



## **Equity by Design:**

Facilitating Equitable School Reentry  
for Students Involved in the Juvenile  
System

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# Facilitating Equitable School Reentry for Students Involved in the Justice System

There is a disproportionate representation of minoritized youth in residential placement across the U.S., despite rates of juvenile offenses across racial, ethnic, and gender groups remaining relatively stable (Hawkins, Lattimore, Dawes, & Visher, 2010; Snyder, 2004). Minoritized male and female youth in the categories Black, Latino, American Indian and Alaska Native, Asian, and two or more races comprised 68% of youth in residential facilities in 2013. White youth represented 32% of the population. Black male youth make up the largest represented group with 40% of the

population, white males 32%, and Latino males 23%. Female residents account for only 14% of the population with white females comprising the largest sub-group. While the number of youth committed to residential facilities has declined, the female population in residential facilities has remained steady and the number of girls entering the juvenile justice system has increased (Hockenberry, 2016; Leve, Chamberlain, & Reid, 2005).

## School to Prison Nexus

The justice system and public education are seldom viewed as working in tandem despite evidence indicating they have direct effects on one another (Farn & Adams, 2016; Klehr, 2009). Among many factors influencing youth delinquency, including individual, peer, family, school, and community elements, education serves as a “critical factor in determining the risk of delinquency and recidivism” (Farn & Adams, 2016, p. 5). Indeed, discipline practices disproportionately applied to students of color compared to their white peers such as zero tolerance policies, suspension, and other forms of exclusion exacerbate academic and social challenges students’ encounter in schools (Annamma, Morrison, & Jackson, 2014; Christle, Jolivet, & Nelson, 2005). Further, “racial disparities in discipline contribute to racial disparities in test scores”, which consequently connect “not only to racial disproportionality in discipline, but also to special education and juvenile justice assignment” (Annamma, et al., 2014, p. 54). Educational leaders have the ability to correct these punitive practices and rather, develop strategies to support youth struggling with social or emotional well-being and provide equitable learning communities for minoritized students (Christle, et al., 2005; McCarthy, Schiraldi, & Shark, 2016).

## KEY TERMS

**Adjudicated youth** - a youth who has violated a criminal law, as determined by a juvenile court judge. Under the juvenile system, such youths are called delinquent rather than guilty. An adjudication must occur before a sentencing.

**Delinquency offense** - an act committed by a juvenile that would be a felony or misdemeanor if committed by an adult. A delinquent offense can be an act designated a crime under state law, an ordinance of any city, county, town or service district, or under federal law. A delinquent offense does not include an act that is otherwise lawful, but is designated a crime only if committed by a child (i.e., status offenses).

**Justice-involved youth** - a minor involved in the juvenile justice system or who cannot be controlled by parental authority and commits antisocial or criminal acts, such as vandalism or violence (formerly “juvenile delinquent”).

**Recidivism** - the tendency of a criminal to reoffend.

**Reentry** - the act of coming back or entering again.

**Status offense** - conduct that would not be a crime if it was committed by an adult; the actions are considered to be a violation of the law only because of the youth's status as a minor (typically anyone under 18 years of age). Common examples of status offenses include underage drinking, skipping school, and violating a local curfew law.

Further, school communities can break cycles of incarceration by equitably facilitating reentry of justice-involved youth back into school by focusing on the mediating factors that contribute to academic outcomes, social-emotional development, and recidivism (Bloomberg, et al., 2011).

## Characteristics of Youth Placed in Residential Facilities

Approximately 90% of youth offenders are committed to residential placement facilities for delinquency offenses or status offenses. Delinquency offenses include behaviors that violate criminal law as well as violations of probation, parole, or court orders associated with violating criminal law. Status offenses such as truancy, uncontrollable behavior, or running away from home are unique to youth because they are not violations of law, however they directly relate to positive youth development (Crime in the United States, 2010). While there are few differences between racial groups in terms of the types of delinquency or status offenses committed, white youth are less frequently arrested or adjudicated compared to their non-white peers (Rovner, 2016). Youth who had committed delinquency offenses comprised 86% of those in residential placement facilities in 2013; 33% of these were crimes against persons while 23% were violent offenses. Status offenses comprised 4% of the youth population in residential facilities (Hockenberry, 2016). Youth having committed violent crimes (e.g. homicide, rape, aggravated assault) are more likely to be held in a public facility than those who have committed a non-violent crime (e.g. drug or status offenses). Disproportionate representation of non-white youth fuels misconceptions that youth of color are the majority of those committing violent crimes, however 2013 data indicate “Black juveniles were more than four times as likely to be committed as white juveniles, American Indian juveniles were more than three times as

likely, and Hispanic juveniles were 61 percent more likely” (Rovner, 2016, p. 1).

Residential facilities are not restricted to youth who have been committed for delinquency or status offenses. Nearly 10% of youth living in residential facilities have been referred for abuse or neglect, have emotional or cognitive disabilities, or have been referred by their parents or guardians (Hockenberry, 2016). Proponents of juvenile justice reform, and those studying the long-term effects of incarceration for youth offenders, have long held that incarceration should be limited to “those who cannot be safely supervised in the community” (Still, et al., 2016, p. 13), yet these youth are integrated into residential facilities with youth offenders, often facing the same social stigma and barriers to success when reentering public school. Disproportionate access to educational opportunities coupled with disproportionate punitive school discipline and juvenile justice adjudication “has strengthened policy, practice, and ideological linkages between schools and prisons” (Meiners, 2011, p. 550), effectively funneling non-white youth out of schools and into prisons.



## Overview of Juvenile Justice and Residential Facilities

The United States leads the world in incarceration (Still, Broderick, & Raphael, 2016).

As a nation, the U.S. comprises merely 5% of the world's population, yet 25% of the world's incarcerated population with that 25% largely comprised of people who are "poor, mentally ill, under- or uneducated, non-heterosexual and/or gender-non-conforming non-citizens and/or non-white" (Meiners, 2013, p. 263). In 2013, juvenile courts handled an estimated 1.2 million cases nationwide with just over 54,148 youth offenders sentenced to residential facilities as reported through the U.S. Census Bureau's Census of Juveniles in Residential Placement (Hockenberry, 2016). However, from 1997 through 2013, the number of youth placed in residential facilities decreased by 50%. Reasons for this reduction include declining youth arrests (McCarthy, Schiraldi, & Shark, 2016), and juvenile justice reform in the context of national economic strain resulting "in a shift from committing youth to high cost residential facilities to providing lower-cost options, such as probation, day treatment, or other community-based sanctions" (Hockenberry, 2016, p. 5). Disproportionate representation of youth of color in residential placement facilities has increased despite nationwide juvenile justice reform resulting in marked declines in the overall number of youth committed for delinquency or status offenses. Hockenberry reports that "[between 2003 and 2013], the population dropped 44%. Since 2003, the number of white youth in residential placement dropped 53%, compared with 38% for minority youth in general and 33% for Hispanic youth" (2016, p. 12).

Each states' juvenile correctional agency determines the distribution of youth offenders across public, private non-profit, and private for profit residential facilities. These agencies are responsible for all aspects of facility oversight, including educational services contracted through local school districts (Farn & Adams, 2016). The quality of academic instruction within residential facilities is generally low (Farn & Adams, 2016; Klehr, 2009) resulting in students' loss of valuable educational time.

This increases the likelihood of recidivism for youth of color despite evidence indicating an additional year of high school significantly reduces crime rates and incarceration (Meiner, 2011, 2013). Further, educational credits earned while incarcerated often do not transfer into their home district upon school reentry (Feierman, Levick, & Mody, 2009/2010). The Council of State Governments Justice Center (2015) reported only 26% of states having educational programs in residential facilities comparable in quality to those in public schools. Moreover, youth offenders are often geographically transient, which causes delays in locating and transferring school records from public districts to residential facilities. Youth of color identified for special education services experience similar disproportionate representation within residential facilities compared to their white peers, often finding themselves in classrooms without any academic support while they await records transfers (Annamma, et al., 2014). Conversely, many youth who would be eligible for special education services but have not been assessed through public schools are not assessed until mandated by judicial order upon entry into the juvenile justice system late into their school years, further compounding disadvantages they face upon public school reentry (Rhudy & Sucherman, 2009).

## Barriers to School Reentry

Community reintegration is typically characterized by two components intended to work in tandem: community restraint and intervention (Bouffard & Bergseth, 2008).



Community restraint includes measures such as parole contact, mandatory urine testing, and other types of monitoring intended to ensure the safety of the public. Intervention measures include counseling or cognitive-behavioral treatments, academic transition and reentry support, substance abuse and addiction services, employment support, special education transition, or other services intended to change behavior and reduce the likelihood of recidivism (Gies, 2003). Snyder (2004) proposed where reentry services might best support youth as they transition back into the community, finding that “educational needs are far greater for committed juveniles than for youth in the general population”, citing 60% of youth having never completed 8th grade, 23% not having entered high school, and “the prevalence of special educational disabilities among incarcerated juveniles at between three and five times that of the general population of U.S. juveniles” (p. 50).

**Academic barriers.** School administrators are under social and political pressure to ensure the academic success of every student (Klehr, 2010; Mackey, 2015) while maintaining the safety and well-being of all students, faculty, staff, and visitors to the school community (Mackey, 2011). State and federal accountability policies disincentivize school leaders from allowing the reentry of adjudicated youth because their academic and standardized test data might result in lowering the overall school data. Studies have demonstrated that poor educational programs in residential facilities serving youth who are already struggling academically result in nearly “75% of students in custody [advancing] less than one full grade level per year” for each year they are in custody (Altschuler & Brash, 2004, p. 81). Moreover, there is a connection between academic performance and school discipline, therefore youth who struggle academically are more likely to be disruptive in the school setting, causing concern for school safety and climate (Klehr, 2009; Zingraff, Leiter, Johnsen, & Myers, 1994).

These data seemingly support the exclusion of students of color from re-entry into public school, further perpetuating the school-to-prison pipeline, however they do not take into account root causes for students’ academic struggles. Students’ opportunities to learn are diminished through systemic over-representation in special education and school discipline, “criminalization of students, monstrous resource disparities and unequal access to educational opportunities” (Meiners, 2011, p. 551) long before reentry becomes necessary. The public often view school community-based interventions, including academic and prosocial education support for youth offenders reentering public schools, as additional strain on an already taxed system, yet ignore systemic issues placing students of color at risk in the first place. These issues have left most school leaders unreceptive to readmit youth back into the school community after their release from detention facilities.

There are a number of reasons why detention facilities and public schools appear to differently prioritize students’ educational needs. Fundamentally, incarcerated youth are detained as a form of punishment, therefore high quality education is viewed as an unearned benefit (or privilege lost upon committing a crime). Youth reenter the public school community further behind than when they entered the juvenile justice system, often having had little to no remediation or special education services provided due to untrained or unaccommodating personnel within detention facilities. School personnel often find it difficult to obtain school records for youth transitioning from detention facilities and are delayed in providing special education services when these are included with school records (Geib, Chapman, D’Amaddio, & Grigorenko, 2011). Oversight and accountability for educational programs in detention facilities is negligible, with nearly 40% of facilities in the U.S. not meeting accreditation standards (Farn & Adams, 2016).

**Beyond academic support.** Youth who have been adjudicated often require far more support than traditional students in order to achieve academic success and avoid recidivism. The National Center for Mental Health (2007) found 70% of youth in the juvenile system experience mental health issues while 20% experience profound mental health issues compared to 16.5% of the general population of American adolescents (Desai, Goulet, Robbins, Chapman, Migdole, & Hoge, 2006). Youth rarely receive mental health services while in custody and severe psychiatric symptoms are often treated with solitary confinement, contributing to minoritized “youth in custody [having] a four times greater risk of suicide than their [white] peers” (National Alliance on Mental Illness, 2017, para. 3).



The lack of services provided to youth of color exacerbate the pattern of disproportionate representation present in the juvenile, and subsequently, adult justice systems because youth do not receive the services they need in order to successfully transition back to school. The National Commission on Correctional Health Care’s standards of care guidelines establish minimum requirements for mental health screening when youth enter residential placement facilities including prompt screening for potential psychiatric problems and current medication followed by an in-depth health screening within seven days (Loughran & Godfrey, 1999). Desai, et al. (2006) found that 73% of facilities nationwide performed initial general screening for history of mental health

problems while 57% screened for history of mental health treatment. Initial intake screening focused primarily on emergency medical problems (97%) and drug or alcohol abuse (91%). Abrantes, Hoffman, and Anton (2005) found that girls are more likely to have mental health issues than boys, however both girls and boys in the juvenile justice system exhibit higher rates of conduct disorders and substance abuse (25%-50%) than their non-incarcerated peers, leading to recidivism. Only 47% of youth detention facilities reported providing services for drug and alcohol dependency, 46% reported having services for suicide risk reduction, and 21%-22% reported providing services specifically designed for violent offenders or sex offenders (Desai, et al., 2006). Conditions within youth detention facilities are often cited as contributing to youth recidivism because youth are not provided the mental health resources or counseling they require as part of an effective treatment plan. As many as 75% of adjudicated youth are rearrested within three years of release from detention facilities (National Reentry Resource Center, 2014).

**Transition services.** Community stakeholders cite “a lack of academic skills as the second main barrier (after lack of family support) in the successful transition” of incarcerated youth (Geib, et al., 2011, p. 6). Few states provide transition services to adjudicated youth (Leone & Weinberg, 2012). A key issue of reentry for youth in custody is facilitating a shift from an institutional mindset, which focuses on the individual, to a community mindset, which takes into account the needs of the individual while considering the “offenders’ effect on their families, victims, the community at large, public safety”, as well as the unique setting of the school community (Altschuler & Brash, 2004, p. 73).

As Feierman, et al. (2009) note, the school-to-prison pipeline does not run in only one direction, therefore, transition services should provide successful movement from the community to correctional programming and then from the correctional program to post-incarceration activities. Yet, there is a lack of coordination between public agencies and the families of youth offenders along with a substantial void in unmet educational needs. Student mobility often prevents access to accurate school records and results in a high number of students not having special education needs assessed. State and federal accountability policies, and dwindling resources for public education, place school leaders in a challenging position when determining whether or not to admit, or readmit, youth offenders returning from detention facilities.

### **Facilitating Equitable Reentry into the School Community**

Educational services within the juvenile justice system are of poor quality with little to no consideration or planning for transition back into the regular school community (Altschuler & Brash, 2004; Klehr, 2009). Education is a key factor influencing students' social and psychological development and "has important implications for a youth's long-term life experiences and well-being, including employment, income, and health" (Farn & Adams, 2016, p. 4). Educational leaders must develop approaches that fit their unique community contexts to facilitate equitable reentry of youth as they transition from youth detention into the school community.

**Academic and Social Supports at the School Level.** Facilitating equitable reentry into the school community begins with establishing effective communication between youth detention facilities and public schools prior to student transitions. Despite two decades of juvenile justice reform, technology improvements and digital recordkeeping, and

the demonstrated need for increased collaboration and communication between corrections and education institutions, little improvement has been made (Farn & Adams, 2016; Geib, et al., 2011). Staff working in detention facilities and staff working in schools lack a general understanding of the relationship between education and juvenile justice, and the significant impact education has on reducing recidivism (Farn & Adams, 2016). Developing stronger lines of communication and encouraging collaborative effort from both institutions through youth's transitions would alleviate some of the academic and social barriers students face upon reentry.

Academic and social interventions for youth transitioning from detention facilities must be tailored to address the factors that contributed to incarceration in the first place. McCarthy, et al. (2016) suggest school leaders recognize the flaws within the juvenile justice system and create a space for youth that includes "engaged adults focused on their development, a peer group that models prosocial behavior, opportunities for academic success, and activities that contribute to developing decision-making and critical thinking skills" (p. 4). Justice-involved youth are still developing and maturing and have been exposed to abuse and trauma to a greater extent than their peers, further complicating their development (Bonnie, Johnson, Chemers, & Schuck, 2013), and have received poor quality education placing them even more at risk of academic failure than before entering the juvenile justice system. Transitioning students' records should be easily accessible by appropriate school personnel, all special education requirements should be in place when students arrive, and remediation should be an expected necessity.

**Broader School Community Partnerships and Collaborative Relationships.** Equitably supporting justice-involved youth transitioning from the juvenile justice system back into the school community requires the merging of the juvenile justice system's community-based services model with the educational system's wraparound services model. In the community-based model, professionals who serve as transition coordinators act as the liaison between justice-involved youth and the service professionals or organizations the youth will need once they leave youth detention. The process starts long before transition begins so services are not interrupted. Transition coordinators meet with youth for a specified time period through transition and serve as an informal mentor, attend support group meetings with the youth, and set up medical, mental health, counseling, and other services appointments (Bouffard & Bergseth, 2008). The education systems' wraparound services model is "a philosophy of care that includes a defined planning process involving the child and family and results in a unique set of individualized supports, services, and interventions to achieve a positive set of outcomes" (Scott & Eber, 2003, p. 134). Through this community-based approach, schools collaborate with service professionals, agencies, and families to provide youth the resources and support they need as they strive for academic and social success.

**Merging existing systems.** Community-based juvenile justice services and wraparound school-based services are both operational within their respective domains. The two systems have simply failed to bridge the gap between one another to assess where points of intersection occur and what areas might be strengthened to better support the transition of justice-involved youth. School leaders are already equipped to begin intentional, targeted collaboration with juvenile justice professionals using the structures available through implementation of school-wide Culturally

Responsive Positive Behavior Intervention and Supports (CWPBIS). Extending the notion of traditional Positive Behavior Intervention and Supports, which was initially developed as an approach to support individual students with behavioral or developmental disabilities through a multi-tiered approach to support proactive school-wide discipline (Dwyer & Osher, 2000; Lewis, Sugai, & Colvin, 1998; Netzel & Eber, 2003).



CWPBIS integrates cultural considerations into all aspects of the PBIS framework, recognizing that "cultural patterns in schools...that are related to student discipline and behavior" are just as important as the individual cultural identity characteristics of the individual student (Bal, Thorius, & Kozleski, 2012, p. 7). Aligning CWPBIS interventions with collaborative stakeholder input from juvenile justice professionals, other service professionals and agencies from the broader community, and students' families in a wraparound services model provides a framework for equitable reentry into the school community

## Considerations for Equitable Reentry Policy and Practice

1. Examine reentry policies, developmental services, and age appropriateness as well as the ways in which these policies and services ensure equitable outcomes for students disproportionately represented in school discipline and juvenile justice (e.g. race, sex).
2. Provide professional development for all school staff and faculty to incorporate strategies that reflect an understanding of the connection between poor school performance, disability, and anti-social behavior.
3. Review exclusionary practices and cultural patterns in schools related to student discipline and behavior that perpetuate disproportionate representation in discipline or reinforce students' feelings of isolation such as zero tolerance policies, implicit bias, bullying and harassment, as well as recognize aspects of students' unique individual cultural identities and how school and individual cultural patterns interact.
4. Explore vocational training or workforce opportunities for older youth to offset likelihood of recidivism.
5. Develop collaborative networks to merge community-based juvenile justice after-care with education-based wraparound services.
6. Establish structured social activities and a mentoring system that engages transitioning youth with a healthy peer network as they reestablish themselves within the school community.
7. Collaborate with juvenile justice and community service providers to determine individual expectations for reentering youth and develop a measureable growth plan that takes into account student data, predictable relationships between the environment and behavior, proactive procedures, practical and realistic instructional routines, and consistently enforced consequences.

## Final Thoughts about Justice-Involved Youth

Focusing on reentry policies and practice at the school level is a reactive measure to a number of factors influencing youth outcomes. In most cases, justice-involved youth are in contact with schools before they are in contact with other systems of care such as child-welfare, juvenile justice, mental health services, or other professional care services. School-wide PBIS and wraparound services, when implemented fully, provide a framework for early identification and interventions that may prevent youth from coming into contact with the juvenile justice system (Abbott & Barnett, 2016). Farn and Adams (2016) stress that it is "imperative that professionals working in the education system recognize risk and protective factors, connect at-risk youth to preventive services, quickly re-engage delinquent youth in educational or vocational programs after their release, and provide supports and referrals as needed" (p. 7). The deeper youth penetrate into the juvenile justice system, the less likely they are to reintegrate into the school community and graduate from high school. Pettit and Western (2004) found male high school dropouts are three to four times more likely to end up in prison at some point in their lives.

Justice-involved youth who experience academic success, whether in the traditional setting or in a vocational setting, engage with peers in the school context, and have positive relationships with teachers and peers are less likely to return to the juvenile justice system (Bloomberg et al., 2011). Schools provide a safe environment where students' social, academic, and psychological development is supported by the guidance of caring adults. Under these conditions, delinquency factors are minimized and justice-involved youth's likelihood to succeed academically, find future employment, and avoid recidivism increases. Greater collaboration between the juvenile justice system and public schools facilitates this in ways that further strengthens students' opportunities for future success.



## **About the Midwest & Plains Equity Assistance Center**

The mission of the Midwest & Plains Equity Assistance Center is to ensure equity in student access to and participation in high quality, research-based education by expanding states' and school systems' capacity to provide robust, effective opportunities to learn for all students, regardless of and responsive to race, sex, and national origin, and to reduce disparities in educational outcomes among and between groups. The Equity by Design briefs series is intended to provide vital background information and action steps to support educators and other equity advocates as they work to create positive educational environments for all children. For more information, visit <http://www.greatlakesequity.org>.

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