



## SNAPSHOT

# IMPROVING EDUCATIONAL OPPORTUNITIES FOR YOUTH IN THE JUVENILE JUSTICE SYSTEM\*

MARCH 2016

Many youth enter the juvenile justice system with significant educational deficits. The academic achievement levels of adolescents that are adjudicated delinquent rarely exceed the elementary school level<sup>1</sup> and some estimate that as many as 70 percent of youth in the justice system have learning disabilities.<sup>2</sup> Yet “education is essential to ensuring long-term re-entry success” for youth in the justice system.<sup>3</sup>

Unfortunately, youth in the juvenile justice system face many barriers to completing their education while they are held in facilities (and once they are released), which may be why the majority of youth – 66 percent – do not return to school after release from secure custody.<sup>4</sup> These barriers include:

- substandard education while incarcerated;
- failure of many correctional educational facilities to use curricula aligned with state standards, which can result in credits not transferring or being accepted by the home school district;
- significant delays in the transfer of youth’s educational records and credits from the correctional educational facility to their community school upon release; and
- barriers some schools and states have enacted to prevent youth from re-enrolling in school.<sup>5</sup>

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\* This snapshot, created by the National Juvenile Justice Network (NJJN), is drawn from information compiled by NJJN for the [Juvenile Justice Resource Hub](#), hosted by the Juvenile Justice Information Exchange and sponsored by a generous donation from the John D. and Catherine T. MacArthur Foundation's [Models for Change](#) initiative. Inquiries should be sent to [info@njjn.org](mailto:info@njjn.org).

## Suggested Reforms

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To keep youth engaged and moving forward in their educational development, reforms are needed both within juvenile justice facilities and in the re-entry process. Below are suggested reforms to improve youth education in both of these realms.

### 1. Facility Reforms

Over 60,000 youth receive correctional education in juvenile justice facilities each year.<sup>6</sup> Education in juvenile facilities is often substandard and youth in adult facilities may receive no education at all.<sup>7</sup> Youth in short-term facilities also may fail to receive educational services or receive much less instructional time than youth in public school.<sup>8</sup>

In a December 2014 letter to the nation's chief state school officers and state attorney generals, the U.S. Departments of Education (ED) and Justice (DOJ) laid out [five guiding principles](#) to provide high-quality education in juvenile justice secure care settings:<sup>9</sup>

- a safe, healthy, facility-wide climate that prioritizes education;
- necessary funding to support educational opportunities for all youth in long-term secure care facilities;
- recruitment, employment, and retention of qualified education staff with the necessary skill set for teaching in juvenile justice settings;
- rigorous and relevant curricula aligned with state academic and career and technical education standards that promote college and career readiness; and
- formal processes and procedures to ensure successful navigation across child-serving systems and smooth re-entry into communities.

Additional needed facility reforms include:

- Ensuring that youth with disabilities and special education needs are identified and receive appropriate educational services as required under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.<sup>10</sup> It is estimated that as many as 70 percent of youth in the justice system have learning disabilities.<sup>11</sup>
- Enabling English learners to meaningfully participate in the educational program as required by civil rights laws.<sup>12</sup>
- Safeguarding students from excessive use of seclusion and restraint, which restricts their ability to access education.<sup>13</sup>
- Making a full continuum of educational opportunities available to youth to meet their individual goals, including pathways to achieve high school diplomas, GEDs, college preparation, and career and technical training.<sup>14</sup>
- Aligning correctional educational programs with state standards for public schools and local graduation requirements in order to improve educational quality.<sup>15</sup>
- Ensuring that correctional education credits transfer fully to community schools.

## 2. Re-entry Reforms

Over two-thirds of youth leaving custody do not return to school.<sup>16</sup> The US Departments of Education and Justice recommended in their recent *Guiding Principles* that “reentry planning should begin immediately upon a student’s arrival [into secure custody], 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.”<sup>17</sup> Below are some of the reforms experts recommend to improve school re-entry.

- **INTER-AGENCY AND COMMUNITY COOPERATION**<sup>18</sup>  
Clearly identify the roles and responsibilities of the various agency personnel.
- **YOUTH AND FAMILY INVOLVEMENT**  
Include the young person and appropriate family members in the reenrollment process.
- **SPEEDY PLACEMENT**  
Ensure that young people can enroll the same day they are released, or very soon after. This often requires improving record transfer practices and school reenrollment practices, which are discussed below.
- **IMPROVED RECORD TRANSFER**  
Youth often have difficulty returning to school because of missing school records and lengthy delays in the transfer of their school records,<sup>19</sup> as well as perceived or actual confidentiality barriers to record sharing.<sup>20</sup> Recommendations for improvement include requiring states to set timelines for the transfer of records between schools for all students, including those in correctional facilities (such as transfer within seven days of request).<sup>21</sup>
- **IMPROVED SCHOOL REENROLLMENT PRACTICES**  
Additional barriers to reenrollment that justice-involved youth face include lengthy and complicated processes for youth to reenroll in school, and laws that some states have enacted to create obstacles for youth attempting to reenroll.<sup>22</sup> Reforms that states have enacted to facilitate re-entry include:
  - reintegration teams (Maine);
  - reintegration plans required 45 days before youth are released (West Virginia);
  - the involvement of school district coordinators and the creation of educational “passports” (Kentucky);<sup>23</sup> and
  - transition coordinators to work across juvenile justice and education systems to facilitate a youth’s timely reenrollment (multiple states).<sup>24</sup>
- **APPROPRIATE PLACEMENT**  
Ensure that the student is returning to an appropriate educational placement in the least restrictive environment based on an individual consideration of the youth

rather than a policy, such as automatic placement in alternative programs for returning youth.

- **DROPOUT REENGAGEMENT PROGRAMS**<sup>25</sup>  
 Helping youth find alternative pathways to continue their education has been a successful way to reengage both justice-involved and other youth who dropped out of high school. There is now an expanding network of local reengagement centers across the country that offer a range of services including individual academic assessments, opportunities for exploring different educational options, referrals to appropriate programs, and helping youth attain postsecondary education. The National League of Cities (NLC) has a Dropout Reengagement Network involving approximately 20 cities across the country that operate reengagement centers and programs.

## How the Every Student Succeeds Act (ESSA) Can Help

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[This Act](#) reauthorizes the federal elementary and secondary education law, originally signed into law as the Elementary and Secondary Education Act (ESEA) in 1965, and last reauthorized as No Child Left Behind in 2002.<sup>26</sup> This is the first major overhaul of the law in over a decade and it contains several provisions that will improve access to and quality of education for youth involved in, and returning from, the juvenile justice system.

Under the ESSA, amendments to Title I, Part D of the education law address prevention and intervention programs for youth who are neglected, delinquent, and at-risk youth. These amendments strengthen access to education upon reentry by:

- requiring education planning, credit transfer, and timely re-enrollment in appropriate educational placements for youth transitioning between correctional facilities and local educational agencies and programs;
- requiring correctional facilities receiving funds under the law to coordinate educational services with local educational agencies upon a young person's reentry so as to minimize education and achievement disruption; and
- supporting targeted services for youth who have come into contact with both the child welfare and juvenile justice systems.

## Expert Organizations

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See below for organizations with expertise in educational reform for youth in the juvenile justice system:

- [Center for Educational Excellence in Alternative Settings](#)  
CEEAS helps alternative schools—in community settings and in locked facilities—implement transformational, student-focused practices, designed to significantly improve the life chances of the students they serve.
- [Federal Interagency Reentry Council](#)  
The Federal Interagency Reentry Council represents 20 federal agencies working together to advance effective reentry policies for adults and youth.
- [Juvenile Law Center](#)  
One of the Juvenile Law Center’s current initiatives focuses on community and school reentry for youth, promoting policies to ensure that youth in residential placement are swiftly reenrolled in an appropriate school placement after release, and stay on track to complete their education.
- [The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth \(NDTAC\)](#)  
NDTAC serves as a national resource center to provide direct assistance to states, schools, communities, and parents seeking information on the education of children and youth who are considered neglected, delinquent, or at-risk. The education of youth involved in the juvenile justice system is a primary focus of the center.
- [Southern Education Foundation](#)  
The Southern Education Foundation’s mission is to advance equity and excellence in education for all students in the South, particularly low income students and students of color.

## For More Information

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- [“Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems”](#) -- discusses the educational challenges of children in both systems and recommendations for addressing their educational needs.

- [“A Summary of Best Practices in School Reentry for Incarcerated Youth Returning Home”](#) -- provides a detailed analysis of the problems in school re-entry and recommended policies.
- [Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System](#) -- details many of the challenges for reentering youth and promising practices to address them.
- [“Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings”](#) -- U.S. Departments of Education and Justice’s principles on best practices in correctional education and re-entry, and the core activities underlying these principles.
- [“Just Learning: The Imperative to Transform Juvenile Justice Systems Into Effective Educational Systems”](#) -- details the educational status and needs of students in the youth justice system, and the status of effective education in schools inside the system.
- [“Locked Out: Improving Educational and Vocational Outcomes for Incarcerated Youth”](#) -- reveals that few states provide all incarcerated youth with access to the same types of educational services that youth have in the community, and offers recommendations for reform.
- [National Juvenile Justice Network’s “Policy Platform: Youth Reentry/Aftercare”](#) -- discusses the challenges confronting youth returning from facilities and makes recommendations for improving youth re-entry.
- [“Recommendations to Improve Correctional and Reentry Education for Young People”](#) -- details the policy recommendations that came out of a 2012 summit hosted by the U.S. Department of Education to address correctional and re-entry education for youth and adults.
- [Re-entry section](#) of the Juvenile Justice Resource Hub – provides an overview of key issues and reform trends relating to educational challenges that youth in the juvenile justice system face and promising re-entry and aftercare practices as well as further resources.

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<sup>1</sup> Peter Leone and Lois Weinberg, “Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems” (Washington, DC: The Center for Juvenile Justice Reform, May 2010), 10-11, <http://bit.ly/1oKz87x>. A survey of youth in state juvenile facilities found that almost half said they were behind in school, one quarter had failed at least one grade, 13 percent had recently dropped out, and 21 percent had left school without a diploma. See also, Southern Education Foundation, “Just Learning: The Imperative to Transform Juvenile Justice Systems into Effective Educational Systems” (Atlanta, GA: 2014), <http://bit.ly/1F4jdW0>.

<sup>2</sup> Ashley Nellis and Richard Hooks Wayman, “Back on Track: Supporting Youth Reentry from Out-of-Home Placement to the Community” (Washington, DC: Youth Reentry Task Force of the Juvenile Justice and Delinquency Prevention Coalition, Fall 2009), 15, <http://bit.ly/10T3E3I>; citing P. Leone, “Understanding the Over Representation of Youths with Disabilities in the Juvenile Justice System,” *D.C. Law Review* 3 (1995): 389. Youth in the delinquency system also have higher rates of special education needs and school drop-out than other youth. See Leone and Weinberg, “Addressing the Unmet Educational Needs,” 13.

<sup>3</sup> James Moeser, et al., “Chapter Two: Equipping for Reentry Success: Partnerships, Coalition-Building and Independence-Building,” *Desktop Guide to Reentry for Juvenile Confinement Facilities*, edited by Gina Hendrix,

James Moeser, and David W. Roush (East Lansing, MI: The National Partnership for Juvenile Services, July 2004), 19, <http://bit.ly/1vNeCUc>.

<sup>4</sup> Federal Interagency Reentry Council, “Reentry Myth Buster: On Youth Access to Education upon Reentry (New York, 2012) , <http://bit.ly/1sxm157>.

<sup>5</sup> Juvenile Law Center, “Recommendations to Improve Correctional and Reentry Education for Young People” (July 30, 2014), 4, <http://bit.ly/1zg4LWu>; Federal Interagency Reentry Council, “Reentry Myth Buster.”

<sup>6</sup> Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014), 31, <http://bit.ly/1r78rrD>; citing “Easy Access to the Census of Juveniles in Residential Placement.”

<sup>7</sup> The Sentencing Project, “Youth Reentry” (May 2010), <http://bit.ly/1KpAnzS>.

<sup>8</sup> Leone & Weinberg, “Addressing the Unmet Educational Needs,” 21.

<sup>9</sup> U.S. Departments of Education and Justice, “Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings,” (Washington, DC, Dec. 2014), <http://1.usa.gov/1w1kyEW>.

<sup>10</sup> Juvenile Law Center, “Recommendations,” , 8.

<sup>11</sup> Nellis & Wayman, “Back on Track,” 15; citing P. Leone, “Understanding the Over Representation of Youths with Disabilities in the Juvenile Justice System,” *D.C. Law Review* 3 (1995): 389. Youth in the delinquency system also have higher rates of special education needs and school drop-out than other youth. Leone and Weinberg, “Addressing the Unmet Educational Needs,” 13.

<sup>12</sup> U.S. Departments of Education and Justice, “Guiding Principles,” 12.

<sup>13</sup> U.S. Departments of Education and Justice, “Guiding Principles,” 12.

<sup>14</sup> U.S. Departments of Education and Justice, “Guiding Principles,” 17.

<sup>15</sup> Juvenile Law Center, “Recommendations,” 7; Seigle, Walsh, & Weber, *Core Principles*, 31-2.

<sup>16</sup> Juvenile Law Center, “Recommendations,” 8; citing Roy-Stevens, Cory. “Overcoming Barriers to School Reentry.” National Criminal Justice Reference Service, U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention. Oct. 2004.

<sup>17</sup> U.S. Departments of Education and Justice, “Guiding Principles,” 3.

<sup>18</sup> JustChildren Legal Aid Justice Center, “A Summary of Best Practices in School Reentry for Incarcerated Youth Returning Home” (Charlottesville, VA, Legal Aid Justice Center, November 2004): 3, <http://bit.ly/1yCCOvd>.

<sup>19</sup> Leone & Weinberg, “Addressing the Unmet Educational Needs,” 17; U.S. Departments of Education and Justice, “Guiding Principles,” 22-3.

<sup>20</sup> Seigle, Walsh, and Weber, *Core Principles*, 32.

<sup>21</sup> Juvenile Law Center, “Recommendations,” 6.

<sup>22</sup> Federal Interagency Reentry Council, “Reentry Myth Buster,” <http://bit.ly/1sxm157>.

<sup>23</sup> Leone & Weinberg, “Addressing the Unmet Educational Needs,” 19.

<sup>24</sup> Seigle, Walsh, & Weber, *Core Principles*, 32; see State of New Mexico Children, Youth and Families Department, “Transition Services,” accessed March 3, 2016, <https://cyfd.org/transition-services>; Warren County Educational Service Center, “Transition Coordinator Responsibilities,” accessed March 3, 2016, <http://bit.ly/1oWuBis>; Eve Muller, “Reentry Programs for Students with Disabilities in the Juvenile Justice System: Four State Approaches,” *inForum* (Dec. 2011), <http://bit.ly/21ctoQv>.

<sup>25</sup> National League of Cities, “Reconnecting Youth through Dropout Reengagement Centers” (Washington, DC: National League of Cities Municipal Action Guide, 2013), <http://bit.ly/1DCKpZR>.

<sup>26</sup> Every Student Succeeds Act, S. 1177, 114<sup>th</sup> Cong. (2015), <http://1.usa.gov/1RgZAgj>.