

# EDJJ NOTES

A publication of the National Center on Education, Disability, and Juvenile Justice  
February 2005 [www.edjj.org](http://www.edjj.org) Volume 4, Number 1

## In the News

### Resource for Serving Students with Disabilities in Short-Term Detention

Mary Magee Quinn and C. Michael Nelson

Most youth in short-term detention facilities are held pending the outcome of judicial proceedings that will determine their guilt or involvement in criminal or delinquent acts. Other detainees may have been committed to a long-term facility or treatment center but remain in a detention center until space is available at their placement. Innocence or guilt in a court of law, however, does not establish rights to special education. All youth who have a disability and who do not have a high school diploma are eligible for special education through their 22<sup>nd</sup> birthday, regardless of their educational setting. This fact is important because youth with disabilities are significantly over-represented in the juvenile justice system.

According to a recent survey of the heads of state departments of juvenile corrections or combined juvenile and adult corrections systems (or the equivalent departments or agencies),<sup>1</sup> 33.4% of incarcerated juveniles have a disability that qualifies them for special education and related services under the Individuals with Disabilities Education Act

(IDEA).<sup>2</sup> Although estimates of the prevalence of youth with disabilities in short-term detention programs are not available, it is reasonable to assume that this population also is over-represented in these facilities. The *Meeting the Educational Needs of Students with Disabilities in Short-Term Detention Facilities*, a recent EDJJ publication by Mary Dale Bolson, Mary Magee Quinn, and C. Michael Nelson presents guidelines for the provision of special education, related services, and transition planning for youth in short-term detention settings.

### *Description of the Manual*

This manual begins with an overview of  
(*Article continues*)

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About EDJJ

EDJJ is a technical assistance, training, research, and dissemination center designed to develop more effective responses to the needs of youth with disabilities in the juvenile justice system and those at-risk for involvement with the juvenile justice system.

The center is a collaborative project of the University of Maryland, University of Kentucky, Arizona State University, American Institutes for Research, and The Pacer Center.

the issues and strategies involved in programming education and related services for individuals with disabilities who have special education needs. Special education law and regulations most closely pertain to students with disabilities in traditional school settings and can be difficult to translate into practices within short-term detention facilities. The manual describes the basic components of special education programs and practices for implementing them in short-term detention facilities. The procedures and practices described here are based on available research, best practice, and the experiences of the authors. It will be most useful to educators, administrators, and policymakers in short-term detention facilities who are implementing programs for students who have special education needs.

As noted earlier, a significant number of students have cognitive, sensory, or behavioral disorders that affect their ability to learn. In the public schools, the prevalence of students with disabilities is estimated to be between 10 and 12 percent. However, in juvenile correctional programs, an average of 34% of the students receive special education services and in some jurisdictions service delivery rates exceed 50% (Quinn et al., in press). Students with disabilities who have not completed a secondary school curriculum and are within the eligible age range for special education and related services (defined as ages 3 through 21, but may vary depending on state regulations) are entitled to education services just as they would be in a public school setting.

The “special” in special education refers to instruction and related services that meet the unique needs of an individual student with disabilities. Chapter 1 in the manual provides a discussion IDEA and the Federal regulations that define special education.

The first chapter also provides recommended best practices for providing appropriate special education and related services to students with disabilities in short-term detention facilities. In addition to academic instruction, special education includes vocational education, daily living skills, community living skills, behavior support, assistive technology, and any other support service that helps the student make appropriate educational gains. Services provided are highly individualized and based on the unique needs of each student.

Chapter 2 describes the identification of students with special education needs. The identification process involves three steps: screening, identification, and determination of eligibility (or certification). First, screening determines which students **may** have a disability that requires special education. The next process, identification, determines which students **actually** have a disability that requires special education. Eligibility is the last step, during which a multidisciplinary team (MDT) agrees to plan and implement an individualized education program to address the special education and related services needs of the student.

The procedures for identifying and evaluating students involved in the juvenile justice system who require special education and related services is the topic of chapter 3. This chapter describes how to: conduct the evaluation; determine eligibility for special education; develop the Individualized Education Program (IEP); and overcome challenges. Once a student meets eligibility criteria for special education and related services, the MDT is formed and coordinates a formal evaluation of the student, including his or her current level of educational performance and learning needs. If the evaluation process indicates that the student has special education needs, the MDT decides the type and extent of special

education and related services that should be provided and develops the IEP.

Special education programming for the diverse populations in short-term detention facilities can be challenging. Chapter 4 can be used as a general guide for programming options and designing services for individual programs. It may be helpful for professionals to consult also consult with LEA and State Education Agency (SEA) personnel to identify local requirements prior to making these decisions.

This chapter also addresses instructional procedures for students with disabilities. Use of instructional procedures vary according to individual student needs and include a variety of teaching strategies, specific remedial and compensatory techniques, instructional aides, special accommodations or modifications of curriculum or materials, and any other activity needed to support learning. This instruction also occurs in the context of a continuum of special education services.

Chapter 5 focuses on the current research and best practices regarding the provision of transition services to youth in detention facilities. Both direct special education services and related services are defined as transition services if either or both are required to help the student with a disability benefit from his or her education program. With very few exceptions, transition services must be provided to all students age 14 and older who have been determined eligible for special education and related services under IDEA. The transition services required by the student are addressed in the IEP and are based on the student's needs, but his or her preferences and interests also should be considered. Transition services and support can be incorporated into detention facility programs by education staff, facility staff, probation and parole officers, and community-based program staff. When

transition responsibilities are shared by the IEP team and incorporated into existing operating procedures, little extra help, money, or resources may be required.

### *Conclusion*

Federal law is clear: All students with special education needs who are eligible for services must receive these services, even in correctional settings. Delivering education services for students with special education needs often is a challenge. The challenge increases in short-term detention facility settings where students stay for short periods of time and generally have been disengaged from any learning situation for some time prior to their incarceration.

Many of the procedures and processes used for students with disabilities in a regular school setting are similar to those that must be used in a short-term detention facility setting. The primary consideration is one of time, since many students are held in detention only for brief periods. It is important for education staff, under the direction of the managing agency, to work as quickly as possible to meet federal and state requirements to address the needs of students with disabilities. Further, these professionals must provide transition support both into and out of the facility.

Education staff who work with students with disabilities in short-term detention facilities have two major goals. One is to identify students with special education needs and to ensure that they have up-to-date evaluations and IEPs. The second goal is to re-engage students in the learning process. If students are re-engaged, upon exit they will be prepared to complete an appropriate education or vocational program, and enter the community with effective living, learning, and work skills. The manual discussed is designed to assist in that process.

The complete manual is available on a CD-Rom. On the EDJJ web site ([www.edjj.org](http://www.edjj.org)) click on New CD: *Educational Services in Short Term Facilities* for information on how to order a copy.

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<sup>1</sup>Individuals with Disabilities Education Act. 20 U.S.C. 1401 et seq. (1997).

<sup>2</sup>Quinn, M. M., Rutherford, R. B., Leone, P. E., Osher, D. M., & Poirer, J. M. (in press). Youth with disabilities in juvenile corrections: A national survey. *Exceptional Children*.

## Assessing the Effects of Foster Care: Early Results from the Casey National Alumni Study<sup>1</sup>

Peggy Didier

810,000 children were served in foster care in the United States during fiscal year 2002, with 532,000 still in care as of September 30, 2002.<sup>2</sup> Family-based service programs, family reunification programs, and aggressive adoption programs are reducing the numbers of children spending long periods of time in substitute care. However, nearly 50% of the children placed in foster care will spend one year or more in care.<sup>3</sup> Relatively few studies have focused on the results of foster care services in terms of how adults fare after leaving care.

Preliminary results from the Casey National Alumni Study, a collaboration among researchers from several universities and organizations, social workers, foster care alumni, and foster parents, have just been released.<sup>4</sup> This report describes the early life experiences, educational progress, and success as adults of more than 1,000 alumni of Casey Family Programs (Casey) who were in foster care between 1966 and 1998.

### *Study Method*

The data were collected through case

record reviews and interviews with alumni. Data from the case records included alumni demographics, dates of entry and exit from foster care, replacement rates, foster family information, type of exit from foster care, reasons for original child placement, child maltreatment, and information about one or both birth parents (e.g., family composition, parent functioning, drug and alcohol usage, termination of parental rights). Raters, without knowledge of the study hypotheses, individually read and recorded the information from case records.

Professionally trained interviewers from the University of Michigan Survey Research Center (SRC) administered the alumni interview, which contained a number of standardized scales.

### *Who were the alumni?*

The study sample included the 1,609 alumni served by the 23 Casey Field offices in operation in 1998. The data were collected through 1,609 case record reviews and interviews with 1,087 alumni. (The response rate was 73.4%, excluding 3.9% deceased and 4.1% institutionalized alumni.)

All of the youth served by Casey Family Programs offices between 1966 and 1998 were included in the study sample if they met the following criteria:

- Had been placed with a Casey foster family for 12 months or more
- Had been discharged from foster care at least 12 months previously.

Key demographic data include:

- *Gender*: 54.6% were female
- *Alumni of color*: 35%
- *Average age at time of first placement*: 8.9 years (SD: 4.6), Median: 9.4 years
- *Average age at time of interview*: 30.5 years (SD: 6.3), Median: 30.0 years; alumni were between the ages of 20 and 51 at the time of the interview.

### *Early Findings*

The study has documented the strengths and challenges of foster care alumni who have had to overcome childhood maltreatment, family instability, school disruptions, and other obstacles to become contributing members of communities across the U.S.

*Education:* Foster care alumni high school graduation rates for adults 25 years of age and older of 87.8% exceeded graduation rates found among the general population (71.0 - 80.4%) and foster care alumni in other studies. Almost half (43.7%) of the alumni had attended college, 10.8% had completed a BA degree or higher, and 16.1% were still in school. And this pattern of findings was similar for alumni of color, indicating that negative disproportionality with respect to these outcomes was *not* present.

*Homelessness:* About one in five alumni (22.1%) were homeless for one or more nights within a year after leaving foster care (This rate was lower for those Casey alumni served during the 1990s: 19%).

*Employment:* Employment rates were fair at 88%, but the alumni median household income was 35% lower than the general population (\$27,500 vs. \$42,148 for 2000), and individual income levels were 26% lower (\$16,500 vs. \$22,199).<sup>5</sup> Many alumni jobs were not providing health insurance benefits – 29.2% of the alumni did not have health insurance. In contrast, 18% of Americans ages 18 - 44 lack coverage; and during 1999, 15% of the overall US population lacked coverage. Young adults (ages 19-34) are those most likely to be uninsured.<sup>6</sup>

### *What Predicts Adult Success?*

In addition to educational and income findings, factors predictive of success as adults were also examined. It was found that completion of high school while youth were in care, life skills/independent living

training, participation in clubs or organizations while in care, and access to post-secondary educational opportunities such as college or vocational training were associated with adult success.

*What Predicts Completion of High School While in Foster Care?* Additional predictive analyses identified what was associated with high school completion by youth placed in foster care. Findings suggest the value of delaying a child's first placement in the child welfare system (i.e. better use of primary prevention and family support), reducing placement disruptions, providing group care as a stabilizing measure, helping youth gain employment experience while in care, providing independent living training, promoting a positive relationship between the child and the foster parents, and minimizing criminal behavior. These were among the factors associated with high school completion.

The report and findings can be a valuable resource for foster care and transition services programs. To download a copy of the report, go to <http://www.casey.org>.

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<sup>1</sup>Pecora, P. J., Williams, J., Kessler, R. J., Downs, A. C., O'Brien, K. Hiripi, E., & Morello, S. (2003). *Assessing the effects of foster care: Early results from the Casey national alumni study*. Seattle, WA: Casey Family Programs. Available at <http://www.casey.org>

<sup>2</sup>See <http://www.acf.hhs.gov/programs/cb/dis/afcars/publications/afcars.htm>

<sup>3</sup>See the length of stay statistics for children leaving care in the AFARS report for September 30, 2001. Retrieved December 12, 2004 from <http://www.acf.hhs.gov/programs/cb/publications/afcars/report8.htm>

<sup>4</sup>University collaborators included Harvard University, University of Michigan, and University of Washington. Organizational collaborators included Casey Family Programs, and the state child welfare agencies from Oregon and Washington.

<sup>5</sup>Caution is warranted as the general population individual income comparison figure was for 2002 and not 2000.

<sup>6</sup>Institute of Medicine. (2001). *Coverage matters: Insurance and health care*. Washington, DC: Author. Retrieved December 12, 2004 from <http://www.iom.edu/includes/dbfile.asp?id=4147>

## Pathfinder Education Program: Lancaster County, Nebraska Detention Center

Mark Zablocki

All children deserve a high quality education. When children are incarcerated, this maxim carries even more weight. Education is vital to these students' re-entry back into school and/or a vocational setting. Without it, the cycle of incarceration can become a theme for these children with bleak consequences for adulthood. The education staff at the Lancaster County detention center in Lincoln, Nebraska understands this. They have developed and implemented a model program called Pathfinder.

### *A Shared Vision*

Pathfinder: 1. *Someone who discovers a way*; 2. *Someone who discovers a route, especially through unexplored territories or uncharted areas of knowledge.*

These definitions highlight the mission and philosophy of the staff at Lancaster and set the stage for learning. Together they have put together a program that provides educational opportunities that allow students to enhance skills in a variety of academic areas. As part of the Lincoln public schools, the program offers multiple pathways that include earning credits toward a high school diploma, preparation for G.E.D. testing, and skills for lifelong learning. This is done in an environment that promotes a positive climate based on mutual respect between students and staff and high expectations for student learning.

### *Curriculum*

Students have access to the regular curriculum of the Lincoln Public schools through individually designed education plans. Classroom instruction is offered in English, math, science, social studies, technology, reading, physical education, life skills, fine arts, and GED (General Education Development) preparation. The staff uses Nova-Net, a computer-based instruction program to supplement regular course offerings. Nova-Net enables students to work independently and earn high school credit. The staff provide special education services and adapt the curriculum as needed. As part of the public school system, staff is able to access students' IEPs through a centralized database. This ensures that services will not be interrupted.

### *Instruction*

On a recent site visit, I was able to observe the Pathfinder program in action. The Lancaster County detention facility is a low brick building that is deceptively small. From the front, it looks like a typical high school. The only clue that it is a detention facility is a mechanical gate where juveniles initially enter. Inside, the facility is state of the art. Brightly painted walls with framed motivational posters line the hallways. In the office, the teaching staff was busily preparing lessons. Many took time to say hello and to joke with the principal. This friendly give and take made me feel immediately welcome.

The office was connected to the media center, which is the central focus of the school. The media center contained full bookshelves, computers and work tables. On either side of the media center were classrooms where instruction was delivered. The classrooms had large windows which provided easy sight access.

In the classrooms, teachers used a variety of instructional strategies and

activities to address the varied learning styles and high mobility rate of the students. Teachers frequently team-taught in math and science, and English and social studies to co-ed classrooms. Students were aware of routines and attempted tasks eagerly. During a math and science lesson I observed, teachers taught expanded scientific notation and then used newly learned skills in a lesson about Richter scale readings and earthquakes. During the three-hour class, students discussed topics, completed a quiz within a game show format, viewed a videotape, and completed hands-on activities. The level of engagement by the students was high and as a result, misbehavior was almost non-existent. In addition to the teachers, an aide assisted students in the room or pulled them out to the media center for more intensive one-on-one instruction. The two security staff members assigned to each room contributed to the instruction by asking questions and sharing their knowledge and experiences.

A visit to the social studies classroom revealed a bright, cheery space with maps, posters and student-created work on the walls. In one lesson taught by both the social studies and English teachers, current events were presented in the form of reading handouts, discussion and cooperative learning activities. Together, the students brainstormed and created a classroom chart describing the pros and cons of the subject being discussed. Throughout the lesson, the co-ed group was engaged and on task. Misbehavior was not an issue and students' chatter related to the subject that each group was discussing.

Students who were deemed less serious offenders were placed in the "staff secure" area. This classroom was a large, airy space with desks, computers, a foosball table and television. A door led to an outdoor recreation area. Students' living quarters were in adjoining rooms. The students were

all engaged in working on a book report of people who made a difference. One student with whom I spoke shared her report on Maya Angelou with me. Throughout the day I was impressed students' willingness to talk about their work. They demonstrated an obvious pride in what they were doing. The teacher explained to me that, as part of the philosophy of the school, the staff places a high priority on showing respect and support for student opinions and work. These opportunities for success provide natural consequences for students' positive behavior and can reverse attitudes caused by negative experiences in the schools.

In short-term detention centers students often do not have the opportunity to participate in vocational education. However through an after school initiative at Pathways, students learn vocational skills in mechanics. During the past year students have been building a motorcycle from used parts found or donated by local community businesses and individuals.

The most restrictive environment at the detention center is a classroom where a small group of students receive instruction throughout the day. A teacher and an aide deliver intensive instruction in reading, computer skills, English and social studies. The math teacher comes in for part of the week to deliver individualized instruction. Therapy is also part of the curriculum. Students learn about social skills and each other through non-threatening and fun group activities. One student, who was reluctant to join the group at first, was laughing and fully participating towards the end of the lesson. The teacher explained that providing students the ability to form positive relationships is crucial to future success in other areas.

In addition to natural consequences in the classroom, the administration provides consistent external behavior support. Students earn points for appropriate

behavior in each class Students who meet weekly targets receive positive consequences. Also, when a student earns credit for completing a Nova-Net course, he or she receives pizza and a certificate of completion.

#### *Staff/Student Perceptions*

I talked to many of the staff members and interviewed about 10 students during my visit. One question was “What do you like about the program?” Many students responded that they were treated with respect. One student said this was important because it helped him learn. A few students said they liked the teachers and the classroom activities. Most of the students mentioned they enjoyed Nova-Net. One student said he appreciated the independent study time he receives to finish projects. A few students said they were glad they could earn credit for high school classes.

“Everybody is a learner” is a phrase I heard repeatedly. Staff responses included phrases such as, “culture of respect.” “positive, can-do attitudes,” and “staff collaboration.” One teacher said she, “looked forward to coming to work every day.” Another teacher liked the fact that teachers were entrusted to, “do our jobs”. None of this is possible without the consistent support of the administration. At Lancaster, this culture of respect starts at the top. The principal stated that as professionals, he trusts the teachers to do a good job and gives them wide latitude in developing and delivering instruction. He has high expectations for teachers and students alike and is always looking for ways to improve and expand the program. Observation and informal discussions with the principal, Richard Krause, indicated that he is well aware of how his teachers and other staff provide instruction and other services to students. His casual style obscures his high expectations he has for students and staff. His approach to

accountability is positive and respectful of others.

#### *Conclusions*

The Pathfinder education program is a model program for juvenile detention facilities. The administrative staff provides support by being involved in aspects of the educational process. The teachers deliver instruction that is relevant and highly engaging to a mobile student population. Line staff adds to class discussions and develop positive rapport with students. The students respond in kind by striving to achieve and learning skills that will benefit them upon their release. This positive approach delivers a high quality education to a population that may need it the most.

### In Their Own Words<sup>1</sup>

#### A Grandparent's Love

A grandparent's love is honest and  
Strong.  
And they'll let you slip when you do something  
Wrong.  
They'll say yes when your parent's say  
No.  
And you'll always love them when ray and  
Old.  
You can also learn from them they lived long  
Lives,  
Which makes it considerable cause, their quite  
Wise.  
When the time comes for your grandparents to  
Leave,  
The hurts unbearable as you can  
See.  
The love stays with you till you  
Die,  
And never be afraid to show their love,  
Inside.

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<sup>1</sup>This poem was written by a youth in a juvenile correctional facility.

EDJJ NOTES

Vol.4, No. 1, February 2004

A free on-line newsletter of the National Center on Education, Disability, and Juvenile Justice (EDJJ). EDJJ is a technical assistance, training, research, and dissemination center that is jointly funded by the Office of Special Education Programs, U.S. Department of Education, and the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice. This publication is supported by Grant No. H324J990003, U.S. Department of Education.

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