



2009 NDTAC National Conference

Session Notes

Session Title	National Juvenile Justice Issues and Implications for Education
Presenters	Andie Moss, John Tuell, and Nancy Gannon Hornberger
Date and Time	Monday, June 23, 3:30 p.m.–5 p.m.

Summary

This session consisted of three presentations, the first by Andie Moss, the second by John Tuell, and the third by Nancy Gannon Hornberger. The session was designed to provide participants with an awareness of three related topics that are important nationally in the field of juvenile justice. Below are summary notes for each of these presentations.

Andie Moss

The Prison Rape Elimination Act: Creating Safe Environments for Academic Success

The Prison Rape Elimination Act (PREA) of 2003 requires agencies to comply with the national standards proposed by the PREA Commission and approved and promulgated by the U.S. Attorney General to eliminate sexual abuse in confinement. The Act encompasses any sexual abuse in all correctional facilities, including group homes, and emphasizes prevention and zero tolerance.

Fundamental to an agency's success will be its commitment to zero tolerance of sexual abuse. Agencies must demonstrate zero tolerance not only by verbal statements and written policy, but also by their actions. This includes the strategies they implement to prevent sexual abuse and their responses to abuse when it occurs. Facilities must supervise all staff who work with youth, not just staff who are traditionally thought to be the most likely offenders.

The *Keeping Our Kids Safe* video, which may be used as a staff development tool, demonstrates the importance of enforcing and following the guidelines of PREA. The video was developed by the [National Institute of Corrections](#), is publicly available, and comes with a training tool

There have been some positive developments in furthering PREA's goals. More states had laws about staff sexual misconduct in 2008 than in past years, and materials are being developed to educate people about sexual abuse.

The National PREA Report is scheduled to be released on June 23, 2009.

John Tuell

Child Welfare (Maltreatment) & Juvenile Justice (Delinquent) Youth: Improving Outcomes Through System Coordination & Integration

Research shows that child abuse is related to delinquency and that a cycle can perpetuate where the victim of violence becomes a violent offender later in life. Of note, neglect, not just physical abuse, can have these effects on youth.

Despite peaking in 1994, juvenile crime is still a significant issue. The Child Welfare League of America and others are collaborating with States and school districts to develop strategies for multiple systems to work together. Some of these strategies work in coordination with information sharing laws and policies so that systems can share valuable information with each other that was once disallowed. For example,

child protective services can share information with courts so that the courts can make more informed decisions, and educational advocates can be included as part of the multidisciplinary teams that report to the court.

When multiagency professionals work collaboratively for a common goal centered around youth, a new system of care can be implemented in a city, State, or region. The new system should include strong leadership at the agency level and strong voices for families and youth who find themselves in the system. Collaborators must focus on serving youth and their families rather than serving the system.

Nancy Gannon Hornberger

Current Issues in Education & Juvenile Justice: Challenges and Opportunities for Prevention and Reform

Juvenile crime and delinquency are at record low levels, and public opinion about juvenile delinquency prevention and rehabilitation is generally positive. In general, the public expresses its opinion in national polls that the least severe/restrictive, effective intervention should be used with youth. In many cases, when youth penetrate deeply into the criminal justice system, they are found to come out more damaged and more prone to reoffend.

School disciplinary policy is one critical issue for delinquency prevention. An orientation toward “inclusion” instead of “exclusion” is helpful. In many cases, school infractions that result in a resolution within the school are now causing youth to be referred to the court or law enforcement. Such referrals have affected a disproportionate number of students of color and students with disabilities.

Educators must find out what’s happening regarding zero tolerance in schools and other disciplinary policies that lead to students being excluded from the school or classroom. Educators must examine whether zero tolerance or other school disciplinary policies are being applied evenly. Educators, parents, and community members need to work toward a positive school environment and use positive youth development models that support and keep youth engaged in school. Other disciplinary alternatives should be considered that are more rehabilitative than expulsions and suspensions.

You can advocate and join the National Juvenile Justice and Delinquency Prevention Coalition—a group of national, State, and local organizations that work together on national policies and programs. Also, under Title II of the Juvenile Justice and Delinquency Prevention Act (JJDP A), you can link to the world of work with juvenile justice reform and work with your designated JJDP A State Advisory Group. You can also connect with the juvenile justice reform lead person in your area and look into how students who are vulnerable to school failure and disengagement are receiving services and supports.

Q&A/Comments

Q1: What are “opportunity transfers?” Could you please tell us more about the school district transfers mentioned in the presentation?

Nancy Gannon Hornberger: Opportunity transfers occur when school administrators adopt policies to remove students from their home schools and place them in other schools. Leaders in Los Angeles sought to remove such policies and put in place a more deliberative process. Regrettably in many large or urban school districts, students who are deemed as having behavioral or disciplinary problems may be moved from school to school. Sometimes policies that are not truly supportive of school inclusion have euphemistic names, such as “student opportunity policy.” So look out for those when conducting your research.

Q2: We have a mandate to prepare students to go back to regular schools, but those schools don’t typically want to accept the kids. How do the success stories bridge with regular school districts to make them more tolerant?

Nancy Gannon Hornberger: Many jurisdictions are turning toward policy to set in stone or codify changes, although other methods may be helpful. In-house suspension and similar programs transfer a student out of the main student body but the youth still receives educational services with the objective of integrating him/her back into school. Here, a student never physically leaves

his/her home school. Many nonprofits that receive county and municipal funding do this type of work. For example, Pima County limits detention while also keeping the public safe.

John Tuell: Bring together the leadership, youth, and families affected by the education system and develop a common mission that all can support—keeping in mind safety and educational standards. It takes time to build trust. There is no magic bullet.

Q3: The pushback we get in successfully transitioning youth back into the schools is often from the parents of other students in the schools or from the students themselves.

Nancy Gannon Hornberger: Establishing a balanced and restorative justice approach can help to combat this issue. Usually a transitional plan—sometimes involving restitution—can satisfy all parties involved. For example, Denver Public Schools are doing some of this as an alternative to zero tolerance policies. Teen or youth courts have also been found to be an effective way to settle disputes. They need to be supervised by judicial staff and work well for nonviolent offenders. Peer-to-peer mediation has a tremendous impact that you won't see in other courts.

John Tuell: Schools need to be supported for consequences for disruptive students. Schools don't want the education of the entire classroom to be affected negatively by one student. With that said, schools can't have the immediate reaction of kicking students out of school.

Q4: How can we best prepare staff for integration of PREA?

Andie Moss: Notify staff of red flags to delinquent behavior without trying to turn staff into clinicians. Use ongoing quality professional development activities so staff can learn how to talk to kids, how to report potentially delinquent acts, and how to retain respectful boundaries. Set up staff training around these issues and let staff talk about these issues in a safe environment.

Relevant Resources

[Child Welfare League of America](#)

[National Institute of Corrections](#)

[National Prison Rape Elimination Commission](#)