improving the safety of their communities,[17] the present challenge for states, local communities, and juvenile justice systems is simultaneously focusing on successfully educating committed youths in an equitable manner while also reforming their juvenile justice systems to reduce entry and rehabilitate as many students as possible through community-based alternatives.

Our nation cannot continue to accept the future risks, poor outcomes, and collateral consequences that too often have become foregone conclusions for youths committed to secure care settings. Accordingly, juvenile justice reforms focused on diversion and community-based programming are expanding in many communities, guided by the precept that secure care facilities should promote rehabilitation and redirection by addressing the educational and related needs of incarcerated youths. Providing youths with quality educational services during incarceration is essential to keeping them engaged in their education and focused on their futures, thereby enabling them to set realistic long-term goals, including a successful return to a community school or entry to a postsecondary institution upon release.

An Overview: Current practices, challenges, and recommended improvements to education services in secure care settings

In 2010, there were more than 2,500 juvenile justice residential facilities in the United States,[18] including group homes, diagnostic centers, residential treatment facilities, and juvenile secure care. Although all of these facilities can serve adjudicated youths, they differ in purpose, type, operational characteristics, and services provided.

This document is specifically designed to address education in secure care facilities, which typically serve youths committed to longer-term confinement after adjudication and disposition. Juvenile secure care is usually a residential facility with building features and/or staffing models designed to restrict the movements and activities of the residents. While this document is designed to strengthen the quality of educational services to youths displaced from community schools for long periods of time, the principles and core activities should also inform the services provided to any youths so displaced, regardless of where they are located or for how long. Therefore, officials and practitioners responsible for the care of youths in detention centers should also consider how they might apply the principles and core activities in this document in their efforts to strengthen the quality of education services to youths committed for short periods of time.

Although the care and treatment of youths in secure care facilities are often the responsibility of the state juvenile justice agency, educational services delivery may be provided by the agency operating the facility, a state education agency (SEA), a local education agency (LEA) serving that geographical community, a different public provider, or a private provider (through a contract with a public agency). Moreover, schools and educational programs within secure care facilities look and feel different, and are organized very differently from those in traditional community schools. As they strive to provide the services needed for high-quality education, juvenile justice agencies and secure care facilities have responsibilities and face a number of challenges similar to those in the traditional school system, as well as others unique to juvenile justice secure care. Some of these include:

Agency responsibility for the provision of quality educational services. This document focuses primarily on improving education outcomes for committed youths, and, as appropriate, highlights the program and policy supports that the juvenile justice agencies overseeing such facilities should provide to facility administrators and staff. However, this document also acknowledges that, from state to state, the state or local agencies responsible for the provision of educational services to committed youths vary widely. In some areas, education programming for committed youth is provided by an LEA while, in others, facilities directly operate on-site schools. Accordingly, the guiding principles and core activities detailed in this report are based on the assumption that juvenile justice agencies and secure care facilities will either take direct responsibility for education implementing or work with educational agencies proactively to ensure that high-quality educational services are available to every child in their care.

Student engagement and behavior management. Although both community schools and those in juvenile justice residential facilities need to address student engagement and behavior management, youths arriving at secure care facilities may have already experienced many challenges both in school and in the community. Their experiences in community schools likely have not been positive, including higher rates of school suspension and/or expulsion than their nonsystem-involved peers.[19] Further, in 2012, many students entered juvenile justice residential facilities with academic achievement levels below the grade level.[20] Furthermore, they may have problematic behaviors (e.g., oppositional or antisocial behaviors) that they bring to the new setting.[21] Effective positive behavioral interventions and classroom management approaches are essential to addressing disruptive behaviors and providing an environment conducive to learning. Safe, supportive, and engaging classrooms allow teachers adequate time to teach, increase student engagement in learning, and help address students' social and emotional needs.

Access to highly qualified and effective teachers. Given the diverse educational needs of students in secure care facilities, teachers in such facilities need extensive skill sets. Indeed, they should be prepared not only to address their students' academic and cognitive needs but also to foster students' healthy social and emotional skill development in a secure care setting. Ideally, facility administrators should seek teachers who have the requisite credentials and experience working with youths who are highly at risk so teachers are prepared on their first day in a new facility. However, recruiting such teachers for these settings can be difficult because of preconceptions about secure care facilities and the young people they

serve. Facility administrators should strive to retain quality teachers who are committed to the work and demonstrate nurturing yet firm approaches that are supportive and caring toward students.

Diverse student educational needs and multilevel classrooms. Secure care facilities typically do not have the capacity to provide a "traditional" school setting with individual grade-level classrooms and core subject teachers. Instead, education staff often must provide instruction to students at a variety of ages and academic levels in one room at the same time. In addition, there are disproportionately more students with disabilities in the adjudicated youth population.[22] For students with a disability under the *Individuals with Disabilities Education Act* (*IDEA*) or Section 504 of the *Rehabilitation Act of 1973* (Section 504), the facility's education program must have the capacity to provide the special education and related services included in each youth's individualized education program (IEP) or Section 504 plan. (See page 6 for more information on *IDEA* and Section 504.) Therefore, it is important for teachers providing correctional education instruction to special education students in secure care settings to be flexible in their approaches to teaching. Instruction should address students' individual needs, and teachers should be able to teach across multiple subject areas in a given class period while ensuring that students master core subject matter content.

Student movement and reentry. Secure care facility schools often operate year-round, and students move in and out of facilities continuously. Facility teachers often receive little or no advanced notice of these changes regarding student status but must be prepared nonetheless to receive new students on a daily basis and disseminate educational information to the community school and families for those youth reentering the community. Moreover, a school setting through which students frequently rotate challenges teachers' abilities to provide rigorous curricula. Thus, facility administrators should work with teachers to improve the quality of educational programs, maintain comprehensive transcripts on each student, detail the accomplishments of students on an ongoing basis, and convey important information to students' subsequent community school assignments.

Student records exchange. Movement into secure care facilities can happen quickly after a student enters the juvenile justice system. Because teachers in secure care settings have little or no previous experience with the youths there, it is important that they receive, review, and analyze each student's records immediately upon entry.[23] This allows staff to develop education plans for each student (in addition to IEPs or Section 504 plans required for students with disabilities under *IDEA* or Section 504), identify needed educational and behavioral supports and services, and assign students to courses appropriately so they can continue accruing education credits. This will assist youths to more immediately engage in school and focus on achieving both short- and long-term educational goals. Any delay in the exchange of student records disrupts this process and jeopardizes the academic success of students in secure care facilities.

Reentry planning.[24] Nearly all youths leave secure care facilities and return to their communities, but for many youths, planning for reentry does not start early enough, nor does it engage the youths and family in decisions regarding reentry. Thus, reentry planning should begin immediately upon a student's arrival, outline how the student will continue with his or her academic career, and, as needed, address the student's transitions to career and postsecondary education.[25] Reentry planning is complex and needs to be well-coordinated among facility staff (including teachers, facility administrators, security staff, and other relevant in-school providers), the youths, the family, the community school, and other community partners assisting with reentry-related activities and supports. Actionable reentry plans and supports not only promote a youth's success and help prevent future involvement with the justice system, but, when well executed, can also establish a foundation for overall life goals. Although providing effective reentry planning presents legitimate challenges, they can be overcome. Indeed, failure to engage committed youth in reentry planning further diminishes their chances for success and increases the likelihood of prolonged involvement with the juvenile justice system.

Security concerns and access to technology. Education and rehabilitation are key for youths confined to secure care facilities. At the same time, facilities need to maintain security, and promote community and facility safety. Some educational and vocational experiences or opportunities, like Internet access, may need to be controlled in secure facilities in order to avoid threats or violations of facility and community safety. However, if restrictions are placed on a student's access to the Internet for safety or security reasons, it is important to recognize that as access to educational technology has become standard for many students in community schools, secure care facilities may face barriers to providing comparable educational experiences for their students without it. Indeed, these barriers must be overcome if assistive technology is necessary for the education of students with disabilities. On the other hand, technology should not be used as a substitute for teachers and classroom instruction in a secure setting any more than it would replace classroom teaching and engagement in a regular educational setting. Particularly for students with disabilities, the *IDEA* and Section 504 requirements for individualized education prohibit a one-technology-fits-all approach. Of course, where technology is provided to ensure a free appropriate public education (FAPE) to a child with a disability under IDEA or Section 504, or is otherwise used to provide educational benefits, services, or opportunities, facilities are responsible for compliance with specific federal requirements to ensure accessibility for students with disabilities.[26]

In the pages that follow, please find additional new guidance from ED's Office of Civil Rights (OCR) and the Office of Special Education and Rehabilitative Services (OSERS) that include information pertinent to providing high-quality education to youth committed to juvenile justice residential facilities.

Summary of Guiding Principles and Core Activities for Providing High-Quality Education in Juvenile Justice Secure Care Settings

Guiding Principle	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 youths, including those with disabilities and English learners.	II. Necessary funding to support educational opportunities for all youths within long-term secure care facilities, including those with disabilities and English learners, comparable to opportunities for peers who are not system-involved.	III. Recruitment, employment, and retention of qualified education 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 and technical education 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 navigation across child-serving systems and smooth reentry into communities.
Core Activities	• Establish a school- and facility-wide climate with a focus on family engagement in which youths are free from threats of or actual physical or emotional harm. • Create and/or revise policies, procedures, and progress measures that prioritize education and student educational achievement. • Develop a continuum of academic and behavioral supports and services to promote long-term educational outcomes for youths who are system-involved, potentially through a tiered framework. • Ensure fairness and equity in the provision of educational services and the promotion of a facility-wide climate that supports learning consistent with federal law.	• Plan and develop dedicated and appropriate education budgets at the agency and facility levels. • Establish processes to ensure that secure care facilities receive adequate state and local funds and effectively leverage available federal education dollars to supplement core education programs.	• Require that education staff, including special education, LEP, and related service providers, hold valid education credentials consistent with federal requirements and state law. • Provide or otherwise facilitate access to professional development opportunities for education staff so they can develop the skills to address the unique needs of students in juvenile justice settings more effectively. • Use a teacher evaluation process that continuously assesses teacher performance based on accepted state standards for highly effective instruction.	• Employ current instructional methods and materials appropriate to each student's age, grade placement, development, and culture. • Promote student engagement through high educational expectations for all students in the juvenile justice system. • Require that students in juvenile justice residential facilities participate in the same curriculum and state accountability systems as students in traditional schools, and provide instruction and assessments with appropriate services and accommodations for students with disabilities and English learners. • Collect and use data to monitor student academic progress, make data-informed decisions, and continuously evaluate and improve the education program. • Provide access to postsecondary programming, including college and career and technical education that prepares students for successful transitions to adulthood.	• Immediately upon entry of a youth into a juvenile justice residential facility, create individualized prerelease plans in partnership with the youth and his or her family that identify action steps and support services to ensure reenrollment in a community school and reduce the likelihood of rearrest or reoffending. • Prior to release, offer additional formal learning opportunities for the youth that are grounded in evidence- and practice-based service models and focused on social, emotional, and behavioral skill development, especially for youths with mental health conditions. • Establish policies and procedures that promote school assignments best suited for students' educational success and the timely transfer of their accurate education and related records.

Compendium of Relevant Federal Laws

The following information on the relevant federal laws detailed throughout this document is provided here for easy reference, including links to specific documents, case law, and other Federal resources.

The Individuals with Disabilities Education Act (IDEA)

The *Individuals with Disabilities Education Act* (*IDEA*), Part B is the federal law that assists states and through them, local education agencies (LEAs), in providing special education and related services to eligible children with disabilities throughout the nation. The U.S. Department of Education's Office of Special Education Programs in the Office of Special Education and Rehabilitative Services (OSERS) administers the *IDEA*.   For additional information, see the *Dear Colleague Letter on the Individuals with Disabilities Education Act for Students with Disabilities in Correctional Facilities (IDEA in Correctional Facilities DCL)* at http://www2.ed.gov/policy/gen/guid/correctional-education/idea-letter.pdf.

Section 504 of the Rehabilitation Act (Section 504)

Section 504 is a Federal law that prohibits discrimination on the basis of disability in programs and activities that receive Federal financial assistance. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Section 504 in programs and activities that receive Federal financial assistance from ED, and the U.S Department of Justice's Civil Rights Division enforces Section 504 in entities that receive financial assistance from DOJ. For additional information, see the *Dear Colleague Letter on the Civil Rights of Students in Juvenile Justice Residential Facilities (Civil Rights in JJ Facilities DCL)* at http://www2.ed.gov/policy/gen/guid/correctional-education/cr-letter.pdf or go to http://www2.ed.gov/about/offices/list/ocr/index.html.

The Americans with Disabilities Act (ADA)

The *Americans with Disabilities Act* (*ADA*) gives civil rights protections to individuals with disabilities. Title II of the *ADA* prohibits discrimination on the basis of disability by state and local public entities, regardless of whether they receive federal funds. OCR, along with the U.S. Department of Justice, shares enforcement responsibility for Title II in public elementary and secondary schools. For more information about Title II, go to http://www2.ed.gov/about/offices/list/ocr/index.html or http://www.justice.gov/crt/.

The Family Educational Rights and Privacy Act (FERPA)

The *Family Educational Rights and Privacy Act* (*FERPA*) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. For additional information, see www.ed.gov/fpco. *IDEA* also contains confidentiality of information provisions that are applicable to the education records of students with disabilities in 20 U.S.C. § 1417(c) and 34 CFR §§ 300.610 through 300.626. *FERPA* generally requires the prior written consent of the parent or eligible student (students who are at least 18 or attend a postsecondary institution at any age) for disclosure of personally identifiable information in education records, unless one of the exceptions to the prior written consent requirement applies. *IDEA*'s confidentiality of information provisions generally incorporate the *FERPA* exceptions to the prior written consent requirement. The *FERPA* exception to the prior written consent requirement that is likely to be relevant can be found at 20 U.S.C. § 1232g(b)(1)(B);34 CFR §§ 99.31(a)(2) and 99.34. *FERPA* permits the disclosure of personally identifiable information from education records

without prior written consent, subject to the requirements in 34 CFR §99.34, to a school or school system in which a student intends or seeks to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. See 34 CFR §300.323(g) for information governing prompt exchange of student records when students served under *IDEA* transfer to a new district in the same school year.

Guiding Principles and Core Activities

Principle 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 youths, including those with disabilities and English learners.*

Why this principle? Before an education system can expect academic success of its students, it must first ensure that the environments in which students are educated are conducive to learning. The optimal environment for learning and success for students educated in secure care facilities—as for all students— is safe, supportive, and engaging. Such environments put a high priority on education and offer the necessary behavioral and social support services to address all students' individual needs. These environments also include any individualized behavioral or support services, including special education or related services, that must be provided to a student with a disability pursuant to *IDEA* or Section 504. In its January 2014 release, "Guiding Principles: A Resource Guide for Improving School Climate and Discipline,"[27] ED offered three principles for creating school environments conducive to student success:

1. Work deliberately to develop positive and respectful school climates and prevent student misbehavior before it occurs.

2. Institute clear, appropriate, and consistent expectations and consequences to prevent and address misbehavior.

3. Use data and analysis to continuously improve and ensure fairness and equity.

Although these three principles are intended to help establish positive disciplinary climates in community school settings, it is equally if not more important that secure care facilities implement these principles. Because research- and practice-based evidence suggests that students in safe, supportive, and engaging environments are more likely to experience success in all facets of their lives, ensuring such environments in juvenile justice secure care settings is imperative.[28]

Statement of the problem. Unfortunately, youths in juvenile justice residential facilities often have not experienced many safe, supportive, and engaging environments, either at home, in their communities, or at school. This may contribute to a youth's difficulties relating to peers and/or adult authority figures. Providing a safe, supportive, and engaging environment for these students means giving them opportunities—free of physical or emotional harm or threats—to develop the skills to form and maintain interpersonal relationships that, in turn, will help them engage in education and strive for success. However, the need for a positive environment goes well beyond the classroom; it is a facility-wide concern. Though providing for facility security and safety is paramount, fostering educational success relates directly to the traditional priorities of accountability, rehabilitation, and preventing future offenses and incarceration.[29] Creating the right conditions for learning depends heavily on creating a facility-wide climate that promotes positive outcomes for all youths. This can be a challenge for secure care facilities due in part to the physical size of a facility, the physical condition of the structure, the education and skill levels of the education staff, gaps in appropriate programming for youths, lack of leadership commitment to school climate, and lack of professional development activities that promote skill acquisition and professional growth. Recognizing these barriers is important before taking the steps necessary to make facilities places where youths feel socially, emotionally, and physically safe and are treated equitably.[30]

Making it happen. Creating safe, supportive, and engaging environments facility-wide necessitates a move away from a deficit-based model focused on the "problems" with youths, the seriousness of their offenses, and the risks they pose to public safety, and toward approaches that recognize, support, and

develop the *strengths* in each youth.[31] Strength-based, positive youth development approaches involve engaging students, their families, and communities to identify and support positive, long-term, educational, mental and behavioral health, and social outcomes for youths. Furthermore, an environment consistent with positive youth development uses prevention-based strategies that can identify the needs of students who are at-risk and match them to appropriate interventions, like a tiered system of services and supports.[32] (See page 11 for more information on tiered systems of services and supports.) The change in focus to strength-based, positive youth development approaches could represent a major organizational shift for juvenile justice agencies. But research suggests that the use of such approaches may create safer, healthier, facility-wide climates that foster the right conditions for youth success.[33]

Core activities recommended for secure care facilities that support this principle:

1) **Establish a school- and facility-wide climate with a focus on family engagement in which youths are free from threats of or actual physical or emotional harm.**

Safety in a secure care facility is critical to ensure that facility staff can conduct required tasks and youths can benefit from programming. An important component of facility safety is school climate. To establish conditions for learning where teachers can teach and students can learn content and build skills, the school and facility climate should be free of threats or instances of physical or emotional harm – from adults or peers. Climates that provide safe and supportive environments for facility staff and youths foster the conditions not only in which students can learn, but also in which they can establish trusting relationships with peers and adults, and ultimately increase student engagement and improve their outcomes.

To establish and maintain safety and create the right conditions for learning, facilities should create a school climate that: (1) recognizes the impact of youths' underlying social-emotional, mental, and behavioral health issues on behavior in school, and (2) addresses problematic student behavior proactively, consistently, and, when applicable, for students who have or may have disabilities under federal law, in compliance with *IDEA*, Section 504, and *Title II* of the *ADA*.[34] Such practices are more supportive than punitive measures and are based on mutual respect among youths, security staff, educators, facility administrators, and others, and are in compliance with facilities' legal obligations.

In addition, discipline approaches that maintain this respect are undergirded by firm, agreed-upon expectations of acceptable behavior between youths and adults, and are used to model and reinforce good behavior, not just to punish "bad" behavior.[35] Because many committed youths have had negative experiences with adults, they may distrust facility staff. Traditional disciplinary practices that are primarily reactive—often because of facility protocols—can reinforce this dynamic. Supportive discipline approaches, on the other hand, demonstrate staff understanding and willingness to meet the youths where they are. The bottom line is that if youths feel safe and supported in their learning environments, the likelihood of their academic success improves greatly.[36]

Another way to increase youths' feelings of safety and support is to improve family engagement by establishing formal and informal opportunities for family members to interact with their children—and the teachers and staff who care for them—during confinement. Family members may not only represent a connection to home and community for youth, but they also can help all staff, including education staff, support students' efforts to reach their academic goals and reinforce positive behaviors. Family members' involvement in facility- and school-related discussions and decision making can facilitate facility efforts to rehabilitate youth. Facilities should recognize, however, that engaging family members during a youth's confinement is not always easy or possible; distance, family work schedules, foster care placement, and family members' own mental and behavioral health needs may affect their ability to engage and participate.[37]

It's Not Just Best Practice!

Secure care facilities have a constitutional duty to provide committed youths with reasonably safe conditions of confinement. Information regarding cases involving the provision of safety during confinement can be found at the U.S. Department of Justice, Civil Rights Division, Special Litigation Section and below:

- Investigation of the Pendleton Juvenile Correctional Facility, Pendleton, Indiana (2012)
- Investigation of the Indianapolis Juvenile Correctional Facility, Indianapolis, Indiana (2010)
- Investigation of the Los Angeles County Probation Camps (2008)

Federal civil rights laws also require facilities to respond to complaints of discriminatory harassment, including sexual violence, when it limits or denies a youth's ability to participate in or benefit from the institution's educational program. More information regarding the requirements of federal civil rights laws can be found at the U.S. Department of Education, Office for Civil Rights, at the U.S. Department of Justice, Civil Rights Division, Educational Opportunities Section, and below:

- Questions and Answers on Title IX and Sexual Violence (2014)
- Dear Colleague Letter on Sexual Harassment and Violence (2011)
- Dear Colleague Letter on Harassment and Bullying (2010)

2) **Create and/or revise policies, procedures, and progress measures that prioritize education and student educational achievement.**

When students leave the secure care setting, they have to be prepared to return to school, postsecondary education and/or training, or obtain employment. Thus, juvenile justice agencies should expect facilities to offer educational services that will improve short- and long-term outcomes for each student, rather than treat education as a supplemental service, recreational activity, or reward for good behavior. Accordingly, secure care facilities should develop and maintain policies that support quality education programs and opportunities for youths who are committed comparable to those available to youths who are not in secure settings.

Through policies, procedures, and practices, juvenile justice agencies and the facilities they operate can make it clear to *all* facility staff that education is a priority. If all facility staff—including facility administrators, teachers, security staff, and others—understand that education is a critical function and an important part of their daily responsibilities, students stand a better chance of receiving a clear message that school is vital to their success and, consequently, may more readily engage in their academics. Facilities establish education as a priority by implementing procedures that (1) support a full day[38] (i.e., the length of a school day at a traditional public school where students are in attendance for instructional purposes as determined by state law) of educational services for all students; (2) establish a school day free of interruptions from routine facility functions that could occur at other times; (3) require that facility staff deliver students to the classroom on time and prepared to learn; (4) prohibit withholding education as a form of punishment; and (5) develop a facility-wide continuous quality improvement instrument with routinely measured educational indicators to determine educational progress.

3) Develop a continuum of academic and behavioral supports and services to promote the long-term educational outcomes desired for youths who are system-involved, potentially through a tiered framework.

Students in secure care facilities have many of the same needs as their peers in the community, although they are more vulnerable to poor social, educational, and career outcomes because of their commitment to a facility.[39] Therefore, in addition to providing the special educational and related services students with disabilities must receive under *IDEA* and/or Section 504, secure care facilities should offer, or ensure access to, a broad continuum of supports and services for all youths that develop behaviors, skills, attitudes, and strategies conducive to successful academic performance and increased learning. This continuum might include both behavioral supports that address the mental, behavioral, and physical health needs of youths, and academic supports that reinforce core course concepts and boost skill development.

In addition to the individualized services that must be provided to students with disabilities in compliance with the *IDEA*, students in juvenile secure care may benefit from programming based on a tiered framework, often referred to as a multi-tiered system of supports (MTSS). To implement an MTSS, facilities should consider a universal cadre of supports and services for *all* youths in a facility, such as quality instruction aligned to college- and career-ready standards, group counseling, aptitude assessment and career planning, and preparation for state assessments, where applicable. For youths who are at greater risk for poor academic and behavioral outcomes, the facility should offer group therapy, tutorial services, speech therapy, and school-based individual counseling focused on improving a student's ability to meet expectations. Overall, facilities should seek to provide the right services and supports to the right students rather than relying on a one-size-fits-all approach. Instituting a model similar to the IEP model under the *IDEA* for all students in a secure care facility may ensure that the right services are identified and provided to each student.

Finally, for students who struggle daily to adjust to life in secure care and/or demonstrate continuous failure in school, a facility should provide for specialized and intensive services, such as psychiatric treatment, specialized medical care,[40] targeted individualized behavioral planning, or individually designed academic and vocational programming, as necessary.

It's Not Just Best Practice!

Secure care facilities are required to provide students with disabilities with all special education and related services that they need in order to receive a free appropriate public education under the *Individuals with Disabilities Education Act* and Section 504 of the Rehabilitation Act. For more information, see:

- Dear Colleague Letter on the Civil Rights of Students in Juvenile Justice Residential Facilities (Civil Rights in JJ Facilities DCL)
- Dear Colleague Letter on the Civil Rights of Students in Juvenile Justice Residential Facilities (Civil Rights in JJ Facilities DCL*)*
- Restraint and Seclusion: Resource Document
- G.F., et al. v. Contra Costa County, et al. Statement of Interest (2014)

4) **Ensure fairness and equity in the provision of educational services and promotion of a facility-wide climate that supports learning consistent with federal law.**

Discrimination on the basis of race, color, national origin, sex, religion, or disability not only denies students their dignity, but also can limit their ability to learn and to benefit equally from all the supports and services offered by a facility. Federal civil rights laws prohibit such discrimination in all aspects of a facility's operations, including educational services and testing, school climate (including prevention of harassment and violence), disciplinary measures (including suspensions and expulsions), restraint and seclusion, and accessibility to buildings and technology.

> ## It's Not Just Best Practice!
>
> Secure care facilities are required to safeguard students from excessive use of seclusion and restraint. For more information, see:
> - [Terrebonne Parish Juvenile Detention Center, Houma, Louisiana](#)
> - [Restraint and Seclusion: Resource Document](#)
> - [Ohio Juvenile Facilities](#)

In addition, Section 504 and *Title II* of the *Americans with Disabilities Act* (*ADA*) require the following: that all programs, services, and activities, including buildings and technology,[41] be accessible to persons with disabilities; that programs, services and activities, including educational services, be provided to persons with disabilities on an equal basis as for others; that communications with persons with disabilities be equally effective as communications with others; and that services to persons with disabilities be provided in the most integrated setting appropriate. Likewise, Section 504 and *Title II* require that parents or any other persons who have an association with a student and who have disabilities have an equal opportunity to access information as effectively as others. Appropriate auxiliary aids and services, such as accessible electronic documents, Braille materials or a sign language interpreter, must be made available whenever they are necessary to ensure effective communication with parents with hearing, vision, or speech disabilities.

Under Section 504, every student with a disability enrolled in a public school, including a public school serving students in a juvenile justice residential facility, is entitled to a free appropriate public education (FAPE)—that is, regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities are met. Section 504 requires an evaluation if a student needs, or is believed to need, special education or related services due to a disability. Decisions about special education and related services for a student with a disability must be made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the educational placement options.

Civil rights laws also require the provision of services to English learners so that they can overcome language barriers and meaningfully participate in their school's education program. In addition, *Title VI* of the *Civil Rights Act of 1964* (*Title VI*) requires facilities to ensure meaningful communication with parents with limited English proficiency (LEP) and provide them the same information provided to English-proficient parents in a manner and form they can understand, and to adequately notify LEP parents of information about a facility's educational programs, services, and activities that is called to the attention of non-LEP parents. This information may need to be provided through an interpreter and/or translated materials at the expense of the facility.

Principle II: *Necessary funding to support educational opportunities for all youths within long-term secure care facilities, including those with disabilities and English learners, comparable to opportunities for peers who are not system-involved.*

Why this principle? The establishment of a safe, supportive, and engaging educational environment with caring teaching staff, whether in a public or private community school or a juvenile justice secure care facility, depends on access to adequate funding. Provisions for dedicated funding to cover the cost of comparable educational opportunities for youths in secure care settings should be part of the strategic plans for both educational and juvenile justice agencies, and the schools under their purview.[42]

Statement of the problem. Economic challenges can create barriers to funding education programs to the levels needed in secure care settings. The first challenge is the competition for a limited amount of money, which, if met, would allow agencies and/or facilities to address safety, security, and educational priorities in a non-exclusive and interdependent way. Moreover, the different ways funding formulas are established by federal, state, and local governments pose an additional challenge. For instance, a principal in a school housed in a secure care setting may have a budget determined by a state's juvenile justice and educational agencies, and by a local school district, and that also includes federal dollars. Without parameters for developing a dedicated education budget and the assignment of responsibility for providing such funding, the school's instructional leader could be responsible for an exemplary education program but lack the funding and the authority necessary to expend funds for it.[43] Unless responsibility is assigned and provisions for collaboration are made across facility priority areas, there is a danger that federal, state, and local funds intended for specific purposes may go unused or may not be used strategically to fully address youths' needs.

Making it happen. It is important for juvenile justice agencies and secure care facilities to be aware of the availability of existing funds and make provisions to administer them in ways that ensure the effectiveness of education programs for the youths in their care.[44] This often requires state and local policies to dictate how dollars are to be spent in juvenile justice programs. However accomplished, it is critical that facilities have access to available funding that allows them to provide educational opportunities and services to youths in secure care settings comparable to those for students in community schools.[45]

Core activities recommended for secure care facilities that support this principle:

1) **Plan and develop dedicated and appropriate education budgets at the agency and facility levels.**

One way to ensure that educational services are a priority is for the agency operating the secure care facility, the agency responsible for education in the facility, or the facility itself to have an individual education budget category in its overall budget. Given the extensive education needs of committed youths, education budgets should be funded sufficiently to enable secure care facilities to provide education programs comparable to those provided in the public school system and to fully address the needs of the students in their care. Moreover, comparable educational opportunities may be further realized when agencies' budgets provide funding to hire and retain teachers who have demonstrated their effectiveness and to maintain the materials, equipment, and specialized services and supports needed to ensure quality educational services.

2) **Establish processes to ensure that secure care facilities receive adequate state and local funds and effectively leverage available federal education dollars to supplement core education programs.**

To the extent required by applicable federal law, federal funds available for use in educational programs in secure care settings must supplement, not supplant, core education programs to ensure that youths have the proper instruction, materials, supports, and services to foster academic success. Given the unique challenges to providing comparable education programs to students in secure care settings, facilities should be provided with adequate funding from a combination of local, state, and federal sources to support a quality education for all students. SEAs and LEAs should encourage secure care facilities to consider budget priorities and immediately address budget plans that do not provide sufficient core education funding before Federal dollars are applied. Additionally, facility administrators should be encouraged to collaborate with each other to share strategies and best practices for aligning facility budgets with students' educational needs. With technological advances, SEAs, LEAs, and juvenile justice schools can be connected electronically, which makes the task of budget planning and tracking more feasible.

Principle III: *Recruitment, employment, and retention of qualified education staff with skills relevant in juvenile justice settings who can positively impact long-term student outcomes through demonstrated abilities to create and sustain effective teaching and learning environments.*

Why this principle? Students in secure care settings are often behind their peers academically[46] and present a high incidence of disabilities.[47] Thus, students often enter facilities with significant academic deficits and a heightened need for exposure to teachers with the tools necessary to close achievement gaps and motivate students to seek opportunities for educational success. A 2008 study of teacher performance, including teachers who demonstrated effectiveness with students at risk, concluded that teaching quality was a major determinant of students' academic gains.[48] This study suggests that students who are at risk and who have not had positive educational experiences in the past need teachers who set high expectations and demonstrate a range of competencies. These competencies include (1) ensuring that students have all the supports and resources they need to succeed; (2) understanding the importance of addressing both behavioral and academic goals; (3) recognizing the need for a teacher-student relationship founded on respect, fairness, and responsiveness; (4) continuously evaluating instruction; (5) making decisions based on student needs; and (6) providing timely, constructive feedback to students about progress.

Statement of the problem. It is essential to have education staff and other facility personnel equipped to create and sustain effective teaching and learning environments in order to establish a quality secure care education program. However, identifying and hiring such individuals is often problematic for juvenile justice agencies and the facilities they oversee. In cases where educational programming in a secure care setting is provided by a partner school district, it may also be the case that the school district has difficulty recruiting and retaining such staff. This is partly because of prospective teachers' and other educational staff's preconceived ideas about working with committed students and about the work environment in secure care settings. But to truly meet their students' needs, juvenile justice agencies and schools need strategic, deliberate plans and budgets to recruit, employ, and retain, effective and qualified educational staff capable of engaging and supporting this unique student population. The lack of professional development opportunities specific to teaching in secure care settings may also be a barrier to retaining quality educational staff who may struggle to address the behavioral and academic needs of their students in an environment that is initially foreign to them—or at least very different from previous teaching settings.

Making it happen. In collaboration with SEAs and school districts, juvenile justice agencies and facilities should identify ways to provide ongoing professional development opportunities for education staff, improve supervision and evaluation, and assess and improve staff retention. There is much discussion about what constitutes educator success and how it can be measured and evaluated. Placing appropriately qualified, engaged, and supportive teachers and staff in every classroom in secure care settings, and then

supporting those teachers with training, resources, and supports, increases the chance of reengaging students so they can ultimately reach long-term educational goals, including postsecondary education.

Core activities recommended for secure care facilities that support this principle:

1) **Require that education staff, including special education, LEP, and related service providers, hold valid education credentials consistent with federal requirements and state laws.**

In an effort to provide comparable educational services for youths who are committed, the state or local agency responsible for providing education in the secure care facility should ensure that teachers instructing committed youths are hired based on the needs of the school and students served. Consistent with state law, teachers should be placed in teaching positions for which they are credentialed and best suited. There are also provisions under the *ESEA* and *IDEA* that may apply with respect to hiring "highly qualified" public school teachers for students enrolled in secure care facility schools.[49] In addition, involved agencies and facilities may want to establish formal hiring procedures and protocols that go beyond routine civil service requirements and are specifically designed for educators in secure care settings. These protocols may require applicants without previous experience providing instruction in secure care settings to demonstrate experience or knowledge of effectively teaching youths who are struggling, disengaged in school, and/or at high risk for not completing school; effective behavior management techniques; and the ability to address individual students' needs, including specific disabilities (e.g., hearing impairment, cognitive disabilities) and limited English proficiency.

2) **Provide or otherwise facilitate access to professional development opportunities for education staff so they can develop skills to address the unique needs of students in juvenile justice settings more effectively.**

Few teachers begin their teaching career in any type of a juvenile justice residential facility. Therefore, it is important to provide professional development to help juvenile justice educators improve the skills that address their students' needs.[50] Professional development options should be designed and implemented strategically throughout the school year based on teachers' assessed needs. An annual staff development plan for teachers in secure care settings should include teacher input and decision making regarding the content and types of professional development opportunities that would be of greatest assistance given the needs of the students they serve.[51]

Teachers in secure care settings face many challenges in addressing the needs of a young mobile population, many of whom have not had positive educational experiences and/or who may be struggling academically. Agencies may want to consider, for example, professional development opportunities in the following areas to enhance teacher effectiveness with committed youth: effective classroom behavior management practices, individualized instruction, culturally responsive instructional techniques, instructional practices that take into account transient populations, setting high expectations for students enrolled in an interim educational setting, creative ways of implementing comprehensive curriculum to the fullest extent possible in secure settings, ways of addressing the needs of students engaged in multiple courses in one class period (e.g., a secondary math class that has students enrolled in business math, algebra I, and trigonometry), and creating positive conditions for learning in a secure care facility classroom.

Teachers in secure care settings also need to understand and have access to the professional development topics and content provided to teachers in the public school system. Opportunities to attend professional activities outside the facility may help teachers in secure care settings better assist their students in developing skills to help them return to a traditional school (see Principle V below). Such opportunities could also help teachers in secure care settings feel integrated with the larger teaching community and continue to grow as professionals.

3) **Use a teacher evaluation process that continuously assesses teacher performance based on accepted state standards for highly effective instruction.**

Agencies responsible for providing educational services in a secure setting should consider establishing a teacher evaluation system that assesses teacher effectiveness to the same high standards and level of rigor as teachers in the public school system—observation, a demonstration of student growth in content mastery, and other factors—with special consideration for the unique role of teachers in secure care settings. As agencies address this core activity, they should identify the key performance dimensions that most clearly affect student achievement—especially considering the unique needs of students in secure care settings—and assess teachers and other education staff based on those dimensions.

Consistent with state law, the evaluation protocols and rubrics for determining educator effectiveness may address general areas, such as classroom management, instruction and mastery of subject matter content, the use of various instructional techniques and strategies, the ability to establish strong teacher-student relationships, cultural responsiveness, and the ability to create a positive learning environment in the classroom. In this process, particular attention should be given to the uniqueness of the correctional education setting and the greater proportion of high-need students. Further, juvenile justice agencies and facilities should review overall state and local district outcomes of the teacher evaluation system and use these findings to inform the annual professional development agenda and content.

Teacher evaluation is a critical function of the agency responsible for educating committed youths. However, as the education leaders in the school, school administrators' ability to evaluate staff fairly and effectively and help improve instruction and practice is no less important. Administrative evaluations should be aligned with teacher evaluations and reflect the administrator's effectiveness at promoting improved student outcomes.[52] School principals and other administrators in secure care settings play an important role in creating the right conditions for effective teaching and learning.

Principle IV: *Rigorous and relevant curricula aligned with state academic and career and technical education standards that utilize instructional methods, tools, materials, and practices that promote college- and career-readiness.*

Why this principle? Research has demonstrated that exposure to a rigorous, relevant curriculum is a strong determinant of post–high school achievement.[53] Secure care facilities may have the resources necessary to educate students in safe, supportive, and engaging environments with teachers who have demonstrated their effectiveness, but even this can fall short of preparing students for future success if teaching and learning are not aligned to rigorous college and career ready standards. Agencies responsible for educational offerings in secure care settings should adopt and promote a rigorous and relevant curriculum based on college- and career-ready standards, as well as provide a variety of career and technical options for interested youths. They can achieve this goal by instituting 21st-century educational practices to develop students' skills that develop collaboration, digital literacy, critical thinking, and problem solving. The agency responsible for educational services should be strategic and thoughtful in its efforts, especially when the school is located on the grounds of a juvenile justice facility.

Statement of the problem. Schools in secure care settings have many features that differ from a regular school setting. Some issues that make it difficult for education programs in secure care settings to meet the standards established for public and private schools include

- disruptions during the school day;

- interruption of the instructional program by institutional activities (e.g., facility-based therapy and counseling, security procedures, counts, moving youths among different settings within the facility);

- the use of "drill and practice" in core academic areas rather than engaging, research-based, effective instructional strategies;

- overreliance on online "credit recovery" computer programs, especially when used without qualified teachers, or when not used as intended, including by students who cannot read at the level at which the course is designed;

- inadequate fiscal and administrative support; and

- philosophical and mission differences between or within agencies.[54]

There is an ongoing discussion regarding the best way to approach curricula for students in these settings.[55] Because the prevalence of youths with disabilities is higher in juvenile justice settings than in the general student population, some advocate more alternative curricular choices. However, research has demonstrated that such choices limit students' access to the broader curricular offerings that federal law requires students with disabilities in secure care to have access to.[56] For example, in a facility school where administrators choose to concentrate on GED test preparation, the same academic and career and technical educational opportunities available to students in community public and private schools, such as obtaining a regular high school diploma, may not be offered. To best meet youths' needs, it is recommended that the full continuum of educational opportunities, whether in secure care or otherwise, be made available particularly when necessary to ensure the provision of FAPE to students with disabilities under *IDEA* or Section 504.[57]

Making it happen. Although secure care settings can present very real challenges to offering comprehensive curricula, and legitimate arguments exist for focused, individualized offerings, juvenile justice agencies should carefully track and monitor each youth's long-term educational and vocational aspirations and goals. A youth's temporary circumstances (i.e., placement in secure care) should not dictate the curricula available to him or her, and agencies should ensure that facility-based schools can provide committed students educational opportunities comparable to those for students in community schools consistent with federal and state law. Whatever a student's goal happens to be—high school diploma, college preparation, GED, career and technical training—the curriculum should be designed so that students can transition to their community school settings successfully and make appropriate gains. Juvenile justice and educational agencies can promote and ensure rigor and relevance in the curricula offered to students in their care by providing access to curricula that both meet students' needs and are aligned with state academic and career and technical standards.

Core activities recommended for secure care facilities that support this principle:

1) **Employ current instructional methods and materials appropriate to a student's age, grade placement, development, and culture.**

Despite their location in a facility, secure care classrooms should not be considered lesser learning environments where outdated materials and busy work are the norm. Instead, instructional tools and approaches employed by teachers in juvenile justice settings should be aligned closely with instructional practices in today's community schools, including differentiated instruction, universal screening, progress monitoring (see page 11 for more information on tiered supports), and the use of technology-enhanced learning with appropriate teacher and staff support. When deciding on instructional methods and materials, teachers should consider the ages, developmental levels, reading and skills levels, and emotional and behavioral needs of their students. Teachers must also consider whether their students have disabilities and have been receiving, or need to receive, assistive technology[58] and/or other additional related services under

IDEA or Section 504 in order to participate in the general education curriculum, consistent with their IEP or Section 504 plan.[59] Teachers also need to provide instruction aligned with college- and career-ready standards, and will likely need to be creative in selecting the most appropriate methods and materials, including new and emerging technology.

Integrating technology-enhanced learning in the secure care classroom is critical to achieving positive outcomes for youths in these settings. Although security concerns have been identified as potential barriers to high-quality education that includes Internet-based coursework and supplemental materials, many facilities have identified strategies to implement technology-enhanced learning while maintaining a secure learning environment. However, an over-reliance on computer-based, credit recovery programs without teacher support or using programs that are not matched to the student's reading level is not an effective approach to teaching tools. Another consideration is that technology-enhanced learning strategies must also be accessible to students with disabilities, who, under Section 504 and Title II of the *ADA*, must have an equal opportunity to participate in, and benefit from, the technology and teaching strategies that are being offered to others.[60] Today's students and teachers use the Internet in many facets of the teaching-learning process, and allowing system-involved youths to be deprived of this educational tool promotes inequities. Secure-care schools can employ firewalls, filters, special programming, and other methods to restrict student access to educationally relevant sites only. The facility, through the leadership of the agency (or agencies) operating a juvenile justice facility, and school program can establish (1) policies, procedures, and practices that keep students on the desired programs and content; (2) classroom procedures for monitoring students' online behavior; and (3) appropriate responses to the misuse of technology.

2) Promote engagement in learning by setting high educational expectations for all students in the juvenile justice system.

Students typically perform best when they are encouraged to participate and are engaged in the task at hand.[61] Many students who are not engaging in their classwork may need to be shown the importance of the assignment and the relevance of the work to both short- and long-term goals. Short-term goals may focus on learning a less complex skill (e.g., multiplication of whole numbers and fractions) as the student attempts more complex skills (e.g., solving for a missing variable). Long-term goals may include awarding credits for a unit (e.g., algebra I) that promotes the attainment of a high school diploma.

Students are not being offered equal opportunities if and when juvenile secure-care schools automatically place them in a pre-GED or GED program of instruction without fully considering for each individual student the option of earning a regular high school diploma that is fully aligned with the state's academic content standards. Individuals holding a high school diploma generally have an earning potential of approximately $1,600 more in mean monthly earnings than those with a GED.[62] In addition, 73 percent of high school graduates are likely to seek some form of postsecondary education, whereas only 33 percent of GED recipients do so.[63] Education programs operating in juvenile justice facilities should offer a full continuum of programming that includes a curriculum leading to a regular high school diploma, a GED in some cases, career and technical education, and postsecondary education. The decision to place a youth in any program of instruction other than one that leads to a regular high school diploma should be a decision made after careful consideration of student records, assessments, and input and agreement from the youth and his or her family.

3) **Require that students in juvenile justice residential facilities participate in the same curriculum and state accountability systems as students in traditional schools, and provide instruction and assessments with appropriate services and accommodations for students with disabilities and English learners.**

State education and juvenile justice agencies should develop joint policies or memoranda of understanding requiring that students who receive education in secure care settings have access to the same curriculum as those who are not system-involved. Furthermore, secure-care education programs should appropriately participate in the state assessment and accountability system through which all public schools in the state are evaluated.[64,65] SEAs must ensure that students, including students with disabilities, committed to juvenile justice facilities are appropriately included in general state and districtwide assessments, if those students are otherwise required to be included in assessments under section 1111 of the *ESEA*. Students with disabilities who are taking assessments must be provided, if those students are otherwise required to be included in such assessments, appropriate accommodations and alternate assessments, where necessary and as indicated in their respective IEPs or 504 plans.[66]

Because many youths in juvenile justice residential facilities have a disability and/or have been identified as English learners,[67,68] the responsible public agency must provide appropriate instructional services and accommodations to promote academic success for these students, consistent with *Title VI*, *IDEA*, Section 504, and *Title II*. With respect to English learners, the *Equal Educational Opportunities Act of 1974* (*EEOA*) also requires that states and LEAs take appropriate action to help these students overcome language barriers that may impede their equal participation in instructional programs as well as their appropriate participation in state assessments.

Consistent with state law, it is important for facility-based schools to become recognized as a "public school" subject to the same requirements as other schools in the state. Attaining this status not only raises educational expectations and rigor for the school and students but is also critical when students transition to a community school setting. If a facility-based school is recognized as a public school under state law, credits are more likely to transfer and be accepted by the receiving school.

4) **Collect and use data to monitor student academic progress, make data-informed decisions, and continuously evaluate and improve the education program.**

To ensure that instructional methods are effective and students are receiving the services they need to succeed, agencies and secure-care-facility schools should regularly collect and analyze data, consistent with *FERPA* or any other potentially applicable privacy laws, to (1) monitor individual student academic needs and progress; and (2) evaluate and inform decisions regarding the education program. Secure care facilities may be required to collect student academic data for their local district reporting requirements. In addition, there are other data collection requirements for federal education programs, such as Title I, Part D of the *ESEA* and the *IDEA*, as well as the Civil Rights Data Collection.[69] Although collecting and reporting data are not sufficient to enhance education programs, these data can provide meaningful information for improvement and equity.

Administrators should seek to develop a "data culture" in which the collection and analysis of high-quality data and progress monitoring are viewed as integral to the rigor and continuous quality improvement of the education program.[70, 71, 72] Agencies and secure-care education programs *each* should develop continuous improvement plans in which short- and long-term educational targets or goals—based on a needs assessment—are established. The educational goals and targets for secure-care schools should take into account those of community schools to ensure that their rigor and instructional methodologies align. Given the year-round and frequent movement of students in secure care, these data should be routinely reviewed, analyzed, and used to inform decisions while taking into account local priorities and goals. If additional

data are needed to inform decision making, facility administrators can collect them or examine other methodologies for data collection (e.g., classroom observation, surveys, or focus groups with students, families, teachers, and/or staff). Please refer to page 6 for information on *FERPA* related to the use of personally identifiable information from students' education records.

> **5)** **Provide access to postsecondary programming, including college and career and technical education, that prepares students for a successful transition to adulthood.**

Students who enter juvenile justice secure care settings with a high school diploma or GED, or who may earn either of these two degrees while in a facility school, may choose to continue their education while incarcerated. According to the U.S. Census Bureau, there is a strong relationship between the education level attained and earning, and higher levels of education allow individuals access to more specialized jobs often associated with higher pay and year-round employment.[73] To ensure that youths committed in juvenile justice residential facilities are afforded the education necessary to promote positive citizenship and grow into productive and contributing young adults, juvenile justice and educational agencies should determine the best way to provide postsecondary opportunities, including for students with disabilities[74] and English learners.

Principle V: *Formal processes and procedures—through statutes, memoranda of understanding, and practices—that ensure successful navigation across child-serving systems and smooth reentry into communities.*

Why this principle? Equipping youths with the tools and skills necessary to succeed when reentering the community is critical to reducing recidivism.

Statement of the problem. Although many facilities have staff dedicated to reentry, they often work in isolation and without necessary internal and external support and resources. Even students in high-quality, well-funded education programs with exceptional teachers need systems and staff in place to help them as they move into facilities, and again upon their exit. To truly facilitate successful reentry for youths, juvenile justice agencies should prioritize the continuity of students' academic career (addressing, as appropriate, transition into postsecondary education or career), allocate sufficient reentry-devoted resources, institute and implement comprehensive individual plans for students immediately upon community entry, and establish connections with other child-serving agencies and community-based supports. Because youths involved with the juvenile justice system often must work to overcome so many barriers to success, a single agency, school, facility, or individual working in isolation to help them, even with the best of intentions, is almost certain to be unable to meet all of a youth's needs. Collaboration among agencies, facilities, families, and community stakeholders strengthens the reentry process and can create the safety net necessary to help prevent youths from reentering the juvenile justice system.[75]

Making it happen. Child-serving agencies and community-based stakeholders should work together to establish formal procedures and processes in which goals and action steps for successful reentry are outlined in detail rather than left to chance. The juvenile reentry literature suggests an extensive yet achievable list of practices to afford youths with opportunities to become productive citizens who can contribute in ways that align with their own capacities and skills. Some of the most successful reentry models have the following characteristics: (1) frequent contact with family and youth; (2) close coordination across all child-serving systems including juvenile justice, mental health, and education; (3) individualization of service that matches the family lifestyle; (4) quickly addressing transition issues when they arise; and (5) identification of a caring adult who both the youth and family can call on regarding minor and major concerns, and who acts as an advocate for the youth and family.[76, 77]

Core activities recommended for secure care facilities that support this principle:

1) **Immediately upon entry of a youth into a juvenile justice residential facility, create individualized prerelease plans in partnership with the youth and his or her family that identify action steps and support services to ensure reenrollment in a community school and reduce the likelihood of rearrest or reoffending.**

Juvenile justice settings should establish reentry teams whose primary task is to prepare a draft of a youth's reentry plan during the initial stages of his or her commitment to secure care.[78] The reentry team would examine the youth's presenting information by reviewing assessments and records from previous providers, conducting family interviews, and assessing the student's current functioning.[79] These plans should address some of the following areas: educational goals, both short- and long-term; supports and services that help ensure success for reentry into the community and home; psychoeducational assessments; supports needed for the family to promote reentry goals; and action steps for youths, the family, facility, and community partners, including the community school to which a youth is returning, to ensure a smooth reentry. A youth's reentry plan can be drafted during a youth staffing or case review meeting, and refined during subsequent meetings.

Typical reentry team members include the youth, his or her parents or guardians, and the

- reentry coordinator, who is responsible for coordinating with programs and agencies before and after release;

- facility education staff, who are responsible for providing educational services;

- facility treatment provider, if appropriate, who provides substance abuse, mental health, or other services;

- community liaison, such as the probation officer, who is knowledgeable of programs and services available in the youth's community;

- transition specialist, who acts as the liaison between the facility and community school, and who is knowledgeable of postsecondary preparation and planning for youths with disabilities; and

- vocational rehabilitation counselor, who is responsible for postsecondary education and/or employment for qualified youths with disabilities.

The participation of the youth and his or her family in the development, approval, and implementation of the reentry plan is necessary, and their engagement should be active rather than passive.[80] They should not only know the educational goals in the transition plan but also be able to identify action steps and the parties responsible for each activity or task.[81] Engaging the youth and family throughout the reentry process and ensuring they know the action steps in the plan will increase the likelihood that all partners are informed about and committed to the plan's full implementation. To ensure a better reentry, outcomes, and involvement in the reentry process, it is important to embed in it appropriate cultural and linguistic practices aligned with the youth and family's background. The reentry plan should identify supports that family members need to implement the action steps assigned to them. Finally, if a student has a disability, the entire IEP team must participate in reentry planning.[82]

2) **Prior to release, offer additional formal learning opportunities for the youth that are grounded in evidence- and practice-based service models and focused on social, emotional, and behavioral skill development, especially for youths with mental health conditions.**

A youth's stay in juvenile justice settings typically is less than a year, and many youths are released within six months of confinement.[83] To ensure proper reentry, youths should participate in an additional formal prerelease course of study that promotes skill development to increase the likelihood of reenrollment in school and reduce the potential for reoffending.[84] In addressing this portion of the reentry plan, the facility prerelease course might include a review of the youth's action steps found in his or her reentry plan; legal responsibilities upon release, such as those found in probation orders/plan; social skills development in areas such as negotiation, situational decision making, questioning, anger management, self-regulation and control, good citizenship, compassion for victims of crime, and interpersonal relationships; and reintegration with family and school. In addition, with support from their transition specialists, youths can construct an individualized portfolio of accomplishments during confinement that could include certificates of achievement, awards, highlights of educational accomplishments, testing results, and completed skills development.

Given the large percentage of youths with disabilities in secure care settings, specialized programming and recognized models of service should be in place and must comply with the requirements of *IDEA*, Section 504 and *Title II* of the *ADA*. In addition, youths with disabilities who have mental health conditions and emotional disturbance who are leaving a secure setting and reentering the community may have additional transition needs.[85] Youths with mental health conditions, as compared to system-involved youths without these concerns, will need additional supports and services both to increase the likelihood of school reenrollment and success, and to decrease the chances of reentering the juvenile justice system.

3) **Establish policies and procedures that promote school assignments best suited for students' educational success and the timely transfer of their accurate education and related records.**

If reentry team members have implemented effective reentry planning, coordinated with a transition specialist (who acts as the liaison between the facility and community school), and collaborated with court-related staff, then the youth should experience both a speedy and appropriate assignment to a school in the community upon release.[86] The youth should be reenrolled in school immediately after release from the secure care setting to ensure reengagement with the school community and adherence to legal probation requirements. Such a course of action will help increase school success and reduce the likelihood of recidivism.

It's Not Just Best Practice!

Under *IDEA*, when a student with a disability transfers to a new public agency and enrolls in a new school in the same school year, the new public agency and the previous agency in which the student was enrolled must take reasonable steps to exchange the student's IEP and other records related to the provision of special education services (34 CFR 300.323(g)). For additional information, please see:

- [Dear Colleague Letter on the Individuals with Disabilities Education Act for Students with Disabilities in Correctional Facilities (IDEA in Correctional Facilities DCL)](#)

To enable the facility school and community school staffs to adequately support a youth's return to school, support a youth's educational development and, ultimately, his or her educational goals, education records and supporting information should be requested, sent, retrieved, reviewed, and analyzed to ensure a greater understanding of the youth's needs and strengths.[87] All too often delays in receiving a youth's

records jeopardize his or her timely reenrollment in school and appropriate placement. The *sending* school or agency should ensure that the records are accurate and complete, the data collected are pertinent to the youth's education, and the transfer is timely. Facilities and schools should ensure that the information exchanged is handled discreetly, respectfully, confidentially, and consistent with federal law.[88] Sharing data and information is a key step in effective collaboration between facility schools and community schools as well as the child-serving agencies that support both school settings.[89]

Conclusion

Reforming and improving education programs in juvenile justice secure care settings to provide committed youths with high-quality instruction and supportive services comparable to those provided to students in community schools represents a monumental step forward for our nation's juvenile justice system. It is the responsibility of government at every level to work with communities and in collaboration with secure care facilities to ensure that committed youths are provided every opportunity to rehabilitate and reenter the community prepared to exercise the duties and opportunities of productive citizenship. Accomplishing this goal entails implementing reforms within secure care settings that are grounded in research, reflect the best of evidence-based practices in the field, and support the facility administrators, teachers, and other staff who work with committed youths each and every day by providing them with the most effective guidance and sufficient resources to achieve their collective missions and obligations under federal and state law. This report is but a first step toward mobilizing collective action to ensure that all secure care settings can become true engines of hope, opportunity, and advancement for some of our most at-risk young people. As a nation, we must do no less.

Endnotes

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

[2] U.S. Department of Justice, Office of Justice Programs, Juvenile Justice and Delinquency Prevention, *Juveniles in Residential Placement, 2011*, p. 3 (National Report Series Bulletin, August 2014). Retrieved from http://www.ojjdp.gov/pubs/246826.pdf.

[3] Leone, P. & Weinberg, L. (2012). *Addressing the unmet educational needs of children and youth in the juvenile justice and child welfare systems.* Washington, DC: Center for Juvenile Justice Reform, Georgetown University Public Policy Institute. Retrieved from http://cjjr.georgetown.edu/pdfs/ed/edpaper2012.pdf.

[4] Sedlak, A. J. & McPherson, K. (2010). *Survey of youth in residential placement: Youth needs and services*. Rockville, MD: Westat. Retrieved from https://www.ncjrs.gov/pdffiles1/ojjdp/grants/227660.pdf.

[5] Toro, P. A., Dworsky, A., & Fowler, P. J. (2007). Homeless youth in the United States: Recent research findings and intervention approaches. In D. Dennis, G. Locke, & J. Khadduri (Eds)., *Toward understanding homelessness: The 2007 National Symposium on Homelessness Research,* pp. 6-1–6-33. Washington, DC: U.S. Department of Health and Human Services and U.S. Department of Housing and Urban Development. Retrieved from http://aspe.hhs.gov/hsp/homelessness/symposium07/report.pdf.

[6] For the purposes of this document, we use "mental health conditions" to refer generally to conditions and behaviors that may indicate the presence of a mental, emotional, or behavioral disorder—such as suicidal ideation, trauma, substance use, and other such behaviors—that may or may not constitute a disability for the purposes of the *Individuals with Disabilities Education Act* (*IDEA*) or Section 504 of the *Rehabilitation Act of 1973* (Section 504) and *Title II* of the *Americans with Disabilities Act of 1990* (*Title II*). Students displaying mental health conditions must be identified, located, and evaluated under *IDEA* and Section 504 to determine whether they meet the definition of a child with a disability and are therefore eligible for special education.

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[8] 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(3), pp. 339-345.

[9] Brenda, B. B. & Tollet, C. L. (1999). A study of recidivism of serious and persistent offenders among adolescents. *Journal of Criminal Justice*, *27*(2), pp. 111–126.

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[12] Mace, D., Rohde, P., & Gnau, V. (1997). Psychological patterns of depression and suicidal behavior of adolescents in a juvenile detention facility. *Journal of Juvenile Justice and Detention Services*, *12*(1), pp. 18–23.

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[14] Freeman, R. B. & Rogers, W. M. (1999). *Area economic conditions and the labor market outcomes of young men in the 1990s expansion*. Cambridge, MA: National Bureau of Economic Research. Retrieved from http://www.nber.org/papers/w7073.pdf?new_window=1.

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[16] R. Balfanz, K. Spiridakis, R. Neild, and N. Legters. (2003). High poverty secondary schools and the juvenile justice system: How neither helps the other and how that could change. *New Directions for Youth Development*, 99, pp. 71-89.

[17] Holman, B. & Ziedenberg, J. (2006). *The dangers of detention: The impact of incarcerating youth in detention and other secure facilities*. Washington, DC: Justice Policy Institute. Retrieved from http://www.justicepolicy.org/uploads/justicepolicy/documents/dangers_of_detention.pdf. Also see Leone, P. & Weinberg, L. (2012). Ibid.

[18] Hockenberry, S., Sladky, A., & Sickmund, M. (2013). *Juvenile residential facility census, 2010: Selected findings*. Washington DC: Office of Juvenile Justice and Delinquency Prevention. Retrieved from http://www.ojjdp.gov/pubs/241134.pdf.

[19] Sedlak, A. J. & Bruce, C. (2010). Youth's characteristics and backgrounds: Findings from the survey of youth in residential placement. *Juvenile Justice Bulletin,* Office of Justice Programs, December 2010. Retrieved from http://syrp.org/images/Youth%20Characteristics.pdf.

[20] National Evaluation and Technical Assistance Center for Children and Youth Who Are Neglected, Delinquent, or At-Risk (NDTAC) (2012). *Title I, Part D, Subpart 2 and Subpart 1 Annual Performance Overview, School Year 2011–12*. Washington, DC. Retrieved from http://www.neglected-delinquent.org/sites/default/files/NDTAC_Ann_Perf_2011-12_1_508.pdf

[21] Sedlak, A. J. & McPherson, K. (2010). Ibid.

[22] Quinn, M.M., Rutherford, R.B., Leone, P.E., Osher, D.M., & Poirier, J.M. (2005). Ibid.

[23] Note that if there is a disclosure of "personally identifiable information" from student "education records," the disclosure must occur in a manner consistent with the *Family Educational Rights and Privacy Act* (*FERPA*) (see 20 U.S.C. § 1232g and 34 CFR part 99) and, if applicable, State

law and the confidentiality of information provisions in *IDEA* (20 U.S.C. § 1417(c) and 34 CFR § 300.622). Also, *IDEA* specifically addresses the reasonable steps that sending and receiving public agencies must take, consistent with *FERPA*, regarding the exchange of student records when a student with a disability transfers into a new school district and enrolls in a new school in the same school year (see 34 CFR § 300.323(g)). See page 6 for more information about *IDEA* and *FERPA*.

[24] For the purpose of this document, we use the terms "entry" and "reentry" to refer to movement between the juvenile justice residential facilities, local education agencies, and the student's community. We use "transition" to refer to movement along a student's academic career, from high school coursework to postsecondary coursework and a career.

[25] Stephens, R.N. & Arnette, J.L. (2000). *From the courthouse to the schoolhouse: Making successful transitions.* Washington, DC: U.S. Department of Justice. Retrieved from https://www.ncjrs.gov/pdffiles1/ojjdp/178900.pdf.

[26] For more information on access to educational technology, refer to the June 29, 2010, ED and DOJ Joint "Dear Colleague" Letter (DCL): Electronic Book Readers at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.html and the May 26, 2011, Frequently Asked Questions about the Joint DCL on access to electronic book readers at http://www2.ed.gov/about/offices/list/ocr/docs/dcl-ebook-faq-201105.html.

[27] U.S. Department of Education. (2014). *Guiding principles: A resource guide for improving school climate and discipline.* Washington, DC: Author. Retrieved from http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf.

[28] Osher, D., Sidana, A., & Kelly, P. (2008). *Improving conditions for learning for youth who are neglected or delinquent.* Washington, DC: National Evaluation and Technical Assistance Center for Children and Youth Who Are Neglected, Delinquent, or At-Risk (NDTAC). Retrieved from http://www.neglected-delinquent.org/sites/default/files/ImprovingConditionsforLearningforYouthWhoAreNeglectedorDelinquent.pdf.

[29] Gagnon, J. C. & Richards, C. (2008). *Making the right turn: A guide about improving transition outcomes of youth involved in the juvenile corrections system.* Washington, DC: National Collaborative on Workforce and Disability for Youth, Institute for Educational Leadership. Retrieved from http://www.ncwd-youth.info/assets/juvenile_justice/making_the_right_turn.pdf.

[30] O'Brennan, L. & Bradshaw, C. (2013). *Importance of school climate*. Washington, DC: National Education Association. Retrieved from https://www.nea.org/assets/docs/15889_Bully_Free_Research_Brief-print.pdf.

[31] Barton, W. H. & Butts, J. A. (2008). *Building on strength: Positive youth development in juvenile justice programs*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago. Retrieved from http://www.yapinc.org/Portals/0/Documents/Resources/Chapin%20Hall%20Report-YAP%20Mention.pdf.

[32] U.S. Department of Education. (2014). *Guiding principles: A resource guide for improving school climate and discipline.* Washington, DC: Author. Retrieved from http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf.

[33] Barton, W. H. & Butts, J. A. (2008). *Building on strength: Positive youth development in juvenile justice programs*. Chicago, IL: Chapin Hall Center for Children at the University of Chicago. Retrieved from http://www.yapinc.org/Portals/0/Documents/Resources /Chapin%20Hall%20Report-YAP%20Mention.pdf.

[34] In addition, consideration must be given to other federal civil rights laws, including Title VI of the *Civil Rights Act of 1964* prohibiting discrimination on the basis of race, color or national origin by recipients of federal financial assistance, and *Title IX* of the *Education Amendments of 1972* prohibiting discrimination based on sex by recipients of federal financial assistance, and any other applicable state and federal laws that protect the privacy of student information.

[35] See ORC & OSERS DCL (http://www2.ed.gov/policy/gen/guid/correctional-education/cr-letter.pdf and http://www2.ed.gov/policy/gen/guid/correctional-education/idea-letter.pdf). Both letters address federal requirements applicable to the discipline of students with disabilities and to prevent students with disabilities from being inappropriately excluded from educational services for misconduct that is a manifestation of their disability.

[36] Read, N. W. & Lampron, S. (2012). *Supporting student achievement through sound behavior management practices in schools and juvenile justice facilities: A spotlight on positive behavioral interventions and supports* (PBIS). Washington, DC: National Evaluation and Technical Assistance Center for Children and Youth Who Are Neglected, Delinquent, or At-Risk (NDTAC). Retrieved from http://www.neglected-delinquent.org/sites/default/files/docs/SupportingStudentAchievement.pdf.

[37] For communicating with family members or others, federal civil rights laws require that facilities ensure meaningful communication with those family members with limited English proficiency in a language they can understand, and ensure that communication with those family members with vision, hearing, or speech disabilities is as effective as that provided to others, using whatever auxiliary aids and services (such as accessible electronic materials, Braille materials for individuals who are blind or visually impaired, or sign language interpreters for individuals who are deaf or hearing impaired) are needed to ensure effective communication. See *Title VI* of the *Civil Rights Act of 1964*, 42 U.S.C. § 2000d, which prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance, and Section 504 of the *Rehabilitation Act of 1973* and *Title II* of the *Americans with Disabilities Act of 1990*, both prohibiting discrimination based on disability, the former by recipients of federal financial assistance, the latter by public entities. 29 U.S.C. § 794; 42 U.S.C. §§ 12131 et seq.; see OCR DCL (http://www2.ed.gov/policy/gen/guid/correctional-education/cr-letter.pdf) on students in secure care facilities for more information about these communication obligations.

[38] A typical school day for youths in traditional public schools is 6 to 7 hours long, but only 45 percent of youths in the juvenile justice system spend at least 6 hours a day in school. See Sedlak, A. J., & McPherson, K. (2010). *Youth's needs and services: Findings from the survey of youth in residential placement*. Retrieved from https://www.ncjrs.gov/pdffiles1/ojjdp/227728.pdf.

[39] Holman, B. & Ziedenberg, J. (2006). *The dangers of detention: The impact of incarcerating youth in detention and other secure facilities*. Washington, DC: Justice Policy Institute. Retrieved from http://www.justicepolicy.org/uploads/justicepolicy/documents/ dangers_of_detention.pdf.

[40] States and local governments should consider when Medicaid reimbursements are available to provide services to this population, including the Medicaid program's Early Periodic Screening, Diagnosis and Treatment Program (EPSDT) that is intended to reimburse for any "medically necessary" services that fall within the parameters of the program, including therapy and most general and mental health care for students ages 21 and younger. See http://mchb.hrsa.gov/epsdt/overview.html; 42 U.S.C.§§ 1396a(a)(10)(A), 1396a(a)(43), 1396d(a)(4)(B), 1396d(r).

[41] For more information, refer to the June 29, 2010, USDE and USDOJ Joint "Dear Colleague" Letter (DCL) Electronic Book Readers at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.html and the May 26, 2011, Frequently Asked Questions about the Joint DCL on access to electronic book readers at http://www2.ed.gov/about/offices/list/ocr/docs/dcl-ebook-faq-201105.html.

[42] See the OCR *Dear Colleague Letter on Resource Comparability* (2014) at www.ed.gov/ocr/letters/colleague-resourcecomp-201410.pdf. It covers federal civil rights laws prohibiting discrimination in the allocation and provision of educational resources based on race, color, national origin, sex, or disability.

[43] Meisel, S., Henderson, K., Cohen, M., & Leone, P. (1998). Collaborate to educate: Special education in juvenile correctional facilities. *Building Collaboration Between Education and Treatment for At-risk and Delinquent Youth,* pp. 59–72. Richmond, KY: National Juvenile Detention Association, Eastern Kentucky University. Retrieved from http://www.edjj.org/Publications/list/meisel_henderson_cohen_leone-1998.html.

[44] Federal programs under which funding may be available for education programs in juvenile secure care facilities include the IDEA, and certain programs under the *Elementary and Secondary Education Act of 1965* (*ESEA*), as amended, including *Title I*, Part A; *Title I*, Part D; *Title II*; and *Title III*. Covered services for eligible youths in juvenile justice facilities may also be funded through the state's Medicaid program. For more information about available federal funding and accessing it, facilities also may wish to consult their SEA.

[45] Note that *IDEA* has specific provisions related to ensuring that states have in place mechanisms for providing adequate resources for the education of students with disabilities, including interagency coordination and agreements (see 34 CFR § 300.154). These agreements help to ensure that all children with disabilities served under *IDEA* receive the special education and related services to which they are entitled, even if another State agency is responsible for providing or paying for necessary services. Interagency coordination is crucial to establishing agency responsibility for funding and service delivery that ensure the provision of all services necessary to provide FAPE to children with disabilities in juvenile justice facilities in a timely manner (see 20 U.S.C. § 1412(a)(12) and 1401(9)). This is particularly important if under state law a noneducational public agency is responsible for the education of children in secure care facilities. The failure to clarify financial responsibility for the cost of providing special education and related services is not a permissible basis for denying *IDEA*-eligible students with a disability the special education and related services to which they are entitled. See 34 CFR § 300.2(b)(1)(iv); 300.101-300.102, 300.149 and 300.154.).

[46] National Evaluation and Technical Assistance Center for Children and Youth Who Are Neglected, Delinquent, or At-Risk (NDTAC) (2012). *Title I, Part D, Subpart 2 and Subpart 1 Annual Performance Overview, School Year 2011–12*. Washington, DC. Retrieved from

http://www.neglected-delinquent.org/sites/default/files/NDTAC_Ann_Perf_2011-12_1_508.pdf
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[47] 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*(3), pp. 339–345.

[48] Grant, L., Stronge, J., & Popp, P. (2008). *Effective teaching and at-risk highly mobile students: What do award-winning teachers do?* Greensboro, NC: National Center for Homeless Education. Retrieved from http://www.sonoma.edu/TRIO-training/research/homeless/mobile.pdf.

[49] Section 1119 of *Title I*, Part A of the *ESEA* requires each SEA that receives *Title I*, Part A funds to develop and implement a plan to ensure that all teachers teaching in core academic subjects within the state are highly qualified. For a full discussion of the applicability of this requirement in secure care settings, please see question P-2 in Title I*, Part D: Neglected, Delinquent, and At-Risk Youth, Non-Regulatory Guidance* at http://www2.ed.gov/programs/titleipartd/legislation.html. *IDEA*'s requirements with respect to "highly qualified" special education teachers apply to public school special education teachers in secure care facilities (see 34 CFR §§300.18 and 300.156(c)). Under *IDEA*, the SEA and its LEAs must (1) establish and maintain qualifications to ensure that personnel necessary to carry out the purposes of the *IDEA* are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve students with disabilities; and (2) ensure that qualifications of related services personnel and paraprofessionals are consistent with any state-approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services (see 34 CFR §300.156(a)-(b) [applicability of personal qualifications requirements to the SEA and 34 CFR 300.201 and 300.207 making these requirements applicable to LEAs]).

[50] Mathur, S., Griller-Clark, H., & Schoenfeld, N. (2009). Professional development: A capacity-building model for juvenile correctional education. *The Journal of Correctional Education*, *60*(2), pp. 164–185.

[51] Gagnon, J. C., Houchins, D. E., & Murphy, K. M. (2012). Current juvenile corrections professional development practices and future directions. *Teacher Education and Special Education*, *35*(4), pp. 333–344.

[52] RAND Corporation. (2013). *Leadership matters: How to help principals promote teaching effectiveness*. Santa Monica, CA: Author. Retrieved from http://www.rand.org/content/dam/rand/pubs/corporate_pubs/CP600/CP693z6/RAND_CP693z6.pdf.

[53] Adelman, C. (2006). The toolbox revisited: Paths to degree completion from high school through college. Washington, DC: U.S. Department of Education. Retrieved from http://files.eric.ed.gov/fulltext/ED490195.pdf.

[54] Leone, P. & Weinberg, L. (2012). *Addressing the unmet educational needs of children and youth in the juvenile justice and child welfare systems.* Washington, DC: Georgetown University Center for Juvenile Justice Reform. Retrieved from http://cjjr.georgetown.edu/pdfs/ed/edpaper2012.pdf.

[55] Gagnon, J. C., Barber, B. R., Van Loan, C., & Leone, P. (2009). Juvenile correctional schools: Characteristics and approaches to curriculum. *Education and Treatment of Children, 32*(4), pp. 673-696. Retrieved from http://muse.jhu.edu/journals/etc/summary/v032/32.4.gagnon.html.

[56] Gagnon, J. C., Barber, B. R., Van Loan, C., & Leone, P. (2009). Ibid.

[57] Facilities operating programs using funds under Subpart 1 of *Title I*, Part D of the *ESEA* must ensure that, to the extent feasible, youths in those facilities have the same opportunities to meet the state's challenging academic achievement standards as children in the state's public schools. See 20 U.S.C. §§ 6434(a)(2)(B), 6435(a)(2)(B), 6436(3). Similarly, as appropriate, an LEA that receives funds under Subpart 2 of *Title I*, Part D must ensure that youths in local correctional facilities are participating in an education program that is comparable to the one the LEA operates in the school that the youths would otherwise attend. 20 U.S.C. § 6453(3).

[58] For more information, refer to the June 29, 2010, USDE and USDOJ Joint "Dear Colleague" Letter (DCL) Electronic Book Readers at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.html and the May 26, 2011, Frequently Asked Questions about the Joint DCL on access to electronic book readers at http://www2.ed.gov/about/offices/list/ocr/docs/dcl-ebook-faq-201105.html.

[59] Benner, G. J., Kutash, K., Nelson, J. R., & Fisher, M. B. (2013). Closing the achievement gap of youth with emotional and behavioral disorders through multi-tiered systems of supports. *Education and Treatment of Children*, *36*(3), pp. 15–29.

[60] The National Evaluation and Technical Assistance Center for Children and Youth Who Are Neglected, Delinquent, or At-Risk (NDTAC) has profiled several jurisdictions that have overcome challenges to using educational technology in secure care settings. See http://www.neglected-delinquent.org/neglected-or-delinquent-program-highlights.

[61] Taylor, L. & Parsons, J. (2011). Improving student engagement. *Current Issues in Education*, *14*(1). Retrieved from http://cie.asu.edu/ojs/index.php/cieatasu/article/viewFile/745/162.

[62] Ewert, S. (2012). *GED recipients have lower earnings, are less likely to enter college.* Random Samplings: The Official Blog of the U.S. Census Bureau. Retrieved from http://blogs.census.gov/2012/02/27/ged-recipients-have-lower-earnings-are-less-likely-to-enter-college/.

[63] Julian, T. & Kominski, R. (2011). Education and synthetic work-life earnings estimates. *American Community Survey Reports ACS-14*. Washington, DC: U.S. Census Bureau. Retrieved from http://www.census.gov/prod/2011pubs/acs-14.pdf.

[64] To the extent that an educational program in a secure care setting is considered an LEA or other public school, as defined by state law, under the authority of the SEA, it generally is subject to the standards and assessments requirements under section 1111 of Title I, Part A of the *ESEA*. See 20 U.S.C. § 6311.

[65] Gagnon, J. C., Haydon, T., & Maccini, P. (2010). Juvenile correctional schools: Assessment and accountability policies and practices. *The Journal of Correctional Education*, *61*(1), pp. 23–45.

[66] See 20 U.S.C. § 1412(a)(16)(A). Note that, if students with disabilities committed to correctional facilities have not already been assessed while in a traditional high school and would be required to be assessed while confined to the juvenile facility, they would be required to be assessed under the *IDEA*, and must receive appropriate accommodations or alternate assessments as indicated in their respective IEPs. The *IDEA* does make an exception to this requirement for youths convicted as adults under state law and incarcerated in adult prisons (see 34 CFR § 300.324(d)).

[67] Quinn, M.M., Rutherford, R.B., Leone, P.E., Osher, D.M., & Poirier, J.M. (2005). Ibid.

[68] Saavedra, J. D. (2010). *Just the facts: A snapshot of incarcerated Hispanic youth*. Washington, DC: National Council of La Raza. Retrieved from http://modelsforchange.net/publications/401/Just_the_Facts_a_Snapshot_of_Incarcerated_Hispanic_Youth.pdf.

[69] For additional information regarding the Civil Rights Data Collection, see http://ocrdata.ed.gov.

[70] National Forum on Education Statistics. (2012). *Forum guide to taking action with education data.* (NFES 2013-801). Washington, DC: U.S. Department of Education, National Center for Education Statistics.

[71] National Forum on Education Statistics. (2004). *Forum guide to building a culture of quality data: A school & district resource* (NFES 2005–801). Washington, DC: U.S. Department of Education, National Center for Education Statistics.

[72] The Data Quality Campaign. (2012). *Investing in educator data literacy improves student achievement—Evidence of impact: The Oregon Data Project.* Washington, DC: Author. Retrieved from: http://www.dataqualitycampaign.org/files/1577_ODP%20Evidence%20of%20Impact.pdf.

[73] Julian, T. & Kominski, R. (2011). Education and synthetic work-life earnings estimates. *American Community Survey Reports, ACS-14*. Washington, DC: U.S. Census Bureau. Retrieved from http://www.census.gov/prod/2011pubs/acs-14.pdf.

[74] Note that once a student with disabilities graduates from high school with a regular high school diploma, the state or local education agency is no longer required to make FAPE under the *IDEA* available to that student. 34 CFR § 300.102(a)(3)(i). Also, see 34 CFR §. 300.102(a)(2) regarding the exception to the obligation to make FAPE available to certain children aged 18 through 21 incarcerated in an adult correctional facility.

[75] Lowman, J. & Mamas, S. A. (2009). *Educational aftercare and reintegration toolkit for juvenile justice professionals, 2nd edition*. Philadelphia, PA: Education Law Center-PA/Models for Change. Retrieved from http://www.modelsforchange.net/publications/225.

[76] JustChildren, Legal Aid Justice Center. (2004). *A summary of best practices in school reentry for incarcerated youth returning home*. Charlottesville, VA: Author. Retrieved from http://www.njjn.org/uploads/digital-library/resource_244.pdf.

[77] Center for School Mental Health Analysis and Action. (2006). *School reentry of juvenile offenders*. College Park, MD: Author. Retrieved from http://csmh.umaryland.edu/Resources/Briefs/SchoolReentryBrief.pdf.

[78] Providing assistance to youth in secure care settings to make the transition into the community for further education or employment is an important element in the success of programs under *Title I, Part D of the ESEA*. For example, a state agency operating a Subpart 1 program must reserve between 15 and 30 percent of the amount it received under Title I, Part D to support transition services, such as services that implement "strategies designed to expose the youth to, and prepare the youth for, postsecondary training, or vocational and technical training programs." 20 U.S.C. § 6438(a).

[79] National Center on Education, Disability and Juvenile Justice. (n.d.) *Transition/aftercare*. College Park, MD: Author. Retrieved from http://www.edjj.org/focus/ TransitionAfterCare/transition.html.

[80] Garfinkel, L. (2010). Improving family involvement for juvenile offenders with emotional/behavioral disorders and related disabilities. *Behavioral Disorders*, *36*(1), pp. 52−60. Retrieved from http://www.pacer.org/jj/pdf/bedi-36-01-52.pdf.

[81] Henderson, A. T. & Mapp, K. L. (2002). *A new wave of evidence: The impact of school, family, and community connections on student achievement*. Austin, TX: National Center for Family & Community Connections With Schools. Retrieved from http://www.sedl.org/connections/resources/evidence.pdf.

[82] Further, for youths with disabilities served under *IDEA*, beginning with the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, the student's IEP must include appropriate measurable postsecondary goals. The goals must be based on age-appropriate transition assessments related to training, education, and employment, and, where appropriate, independent living skills and the transition services (including courses of study) needed to assist the student in reaching those goals (34 CFR §§ 300.320(b) and 300.43). Any transition services included in a student's IEP must be provided to the student. The responsible agency must ensure that required participants are invited to IEP team meetings regarding transition services, including the student and his or her parents (and if the student cannot attend, that his or her preferences and interests are considered), and, with the consent of the parent or student who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing or paying for the transition services to be included in the student's IEP (34 CFR §§ 300.320(b) and 300.321(b)).

[83] Sickmund, M., Sladky, T. J., & Kang, W. (2009). *Census of juveniles in residential placement databook*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Retrieved from http://www.ojjdp.gov/ojstatbb/ezacjrp/asp/Age_Sex.asp

[84] Clark, H. G., Mathur, S. R., & Helding, B. (2011).Transition services for juvenile detainees with disabilities: Findings on recidivism. *Education and Treatment of Children*, *34*(4), pp. 511−529. Retrieved from http://muse.jhu.edu/journals/education_and_treatment_of_children/v034/34.4.clark.html.

[85] Cocozza, J. J., Skowyra, K. R., & Shufelt, J. L. (2010). *Addressing the mental health needs of youth in contact with the juvenile justice system in system of care communities: An overview and summary of key issues*. Washington, DC: Technical Assistance Partnership for Child and Family Mental Health. Retrieved from http://www.tapartnership.org/docs/ jjResource_overview.pdf.

[86] JustChildren, Legal Aid Justice Center. (2004). *A summary of best practices in school reentry for incarcerated youth returning home*. Charlottesville, VA: Author. Retrieved from http://www.njjn.org/uploads/digital-library/resource_244.pdf.

[87] Leone, P. & Weinberg, L. (2012). *Addressing the unmet educational needs of children and youth in the juvenile justice and child welfare systems*. Washington, DC: Center for Juvenile Justice Reform, Georgetown University Public Policy Institute. Retrieved from http://cjjr.georgetown.edu/pdfs/ed/edpaper2012.pdf.

[88] SEAs, LEAs, and correctional facilities under Title I, Part D, Subparts 1 and 2 share student assessments and academic records, and notify one another if a youth is identified as in need of special education services (see 20 U.S.C. §§ 6434(c)(9) & (15), 6453(12), 6455(2).

[89] The *IDEA* regulation at 34 CFR § 300.323(g) addresses the reasonable steps that sending and receiving public agencies must take to ensure the prompt exchange of student records when a student with a disability transfers to a new public agency and enrolls in a new school in the same school year.