



2009 NDTAC National Conference

Session Notes

Session Title	Effective Special Education Practices for Youth Who Come in Contact With the Juvenile Justice System
Presenters	Peter Leone and Ty Blackwell
Date and Time	Tuesday, June 23, 3:45 p.m. – 5 p.m.

Summary

This session consisted of two presentations, the first by Peter Leone and the second by Ty Blackwell. Below are summary notes for each of these presentations.

Peter Leone

Many youth in juvenile detention and corrections systems have cooccurring mental health and substance abuse problems. According to findings from a national survey by Quinn and colleagues,¹ approximately 33 percent of youth in juvenile corrections were eligible for special education services. The study also found that for a number of States, the percentage of youth being served with special education services in juvenile corrections was the same as the percentage of youth being served in the public school system. Areas such as Connecticut, Washington, D.C., Hawaii, and Maryland showed a high percentage of youth receiving special education services: About half of the youth had emotional disturbance, and about half had learning disabilities.

Given the percentage of youth with disabilities in the juvenile justice system, it is imperative that these youth receive the appropriate services and supports. Evidence suggests that sustained engagement is associated with achievement gains and that literacy and numeracy are two important items associated with keeping kids in school. To ensure that youth with disabilities receive needed services to make these achievement gains, challenges and barriers must be overcome in several areas, including program design; youth mobility; family involvement; youth engagement; records transfer; and collaboration among families, teachers, and juvenile justice personnel

Because of multiple issues with service delivery for youth with disabilities, several States have been served class action lawsuits with special education claims (see map on slide 7). Such suites are costly and time consuming for States. However, States have responded to the suites by recognizing youth with disabilities and facilitating appropriate services. This emphasizes the argument that staff engagement at multiple levels is needed to make appropriate institutional changes.

Ty Blackwell

To address the various issues with providing services to youth with disabilities who are in the justice system, Maryland developed a quality improvement framework to address a lack of Federal oversight, inconsistent services, inconsistent and unclear policies and procedures, and the fact that facilities were developing their own culture and characteristics that went along with staff and youth. The quality improvement process included a comprehensive review that resulted in each facility being graded. Facilities then had to develop quality improvement plans. The comprehensive reviews identified challenges in several areas, such as school entry, curriculum and instruction, school training and staff

¹ Quinn, M., Rutherford, R., Leone, P., Osher, D., & Poirier, J. (2005). Youth with disabilities in juvenile corrections: A national survey. *Exceptional Children*, 71(3): 339–345.

development, screening and identification, parent or guardian/surrogate involvement, IEPs, career technology and exploration programs, Section 504 plans, student supervision, and school environment or climate.

Q&A / Comments

Q1: Was the legislation already in place?

Ty Blackwell: Somewhat. There was the Code of Maryland Regulations (COMAR), detention standards, IDEA, and NCLB. There was no legislation around school environment or climate. Legislation and school code came out of this. Originally, by 2012, all schools within Maryland's Department of Juvenile Justice Services (DJJS) were to be run by the Maryland State Department of Education (MSDE). There are five currently being run by the MSDE; we likely won't make the 2012 deadline.

Peter Leone: The previous DJJS structure did not include a cost center for education.

Q2: Was there legislation that mandated MSDE to take over the department of justice schools?

Ty Blackwell: It was originally mandated that MSDE would run all the schools by 2012. This previously applied to adult schools too but that aspect is now being taken over by the Department of Labor. The State felt that MSDE was in the best position to educate the youth. Juvenile justice never had the budget, and ED money flowed into different areas.

Q3: In Virginia, the education programs in detention homes fall under the Department of Education. Each detention home has an administrative manual that is tied to the regulations of the State Department of Education. But Corrections is run by a different agency. Is it the same in Maryland?

Ty Blackwell: In Maryland, all are under the Department of Juvenile Corrections.

Q4: Our State has been having challenges with administering the GED. The GED won't come into facilities unless they are paid \$900 per student to administer the test. Does Maryland have any trouble with that?

Ty Blackwell: We do the test on the grounds of the detention schools. We haven't had that issue.

Peter Leone: Who is going to be responsible for the inability of youth to take the GED? You need to write an editorial or contact someone about this situation.

Session attendee: We have GED staff at the Maryland Department of Education, and we work collaboratively with the staff we have at the schools to provide assistance with GED testing. Although we have only one testing site that all of our schools use to conduct GED preparation, it's a collaborative effort.

Session attendee: In Georgia, we are working with the State school superintendent to ensure that juvenile justice youth will be included in the governor's K-16 initiative.

Ty Blackwell: In Maryland, the State Department of Education and the Department of Juvenile Justice Services were able to gain increased traction for their work by sending out a letter, on official MSDE letterhead, indicating that the agencies were working collaboratively.

Q5: Are there guidelines administrators should adhere to in regards to the development of IEPs (under IDEA regulations) for students in detention centers and in other short-term placements?

Peter Leone: There are no hard and fast rules. However, while waiting for records to arrive and during students' first week or so in school, teachers need to be attuned to the academic performance of students. Some States develop interim IEPs for students based on intake

interviews and self-reports from previous special education services.

Q6: How do States track and count youth?

Session attendee: Our youth are all on a code. If they are double counted (e.g., by a public school and a correctional facility), the youth will be flagged, so the public school and correctional facility know who they are.

Session attendee: All of our youth have a State testing identification number. As far as records transfer goes, the dropout prevention initiative has helped.

Session Attendee: Utah just passed language to make the GED equivalent with a high school diploma. So, behind the schools, GEDs are attributed back to the local education agencies. It is a legitimate outcome and it meets the mandate to set the stage for postsecondary education.

If you have any additional question pertaining to the session or the topics discussed, please contact the Center at NDTAC@air.org.

Relevant Resources

[NDTAC's Special Education Library Page](#)

Visit NDTAC's special education library page for additional information and resources.

[Youth With Disabilities in the Juvenile Justice System](#)

This report by Quinn and colleagues discusses a national report about youth with disabilities in the juvenile justice system and the services and supports they receive.