



## Current Issues in Education & Juvenile Justice

Challenges and Opportunities for  
Prevention and Reform

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*Improving Educational Outcomes for All Students who are  
Neglected, Delinquent or At-Risk of Academic Failure*  
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## Trends in Juvenile Delinquency in America

- Nationwide, the juvenile arrest rate for most offenses, including homicide, has recently held steady at a 30-year low.
- There has been a recent uptick in juvenile arrests for aggravated assault and weapons offenses.
- Arrests for juvenile drug offenses peaked in 1997, but have decreased almost every year since.
- Of all youth arrested each year, more than 90% are charged with nonviolent offenses.



## Favorable Public Opinion

Repeatedly, polls show that the public favors:

- Rehabilitation of juvenile delinquents vs. increasingly severe punishment.
- State and local juvenile justice systems that are more effective and that hold youth and their families accountable.
- Alternatives to detention and incarceration; and, when needed, small, community-based juvenile corrections facilities vs. large facilities or facilities located outside of the community.
- Fair and unbiased treatment of low-income youth and racial/ethnic and linguistic minority youth.

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## Benefits of Brain Science

Advances in adolescent brain development science help us better understand the profound developmental differences between youth and adults.

- Executive functions of the brain that guide judgment, impulse control and sequential/consequential thinking, do not fully develop (physically) until one's early 20s.

Breakthroughs in brain-imaging which undeniably show us late physical/structural development are influencing juvenile justice policy and practice.

- The science challenges us to re-visit practices and policies that treat youth as if they are full-fledged adults.

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## Leading Interventions & Treatment

**States and local jurisdictions are partnering with private foundations to improve the way youth are treated when they come into contact with the system.**

- **3 major national initiatives:**
  - Juvenile Detention Alternatives Initiative ([www.jdaihelpdesk.org](http://www.jdaihelpdesk.org))
  - Models for Change ([www.modelsforchange.net](http://www.modelsforchange.net))
  - Reclaiming Futures ([www.reclaimingfutures.org](http://www.reclaimingfutures.org))

**States and local jurisdictions are launching their own intervention and treatment initiatives to improve outcomes for youth who come into contact with the juvenile justice system.**

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## Reforms in Adjudication & Sentencing

**Examples include:**

- Connecticut (2007) raised the age of juvenile court jurisdiction from 16 to 18 years.
- Rhode Island (2007) repealed an act that lowered the age of adult jurisdiction from 18 to 17 years.
- Illinois (2008) raised the age of juvenile jurisdiction from 17 to 18 for youth charged with misdemeanor offenses.
- Indiana (2008) eliminated a “once waived, always waived” law for juveniles charged with misdemeanors.
- In 2009, 11 states considered bills to limit or eliminate life without the possibility of parole sentences for youth under the age of 18 who are tried in adult criminal court.

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## Juvenile Facility and Program Reforms

### Examples include:

- States and localities adopting models of small, highly staffed juvenile facilities with programming based in youth development principles and located closer to youths' families and communities--trending away from use of remotely situated, large, prison-like facilities
- Jurisdictions increasingly diverting youth from detention/incarceration to family-connected and community-based programs that safely supervise and treat youth while also yielding better outcomes for family and community well-being.
- A majority of states engage in standards of practice to improve correctional settings, conditions of custody and confinement, and to increase positive youth outcomes in education, employment and social functioning (see Performance-Based Standards at <http://pbs.org>).

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## School Inclusion vs. Exclusion – a critical concern for neglected, delinquent and high-risk youth

### **A school engagement framework emphasizes and supports:**

- ✓ **INCLUSION** -- connection of students and families to caring adults and systems; effective responses to youth at risk **vs.**
- ✓ **Exclusion** -- responses that seek to remove students rather than resolve problems generated when students disengage, become disruptive or experience academic and/or social failure in school.

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## **Step One: Explore what may be happening in your schools/districts**

**“Zero Tolerance” and other well-intentioned school disciplinary policies and practices may have negative results for students, especially students from racial/ethnic minority groups, and those with special needs and other disabilities.**

**Insist on critical examination of any patterns of academic failure, truancy, social isolation or disruption:**

- **Who is being suspended, expelled and/or referred to juvenile court or law enforcement and why?**
- **What mitigating processes are in place? What processes are in place to engage students and families? What kind of crisis management supports do you have in place?**

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## **School Inclusion vs. Exclusion**

### **Facts on Zero Tolerance and Similar Policies/Practices:**

- **African American students are more likely than white students to be suspended, expelled and arrested for similar conduct at school.<sup>[1]</sup> Comparable patterns occur for other students of color.**
- **Children with emotional disabilities and suffering with emotional disturbance/mental health needs are more than three times as likely as other students to be arrested.<sup>[2]</sup>**

[1] NAACP Legal Defense and Educational Fund, Inc. "Dismantling the School-to-Prison Pipeline" NAACP Legal Defense and Educational Fund, Inc. 2005. [2] Southern Poverty Law Center "School to Prison Pipeline" <http://www.spicenter.org/legal/schoolhouse.jsp>, 2007

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## School Inclusion vs. Exclusion

### Facts on Zero Tolerance and Similar Policies/Practices:

- **Pennsylvania students with disabilities account for 13% of the school-aged population but represent 24% of youth referred to law enforcement or the juvenile justice system.<sup>[1]</sup> Similar patterns occur nationwide.**

<sup>[1]</sup> Lynagh, Sallie & Manusco, Ellen. "Arrested Development: Students with Disabilities and School Referrals to Law Enforcement in Pennsylvania." Pennsylvania Protection & Advocacy, Inc. July, 2004.

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## School Inclusion vs. Exclusion

### More facts:

- **The National Coordinating Committee on School Health and Safety reported that suspension and expulsion lead to or worsen academic problems, delinquency and substance abuse. They also noted that children most likely to be suspended are those who most need the assistance and supervision of professionals.<sup>[1]</sup>**
- **Suspension or expulsion has been shown to be a primary reason for dropping out of school<sup>[3]</sup> and high school dropouts are 3.5 times more likely than high school graduates to be incarcerated.<sup>[4]</sup>**

<sup>[1]</sup> The Committee on School Health, 2003. "Out of School Suspension and Expulsion." *Pediatrics*: 112(5), 1206-1209. <sup>[2]</sup> Skiba, 2000. <sup>[3]</sup> DeRidder, Lawrence M. "How Suspension and Expulsion Contribute to Dropping Out." *The Education Digest*, February 1991. <sup>[4]</sup> Martin, N., & Halperin, S. *Whatever It Takes: How Twelve Communities are Reconnecting Out-of-School Youth*. Washington, DC: American Youth Policy Forum, 2006.

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## School Inclusion and Engagement

### Principles for best practice:

- Ensure that *all* means are taken within a positive school environment to ensure that students experience high levels of school engagement and success;
- Strive to keep students in school, to involve parents, families and other responsible adults in assisting in this effort;
- Guard against any bias in school discipline or policy that may adversely and disproportionately affect students of color and students of linguistic, ethnic and racial minority backgrounds;
- Provide school-based and family-connected services for students who are struggling to learn and those who have emotional and behavioral health needs and other disabilities.

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## School-related Reforms Gathering Momentum

### **California –**

Los Angeles Unified School District mandated development of a school-wide positive behavior support and discipline plan. Among other things, the plan cites that administrators must consistently apply reasonable alternatives to suspension, expulsion, and opportunity transfers. Top alternatives to suspension include restitution, community service, and negotiation/problem solving approaches (2007).

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## School-related Reforms Gathering Momentum

### **Colorado –**

Denver Public Schools revised its disciplinary policy to state that law enforcement should only be involved when there is a serious or immediate threat to individual or school safety, and to encourage alternatives to suspension, expulsion, and referral to law enforcement, such as family group conferencing, victim-offender mediation, and classroom peace circles (2008).

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## School-related Reforms Gathering Momentum

### **Connecticut –**

Beginning July 2009, suspensions in Connecticut public schools must be in-school, unless the school administration determines during a hearing that the student being suspended poses such a danger or such a disruption of the educational process that the student must remain out of school during the suspension.

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## School-related Reforms Gathering Momentum

### **Pennsylvania –**

The State Board of Education revised its regulations on Special Education Services and Programs to focus on positive behavior supports rather than physical restraints and aversive techniques (2008).

### **Tennessee –**

State law now mandates that school personnel may only file a juvenile petition against a student receiving special education after determining that the student's inappropriate behavior was not caused by his/her disability. It is expected that this change in practice will result in a reduction of juvenile court referrals by school personnel (effective 2009).

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## Take aways...

- ✓ **Raise awareness** about the success of juvenile rehabilitation and to help your colleagues and policy makers to keep juvenile delinquency rates in perspective.
- ✓ **Explore** what is happening in your area to resolve problems with students and to include them (vs. exclude them) in positive, problem-solving school environments.

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## Take aways...

- ✓ **Advocate** for increased public investments in delinquency prevention, school and family support and juvenile justice reform, particularly changes that will decrease school referrals to law enforcement and juvenile court.
- ✓ **Call for and support** evaluation of school engagement programs and policies.
- ✓ **Join** the 100+ organization-strong “National Juvenile Justice and Delinquency Prevention Coalition” working to build greater national awareness and federal/congressional support for prevention and effective intervention.

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**Please feel free to contact us for  
more information at any time:**

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