Improving Outcomes for Youth With Disabilities in Juvenile Corrections

Educational Practices

Overview

Youth with disabilities are disproportionately represented within correctional facilities,[1] with nearly four times as many students requiring special education and related services in the adjudicated population versus the general population.[2,3] According to the Individuals with Disabilities Education Act (IDEA), youth with disabilities must be identified and receive the special education and related services for which they are eligible while they are incarcerated.[4] Unfortunately, educational practices within correctional facilities often do not adhere to the practices mandated by IDEA,[5] with less than half of youth with a diagnosed learning disability attending a special education program while in custody.[6,7] It is critical that these youth receive the educational, social-emotional, behavioral, and career planning services for which they are eligible so that they can attain new skills and exit facilities prepared to live a more productive life.[8] In what follows, we summarize the challenges and best practices for meeting the diverse educational needs of youth within correctional facilities.

Key Principles of Practice

The following principles were identified in a review of *Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings.*[9]

Access to a High-Quality Education Often, correctional facilities cannot provide a "traditional" school setting, with students in grade-level classrooms; rather, they must provide instruction to students varying in age and academic levels,[10] resulting in a heterogeneous classroom. Nevertheless, these students are entitled to high-quality education programs that meet their academic as well as social-emotional and behavioral needs; programs should be comparable with those available to youth who are not in secure settings.[11] Therefore, it is essential that teachers be trained to target a variety of instructional needs.[12] In addition, youth should have access to the same curriculum by teachers using the same instructional practices as those who are not in secure settings.[13]

> **Specific Resources**
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> *Best Practices for Serving Court-Involved Youth With Learning, Attention, and Behavioral Disabilities:* The purpose of this monograph is to identify best practices for reducing delinquency and preventing recidivism in court-involved youth with learning, attention, and behavioral disabilities. A second purpose of this monograph is to identify and describe model programs currently existing that are directed toward court-involved juveniles with disabilities.
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> Correctional Education Association (CEA): This website provides information on the CEA, whose goal is, in part, "To be the primary source of professional support and professional information . . . and to be the primary facilitator of networking for educators in criminal and/or juvenile justice settings."
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> *Meeting the Educational Needs of Students With Disabilities in Short-Term Detention Facilities:* This manual is a guide for providing special education services in short-term detention facilities. It contains sections for screening youth who have and have not been previously identified with a disability.

IDEAs
that Work
U.S. Office of Special
Education Programs

Meeting the Educational Needs of System-Involved Youth: This document, released in conjunction with the Correctional Education Guidance Package, which has been jointly developed by the U.S. Department of Justice and the U.S. Department of Education, outlines the steps that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will take, in collaboration with Federal and other partners, in the short term to reform the U.S.'s juvenile justice system so that it promotes positive educational outcomes for all system-involved youth.

National Center on Education, Disability and Juvenile Justice: This webpage describes the purpose of the organization, which works, in part, "to improve educational and related outcomes for court-involved and at-risk youth, and to change perceptions about their capacity for achievement and success." It includes links to a variety of resources and information on topics related to improving the education of youth with disabilities in juvenile justice settings.

Professional Development: How It Can Enhance Student Outcomes in Neglected and Delinquent Programs: High-quality and ongoing professional development for teachers of students who are neglected, delinquent, or at risk, including those in correctional facilities, is essential to improving student outcomes. This archived webinar and accompanying resources identify effective professional development strategies, potential benefits, and some current methods of implementation.

Youth With Disabilities in Juvenile Corrections (Part 1): Improving Instruction: This module is based on the *Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Facilities*, part of the guidance package released by the U.S. Department of Education and the U.S. Department of Justice. It provides an overview of instructional and behavioral practices for working with youth, including those with disabilities, in juvenile justice facilities.

Individualized Instruction If a youth is evaluated and determined to be eligible for special education services, parents and teachers should develop a written individualized education program (IEP) that is responsive to the youth's areas of need.[14] IEPs must contain the youth's present level of educational and functional performance, his or her special education needs, the services to be provided, the objectives to be met, timelines for completion, an assessment of progress, and (where appropriate) transition plans.[15] Juvenile correctional facilities often struggle with the individualization of IEPs because of a lack of trained personnel to develop, update, and implement IEPs.[16,17] However, staffing restraints, although a common problem, do not exempt correctional facilities from this requirement.[18] In addition, under IDEA, parents are to be involved as much as possible; however, within the incarcerated youth population, parents often are not fully involved in their child's education.[19] If parents are unwilling or unable to remain involved, surrogate parents can fill this role.[20]

Specific Resources

Bringing It Together: Why It Is Important to Integrate Academics and Behavior When Thinking About Intensive Intervention: This webinar and associated resources discuss the integrated relationship between academics and behavior, review a case study example using data-based individualization (DBI) to provide individualized integrated academic and behavioral support based on student need, and share behavioral strategies intended to support teachers working with students with primary academic deficits and challenging behaviors.

Making It Happen: What Does It Take to Implement Intensive Intervention? This archived webinar describes contextual factors that can support or impede the implementation of intensive intervention. Its presenters discuss lessons learned about critical infrastructure elements and practices that were identified through the National Center on Intensive Intervention's (NCII's) work with school sites and provide an example from a Rhode Island district.

MTSS, RTI, Special Education…OH My! Gaining an Understanding of MTSS and RTI [Response to Intervention] from Drs. Lynn Fuchs and Joe Jenkins: This video and associated resources describe the four steps in the multi-tiered systems of support (MTSS) model. It also focuses on strategies for collecting data and identifying interventions to use within MTSS, including common challenges for educators attempting to implement MTSS.

Providing Individually Tailored Academic and Behavioral Support Services for Youth in the Juvenile Justice and Child Welfare Systems: This practice guide examines the principle that individually tailored academic and behavioral support services should be provided for youth involved with the juvenile justice and child welfare systems. It suggests five practices to this end and includes suggestions for additional resources.

Universal Design for Learning (UDL): Using UDL to Help Youth in Jail: This article discusses the application of the UDL educational framework to transform the education that is provided to incarcerated youth. The authors describe how the three UDL principles (multiple means of representation, multiple means of student action and expression, and multiple means of student engagement) can help educators design classroom environments that address the educational needs of incarcerated youth more effectively.

IDEA Compliance As a condition of receiving Federal funds under IDEA, States must demonstrate to the U.S. Department of Education that they have policies and procedures in place to fully comply with the law's requirements.[21] A provision of IDEA ensures that students with disabilities within correctional facilities have access to a free appropriate public education (FAPE).[22] To ensure the availability of FAPE, IDEA specifies procedures to identify youth with disabilities, address their needs, and design individualized supports and services to help them meet their academic and behavioral expectations.[23] Under IDEA, eligible students are entitled to an IEP that details the specially designed instruction and related services they require.[24] IDEA compliance requires the following: (1) the identification of youth with disabilities who have not previously been identified by the school once they enter the correctional facility; and (2) for youth identified, the continued adherence to their IEPs while they are enrolled in a correctional facility.[25] In addition, IDEA requires that youth be educated in the least restrictive environment (LRE). For youth with disabilities in correctional facilities, this means that to the extent possible, they are to be educated with those who are not disabled.[26] Removing youth with disabilities from the regular educational environment should occur only if the severity of the disability is such that satisfactory performance in regular classes cannot be achieved.[27]

Specific Resources

Dear Colleague Letter: Summarizes the responsibilities of States, State educational agencies (SEAs), local educational agencies (LEAs), correctional facilities operating as LEAs, and noneducational public agencies to students with disabilities within correctional facilities to be compliant with IDEA requirements.

IDEA and the Juvenile Justice System: A Factsheet: Provides an overview of IDEA, who is eligible to receive IDEA funds, what an IEP is, and the prevalence of learning disabilities in incarcerated youth.

Key Considerations in Providing a Free Appropriate Public Education to Youth With Disabilities in Juvenile Justice Secure Care Facilities: This brief discusses three key components within IDEA that are necessary for the provision of FAPE to youth with disabilities who are detained and incarcerated in juvenile justice secure care facilities: (1) Child Find (identification, location, and evaluation of eligible children and youth with disabilities); (2) FAPE in the LRE (education with peers who are not disabled to the maximum extent appropriate); and (3) IEPs and related protections, including parental participation.

Q & A: Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations: Provides questions and answers to States, SEAs, LEAs, parents, and other stakeholders, with information regarding IDEA requirements related to IEPs, evaluations, and reevaluations.

State Correctional Education Self-Assessment (SCES): The Office of Special Education Programs (OSEP) developed the voluntary SCES to assist States in self-assessing their systems for providing special education and related services to students with disabilities in correctional facilities.

This document was retrieved from a Web-based resource on the topic of juvenile corrections. For more information and additional resources, please visit: http://osepideasthatwork.org/jj.

Endnotes

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