



# JUST LEARNING

The Imperative to Transform Juvenile Justice Systems Into Effective Educational Systems

*A Study of Juvenile Justice Schools in the South and the Nation*



## [The Southern Education Foundation \(SEF\)](#)

Founded in 1867 as the George Peabody Education Fund, 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. SEF uses collaboration, advocacy, and research to improve outcomes from early childhood to adulthood. Our core belief is that education is the vehicle by which all students get fair chances to develop their talents and contribute to the common good.

### **CREDITS**

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Printed in the United States of America. First Edition.

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## TABLE OF CONTENTS

<b>Foreword</b> by Kent McGuire, President, Southern Education Foundation	3
<b>Introduction</b>	4
<b>Juvenile Justice Systems across the Nation</b>	5
<b>Demographics of Youth in Juvenile Justice Systems</b>	7
<b>Sidebar:</b> Almost Half of All Youth Committed to US Adult Prisons Reside in the South	8
<b>Reasons for the Custody of Youth in Juvenile Justice Facilities</b>	9
<b>Recent Trends</b> in Juvenile Justice Reform	10
<b>Economic Necessity of Higher Education for Juvenile Justice Youth</b>	11
<b>Sidebar:</b> The Origins and Purposes of Juvenile Justice	12
<b>Educational Status and Needs of Juvenile Justice Students</b>	13
<b>Status of Effective Education in State Juvenile Justice Schools</b>	15
<b>Status of Effective Education in Local Juvenile Justice Programs</b>	21
<b>Sidebar:</b> Educational Issues of All At-Risk Youth in Custody	26
<b>Effective Education: A Key Strategy for Creating Positive Turning Points</b>	27
<b>Potential Economic Gains from Effective Education</b>	29
<b>Interpretation, Recommendations, and Conclusion</b>	33
<b>Appendix 1:</b> Youth in Residential Placement in Juvenile Justice Systems	37
by Race, State, and Region: 2010	
<b>Appendix 2:</b> A Void and Confusion of Data in Juvenile Justice Systems	39
<b>Appendix 3:</b> Calculations and Methodology	40
<b>Appendix 4:</b> Measures of Academic Achievement-Neglected, Delinquent, & At-Risk Youth	43
by State & Region: 2011	

## Foreword

### C. Kent McGuire, President, Southern Education Foundation

The Southern Education Foundation has worked for nearly 150 years to advance educational opportunities for low income students and students of color. These students often face substantial obstacles to accessing quality education, and the opportunities in life that are afforded with educational attainment. These students, even while becoming a growing majority in the South's public schools, are some of the most vulnerable. They require public schools and communities that lift them up and support them, giving them tools to succeed in school, graduate, and go on to enter and complete college.

Improving student achievement in the South and closing persistent education gaps requires supportive cultures of teaching and learning within our schools that allow each and every student to succeed. Yet, SEF's research has shown that our most vulnerable children are often falling through the cracks, or are even pushed out of our schools. In fact, the South leads the nation in the use of out-of-school suspensions, removing over one million students in 2010 for mostly minor, non-dangerous infractions like disobedience, insubordination, and even truancy. Almost 60 percent of all African American males suspended across the nation in 2010 attended public school in the South. Research has shown that, once suspended, students are likely to become disconnected from school, often receiving subsequent suspensions, and even entering the juvenile justice system.

At SEF, we are making efforts to improve school climate and culture and keep all students in school – in “pipelines” to college and career, and not to prison. But at the same time, we are concerned about students who are at the end of this “pipeline” to prison – who have already entered our juvenile justice systems. This report examines federal data on youth in custody and provides powerful evidence that students in the juvenile justice system are getting a substandard education at a time when they need a good education the most. In fact, the juvenile justice systems may be doing more harm than simply failing to provide effective education. They contribute to alarming recidivism rates in which young people in trouble can't put their lives back on track. Students are placed in the juvenile justice system most often for minor offenses and then continue to lose ground; only a small proportion of the students for which there is data complete as much as a single course. This report offers a comprehensive look at available data and starts an important conversation about how to improve education for youth in juvenile justice facilities.

The institutionalization of thousands of young people is unacceptable, and is in fact a detriment to their future and to society. We need to ensure that the students who do go through the system—who are predominately African American males and overwhelmingly youth of color—leave with the skills that can help them be independent and self-sustaining. The education of students in the juvenile justice system must be a primary responsibility of states and districts to ensure that young people have the skills and knowledge to meet their potential.

## Introduction

The most disadvantaged, troubled students in the South and the nation attend schools in the juvenile justice systems. These children, mostly teenagers, usually are behind in school, possess substantial learning disabilities, exhibit recognizable behavioral problems, and are coping with serious emotional or psychological problems. They are often further behind and hampered with more personal problems than any other identifiable group of students in the nation's elementary and secondary schools. Very often they are confined in large, overly restrictive institutional facilities that are operated without priority or focus on their education.

Most juvenile justice schools have such low expectations of student academic performance that they usually report only if students gained or failed to gain basic skills during their period of custody. These reports are usually recorded only for a small fraction of the students who are in the juvenile justice systems. As a result, most students come in and out of the juvenile justice systems with little or no real regard for their education.

A large majority of these students, year after year in the South and the nation, have been African American and Hispanic males. Only 37 percent of these students have been confined for some type of harm to others. Almost another one-third has been put under the custody of the juvenile justice system because of a delinquency that did not involve harm to property or persons. Their ages range annually from less than 10 years old to around 21. The majority are in their mid-teens.

There is every reason to predict that today most of these students, like those who came before them in the juvenile justice systems, will never receive a high school diploma or a college degree, will be arrested and confined again as a juvenile or adult, and will rarely, if ever, become self-supporting, law-abiding citizens during most of their lives. Yet, substantial evidence shows that, if these children improve their education and start to become successful students in the juvenile justice systems, they will have a far greater chance of finding a turning point in their lives and becoming independent, contributing adults. The cost savings for states and state governments could be enormous.

Unlike past era, a young person who enters and leaves the juvenile justice system in the 21<sup>st</sup> century without a trajectory for achieving more than a high school diploma will likely fail to become a successful and contributing adult. This failure will cost society far more than it should have to pay, and there will be no justice for students or the larger society from a juvenile justice system that fails to improve education for the children in its custody. The nation and its most disadvantaged, troubled youth deserve better.



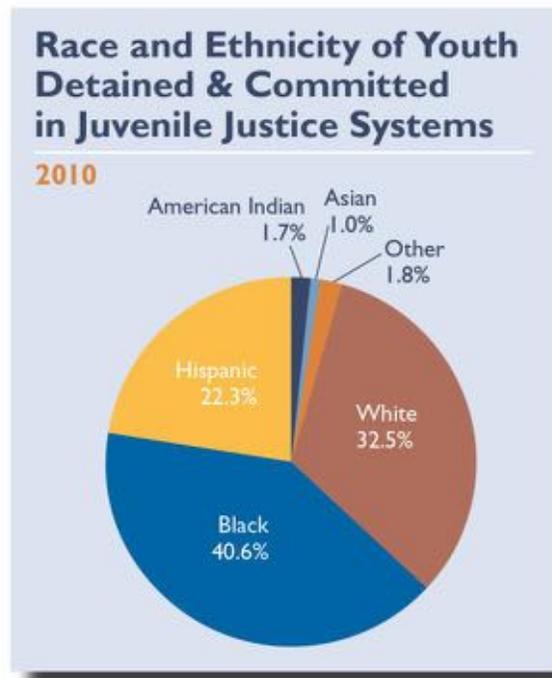
This arrangement demands a high degree of successful coordination to achieve effective planning and management for each young person in the government's custody and care. It often involves several interim stages for a juvenile – beginning with the multi-faceted process of adjudication and involving other phases for assessment, placement, reassessment, and confinement – before the youth are provided consistent educational and related services that can advance their rehabilitation and prospects for a better life. In addition, this piecemeal arrangement often means that juveniles are frequently transferred from one location to another, especially if they are eventually assigned to a state residential facility.

By their very nature, these multi-part institutional responsibilities often work against the best interest of both juveniles and society by increasing the likelihood of delays, mistakes, miscommunications, neglect and costs. It is fair to observe that no one who wished to design a juvenile justice system in which states are likely to provide the most cost-effective custody, care, and education to young people would create the systems that are in place across most states, including the Southern states.

## Demographics of Youth in Juvenile Justice Systems

In 2010, approximately 70,000 young people on any given day were detained in the custody of the juvenile justice systems across the United States. Approximately one-third of those troubled youth were found in the 15 states of the Southern United States.<sup>2</sup>

In both the South and the nation, the youth in the custody of juvenile justice systems are overwhelmingly children of color – primarily African American and Hispanic. According to data from the U.S. Department of Justice’s office of juvenile justice, 41 percent of the juveniles detained and committed to the juvenile justice systems were African American in 2010. Twenty-two percent were Hispanic. All children of color constituted 68 percent of the juveniles taken into custody. Eighty-seven percent of the youth in the juvenile justice systems were male.



Source: Office of Juvenile Justice and Delinquency Prevention (OJJDP)

A 2007 survey of youth living in state residential facilities in the United States reflected the same pattern in which 66 percent of the juveniles were children of color: 41 percent of the juveniles were African American and 22 percent were Hispanic. Similarly, in the 15-state South, 66 percent of the youth in residential facilities were non-white.<sup>3</sup>

In ten states, 75 percent or more of all youth in the juvenile justice residential facilities were persons of color in 2007. Hawaii, New Jersey, and California had the highest rates for children of color, followed by New Mexico, Georgia, Texas, Maryland, Louisiana, Delaware, and Mississippi. Seven other states had

<sup>2</sup> See Appendix I for a 2010 list of the number and demographics of youth in the residential placement of the juvenile justice systems by region and by state. The regional list shows the 15 states of the South. *Census of Juveniles in Residential Placement, 2010*, Office of Juvenile Justice and Delinquency Prevention (OJJDP), US Justice Department.

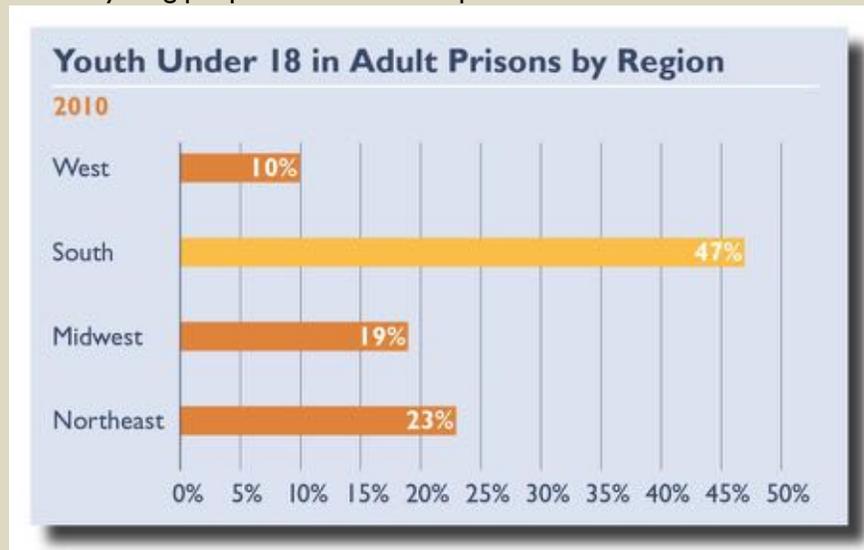
<sup>3</sup> *Offense Profile of Residents by Sex and Race/Ethnicity for United States*, OJJDP, 2007.

higher rates than the national average: Massachusetts, Connecticut, Virginia, Pennsylvania, New York, North Carolina, and Illinois.

In 2010, 17 states had a higher percentage of young persons of color – mostly African American and Hispanic youth – housed in juvenile residential facilities than did the nation as a whole. Eight of these 17 states are located in the South. Overall, 41 percent of all African American youth and 21 percent of all Hispanic youth housed in the nation’s juvenile justice facilities were located in the 15 Southern states.

### Almost Half of All Youth Committed to US Adult Prisons Reside in the South

Some children are sent to adult prisons in the United States. In 2010, state and federal prisons for adults had 2,295 young persons (under the age of 18) in custody throughout the 50 states. Forty seven percent – 1,090 of these young people – were in adult prisons in 15 Southern states.



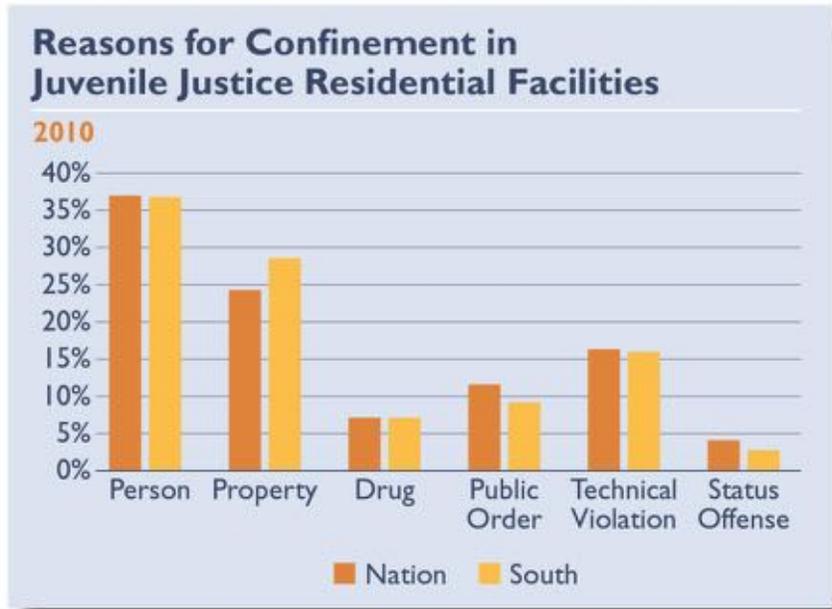
Source: Bureau of Justice Statistics, U.S. Department of Justice

The adult prisons in the United States house some of the nation’s most under-educated adults, and the prisons provide quite limited educational opportunities for inmates – even more limited than those in juvenile justice schools. Most state prisons offer adult education classes, although less than half have provided educational services specifically for anyone with learning disabilities.

There is no exact data on the educational status and needs of young people placed in adult prisons, but they are likely to have as many, if not more, educational and developmental issues as their peers in juvenile justice systems. Without access to effective, age-appropriate education and adequate assistance that can help them acquire literacy, learning skills, and good physical and mental health, the young people in adult prisons are among the least likely to find a pathway to a stable, independent adult life and to avoid returning to an adult prison as an adult.

## Reasons for the Custody of Youth in Juvenile Justice Facilities

Thirty seven percent of the young people involuntarily housed at residential facilities in juvenile justice systems across the South and the nation in 2010 were confined because of an offense against a person. Across the United States, 24 percent were confined to residential facilities because of offenses against property, and about seven percent were in custody due to drug problems.



Source: Office of Juvenile Justice and Delinquency Prevention (OJJDP)

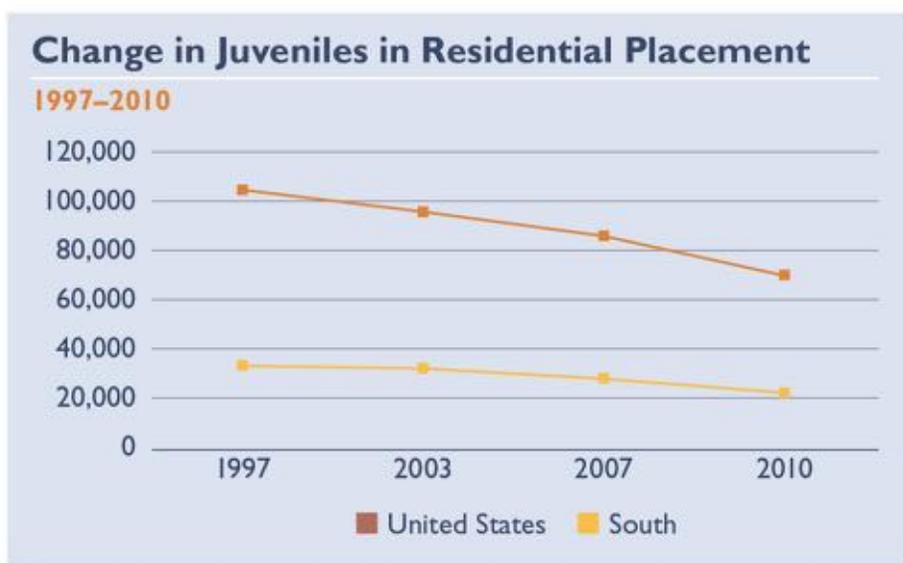
The remaining 32 percent were in juvenile justice facilities in the US because they had been unruly, incurred technical violations, or had committed a status offense. The patterns in the South generally followed this national trend, although Southern youth in residential facilities were somewhat more likely to be in custody due to property offenses.

All in all, 63 percent of all children and youth in the residential facilities of the juvenile justice systems in both the nation and the South in 2010 were confined for offenses and problems that did not involve any wrongdoing directly against another person.

## Recent Trends in Juvenile Justice Reform

In recent years, states have started to reform juvenile justice systems for the express purposes of treating children and youth more humanely and attempting to reduce recidivism. These renewed administrative and legislative reforms have come in the aftermath of a long period of institutional neglect and abuse, often challenged by juvenile justice advocates, the U.S. Justice Department, and attorneys for children's rights and civil rights. In some states, litigation has continued as an occasional, primary means for exposing or reforming questionable practices. At the same time, there has been a growing recognition in state houses across the country that punitive and ineffective juvenile justice systems carry a high human and economic cost for the states and their residents.

One of the most important positive reforms has been a reduction in the number of youth held in large, secure facilities. As the National Juvenile Justice Network has noted, "the combination of a dismal economy, falling crime rates, lawsuits, and tireless advocacy led multiple communities to close entire facilities."<sup>4</sup> Some states have changed laws to divert juveniles with low-level offenses away from confinement and to explore community-based alternatives. As a result, during recent years, there has been a notable decline in the numbers of youth in state residential facilities, especially outside the South.



Source: Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Litigation has served as one important strategy for improving the conditions of schools and the quality of education in juvenile justice facilities across the U.S. The Civil Rights Division of the U.S. Department of Justice has initiated numerous investigations and lawsuits into juvenile justice facilities, primarily under the Civil Rights of Institutionalized Persons Act (CRIPA). These lawsuits seek to remedy violations of rights of persons in publicly operated facilities, including juvenile justice facilities. Class action suits have also been initiated in more than 26 states on behalf of incarcerated youth.<sup>5</sup> The Center for Juvenile Justice Reform found that on average, the filing of a case to a settlement agreement or other resolution takes just over three years, while resolution of the violations takes additional time.

These lawsuits typically involve federal statutes regarding special education: the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

<sup>4</sup> Annie Balck, *Advances in Juvenile Justice Reform: 2009-2011*, National Juvenile Justice Network, 2012.

<sup>5</sup> Peter Leone and Lois Weinberg, *Addressing the Unmet Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems*, Center for Juvenile Justice Reform, Georgetown University (2012).

Additional claims have been brought based on failure to provide general education services, delayed access to educational services, lack of classroom space and proper materials, and deficiencies in qualified staff.

A lawsuit filed by the Southern Poverty Law Center in 2010<sup>6</sup> against a juvenile justice facility in Walnut Grove, Mississippi, demonstrates some of the educational challenges faced by youth in these facilities. In addition to a variety of constitutional violations and lack of protection from harm and abuse, educational claims were a major component of the complaint. The suit cited state law specifically requiring facilities to provide educational services to all young men confined there and the fact that juvenile courts frequently order youth to Walnut Grove to finish their education. “Despite these facts, the facility prevents most youth from accessing even the most basic education services – fewer than half of the 1200 youth imprisoned in WGYCF attend school,” SPLC alleged. Specific allegations around education included a failure to identify and evaluate students with special education needs and a failure to provide necessary, related services; only one-quarter of the youth imprisoned receive any kind of educational services.

The Department of Justice launched an investigation of the facility in 2010, and found that numerous youth reported that they are eager to attend school or a vocational program, but there is not enough security available to supervise them. Consequently, youth who do not attend school due to lack of staffing are denied the opportunity for early release available when a youth obtains his GED certificate or regularly attends a vocational program. “This is a significant number of youth who should be learning a skill to enhance future employment opportunities.”

A consent decree entered into in 2012 requires “[y]outh on cell confinement must not be denied basic educational programming” and they must receive at least four hours a day of out-of-cell programming, including education, and requires programming and behavior management developed by the Mississippi Department of Corrections and the Mississippi Department of Education. Monitors were appointed to oversee the process over the next five years.

### **Economic Necessity of Higher Education for Juvenile Justice Youth**

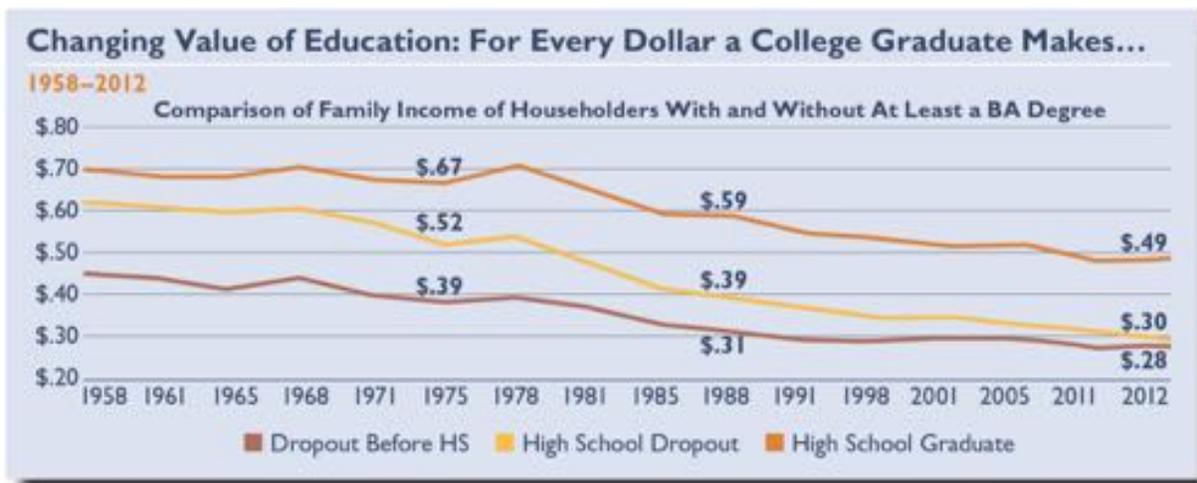
Education is important to all of the nation’s young people, but it is a necessity for most youth in the juvenile justice system if they are to have the means to turn around their lives. During the first half of the 20<sup>th</sup> century, when state laws and structures for juvenile justice systems were being adopted, a young person who got into trouble, quit high school, and did not seek higher education could still find jobs that earned a decent income after confinement. In the economy of that era, these youth needed the opportunity and personal support more than additional education in order to have a good chance to improve their lives.

During the last five decades, however, the income of persons who have no high school diploma – or, for that matter, only a high school diploma -- have declined sharply in comparison to the incomes of college-educated persons. As recently as the early 1970s, a high school dropout could make close to 60 cents for every dollar earned by a college graduate who was head of a family household. But, by 2012 the high school dropout’s median family income had declined to half that value – only 30 cents for every dollar earned by a college graduate.<sup>7</sup>

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<sup>6</sup> C.B. et al v. Walnut Grove Correctional Authority, <http://www.splcenter.org/get-informed/case-docket/cb-et-al-v-walnut-grove-correctional-authority>.

<sup>7</sup> These comparisons show approximate relative economic values over time since technically the measurements for educational attainment slightly differed after 1990. Before 1991, "High School, 4 years" included those with less than one year of college; beginning in 1991, people with less than one year of college were included in a "Some



Source: US Census

During the same time, the gap in relative income between an adult who left school before high school and an adult who dropped out of high school has virtually closed. No longer is there a significant difference in family income for any adult who drops out before completing high school – almost regardless of the grade at which they leave school.

The relative economic value of a high school diploma has also fallen sharply during this same period. In 1958, the median family income of a high school graduate was 70 percent of a college graduate. By 2012, it had dropped to 49 percent. This decline means that the relative income of a high school graduate today is what a high school dropout had around 1980.

### The Origins and Purposes of Juvenile Justice

Juvenile justice systems were started across the United States during the late 19<sup>th</sup> century to remove children from danger and to help delinquent children become law-abiding, productive adults. These state institutions were built on the recognition that children and youth were not always fully responsible for their own problems and actions and that, while in the custody of the state, they should receive the help they need to become good, independent adults.

Throughout most of this history, juvenile justice has had a goal of prevention – to prevent children and young people from burdening society as they become adults. By keeping children away from harmful adults and by turning their young lives around, juvenile justice systems have aspired to help the broader society in preventing child abuse, neglect, and delinquency from becoming adult crime and life-long dependency. State systems of juvenile justice have only recently articulated education as a service in pursuit of these aims.

college, No Degree" category. The category "College, 1 to 3 years" used before 1991 is a combination of the new categories "Some college, No Degree" and "Associate degree." U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplements, Historical Data.

Today any juvenile justice system that does not place education for young people as the essential, central element of rehabilitation and prevention has failed to adapt to the changing nature of the American economy and imperative for a good life. The world economy that has flattened global markets, including labor markets, has created a necessity for most young people in the United States, including troubled youth, to attain higher levels of education. To achieve its fundamental purposes of both helping young people in custody and benefitting the society as a whole, juvenile justice systems must accomplish its historical purposes today by transforming into educational institutions first and foremost.

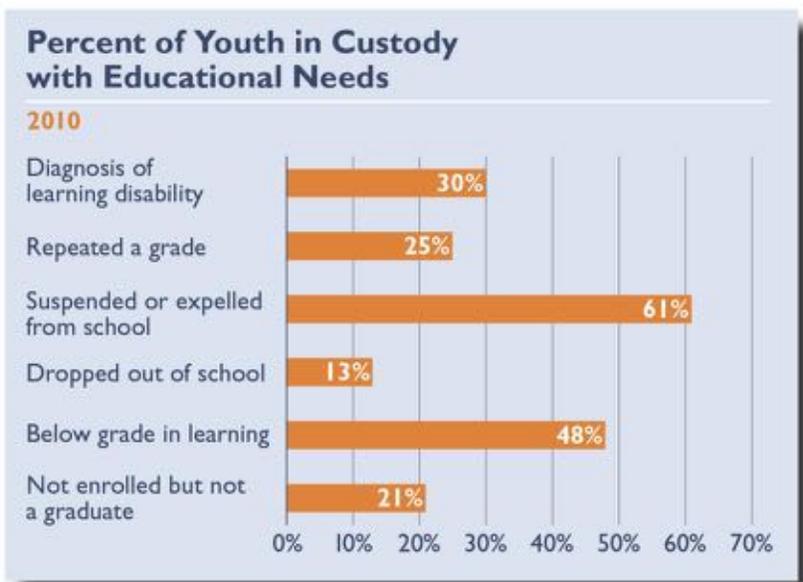
Shaped by a new world economy, including a global labor market, the trends in relative income illustrate vividly that juvenile justice systems must redefine the meaning of rehabilitation and accept the necessity to educate effectively the students in their custody. There can be little or no gains in rehabilitation or decline in recidivism, and there will be little chance for a young person to develop a better life as a self-supporting adult if the juvenile justice systems in the South and the nation fail to improve the education of the youth in their custody.

### **Educational Status and Needs of Juvenile Justice Students**

No one really knows the current level of educational attainment of the children and youth in the juvenile justice systems in the South and in the nation. There have been academic case studies and government-sponsored surveys among segments of the juvenile justice population that identify educational characteristics and needs, but no one can identify, for example, how many youth were in the eighth grade in 2010 or 2013 when they entered the juvenile justice systems because that information is not recorded or reported by any system or school that educates juveniles (See Appendix 2, “A Void and Confusion of Data on Education in Juvenile Justice Systems.”).

By all accounts, nonetheless, students in juvenile justice schools in both the South and nation have profound challenges when they enter the custody of the juvenile justice systems. Virtually every scholar who has collected and studied data on students’ characteristics and needs in local and state juvenile justice systems has found a significant percentage of the children and youth are deeply disturbed in school and in life. They are significantly behind in school, often possess learning disabilities or delays, and frequently have multiple emotional, psychological, and physical problems.

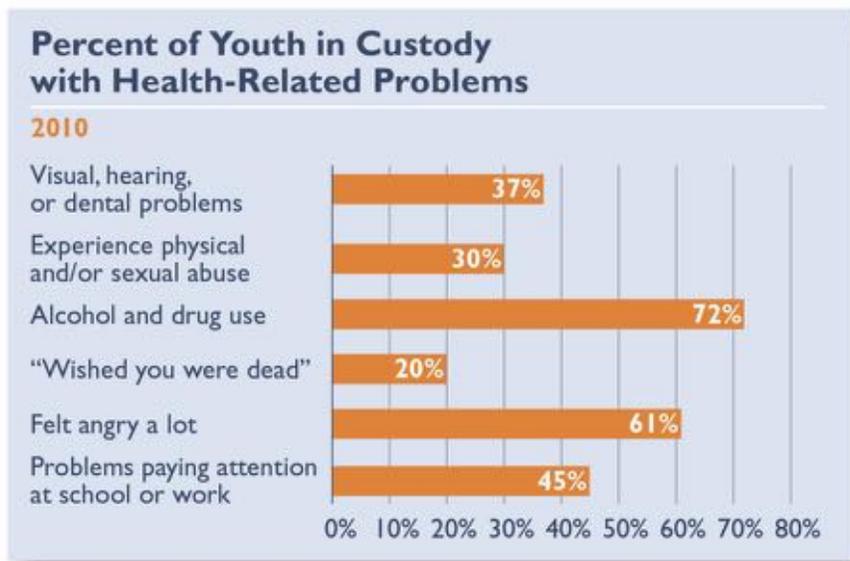
The findings of the academic studies are reinforced by the latest government-sponsored survey of the young people residing in state juvenile facilities. The survey found that almost half of all students said they were behind in school (although without information on which grade), and one fourth had failed at least one grade. In addition, 13 percent of the youth had recently dropped out of school, and 21 percent reported that they had left school without a diploma before they became involved with the state’s juvenile justice system.



Source: Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Test results from the juvenile justice schools' own federal reports provide additional supporting evidence. In 2008-09, roughly two-thirds of all students in the South and the nation who were tested as they entered state juvenile residential institutions were behind grade level in reading and in math. In local juvenile institutions, below-grade rates in reading were 42 percent in the South and 44 percent throughout the nation.

The national survey also provides data on how many students entering the juvenile justice schools have other, emotional, psychological, and health problems that must also be addressed. Thirty-seven percent report they have problems with their hearing, eyes, or teeth. There can be no surprise that 45 percent of the youth report that they had problems paying attention in school or at work.



Source: Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Thirty percent of the confined youth had experienced physical or sexual abuse. Over 60 percent suggested they had frequent problems with anger. One in five youth wished they were dead.

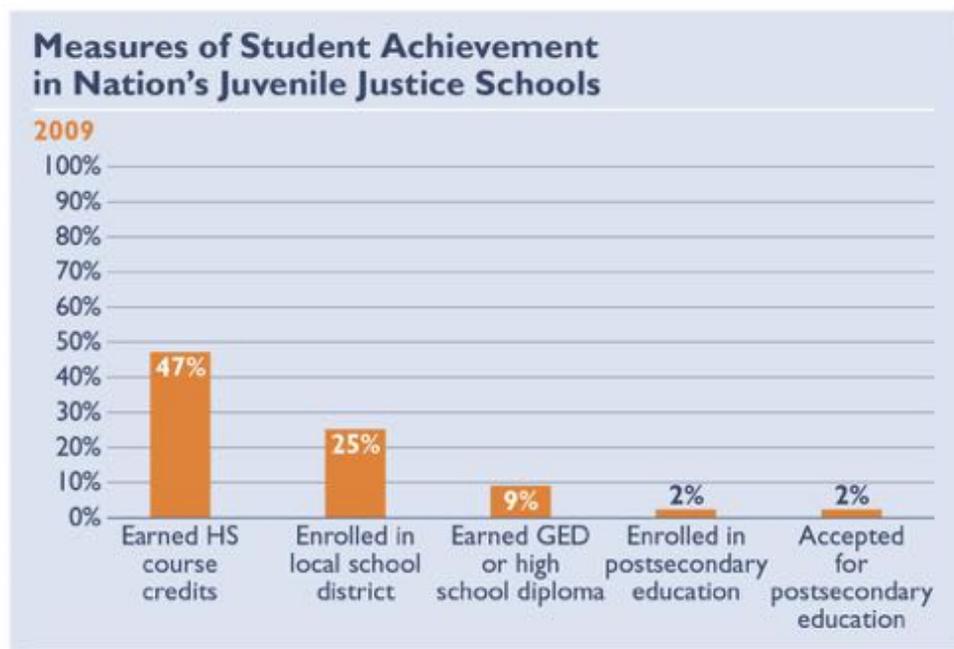
## Status of Effective Education in State Juvenile Justice Schools

Across the South and the nation, most juvenile justice schools and educational programs appear to be failing to make major improvements in the education of the students in state custody. These schools differ widely in how they teach and deliver education and provide related support services to students, but the available data clearly demonstrates that most children and youth who go through the states' juvenile justice systems have received an inadequate education. These children and youth have the greatest need to learn and advance their own education, but, as a group, they are probably receiving the least effective education.

Both government data and site visits to state juvenile facilities reveal that in many Southern states there are dedicated teachers attempting to help their students learn. But, they are generally failing to make enough difference in order to create a turning point in the student's academic performance and their futures. This failure is more systematic than individual in nature. Even dedicated, talented teachers and caring administrators in most state juvenile justice schools are not able to overcome the organizational obstacles, institutional shortcomings, and structural impediments that usually have made teaching and learning inadequate and ineffective in state juvenile justice systems.

### Federal Data Shows Limited Academic Achievement: 2007-2011

The nation's largest database on teaching and learning in juvenile justice systems, collected by the US Department of Education, reveals that most juvenile justice schools have had little positive, enduring impact on the educational achievement of most children and youth in state custody. In 2009, for example, most "longer-term" students (those enrolled for 90 days or more) whose progress was documented failed to make any significant improvement in learning and academic achievement.



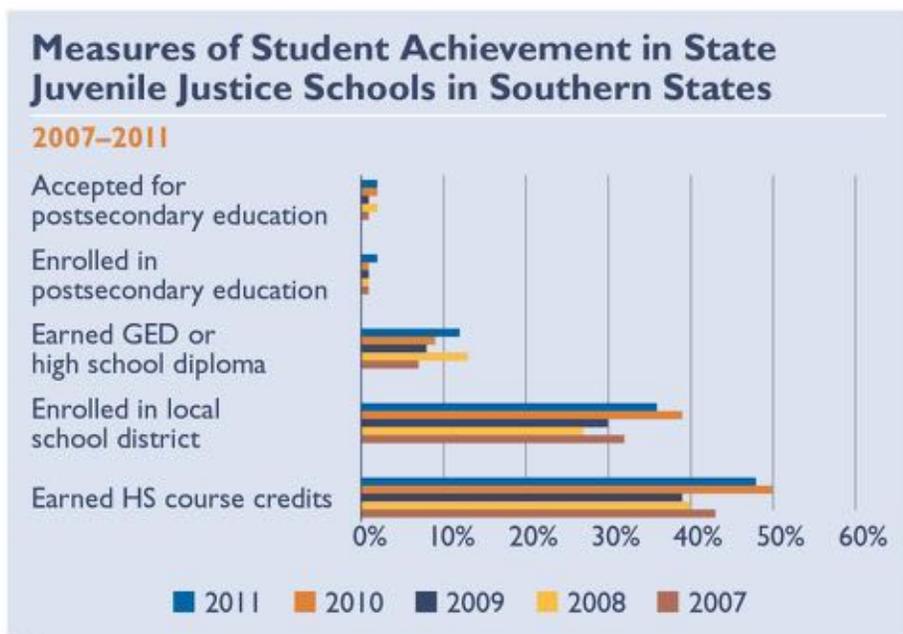
Source: Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Less than half of these students in the age range for attending high school in 2009 earned one or more course credits attending state juvenile justice schools across the nation. Twenty five percent of all longer-term students were enrolled in a local school district. Nine percent of these students between

the ages of 16 and 21 earned a GED certificate or a high school diploma, and two percent of them were accepted and enrolled at a two or four-year college. Most of these indicators of student achievement in 2009 showed little or no improvement from the prior two reported years, 2007 and 2008.

The indicators of academic achievement in the South’s state juvenile justice schools have exhibited similar patterns.<sup>8</sup> Since 2007, less than half of all longer-term students whose academic progress has been recorded in the region’s state facilities have earned high school credits – rates generally lower than the national averages. The Southern states had higher rates for enrolling confined youth in local school districts, but this trend did not increase the South’s percentage of juveniles who gained education credentials above the nation’s overall low levels of student achievement. In general, juvenile justice schools in the South were not significantly better or worse than those across the nation from 2007 to 2009. None showed important signs of achievement or improvement in measured performance from 2007 through 2009.

In 2011 (the most recent available state reports), Southern states appear to have made gains over prior years in the reported percentage of students earning high school credits and of those enrolling in the local school districts. These advances could be significant, if sustained in future years. At the same time, there has yet been a reported year in which a majority of the longer term students in the South made any measured progress in juvenile justice schools.

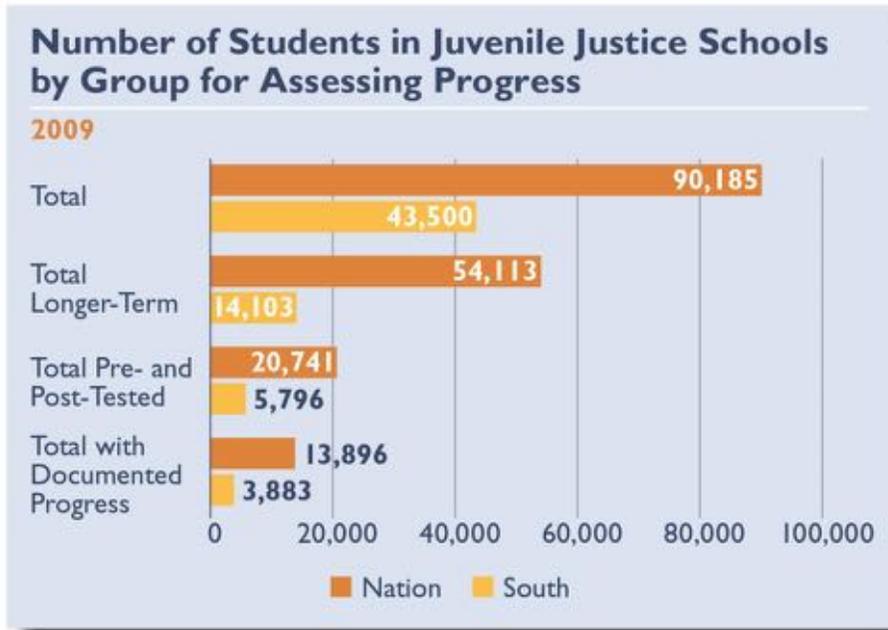


Source: Consolidated State Performance Reports, US Department of Education (ED)

The federal data also report on reading and math. They show that nearly two-thirds – 60 to 70 percent – of the students who were tested upon entry and exit made improvement in reading and in math while in juvenile justice schools in both the South and the nation. Nationally, for example, federal reports show from 2007 through 2009 that 62 to 70 percent of the students with pre- and post-testing made progress in reading and math during their custody. Similarly, in the South close to two-thirds of these students demonstrated improvements in both subjects during their time in juvenile justice schools.

<sup>8</sup> See Appendix 3 for an explanation of the methodology for this section of the analysis. The South-wide data in this section is for the 15 states of the South, excluding Oklahoma for which data was unavailable. The 15 states of the SEF South are listed in Appendix I.

Unfortunately, these results apply only to a small a fraction of all students in the juvenile justice schools. For example, in 2009, only 60 percent of the students in juvenile justice schools were longer-term students. And only 23 percent of all students (or 38 percent of all longer-term students) in the nation’s juvenile justice schools had scores that were reported in both pre- and post- testing for reading. As a result, the federal reports showing annual improvements in reading in state juvenile justice systems in 2009 document only that 15 percent of all students (and 26 percent of all longer-term students) in juvenile justice schools had improved to some extent in reading during their custody.<sup>9</sup>



Source: Consolidated State Performance Reports, US Department of Education (ED)

The problems in sample size and reporting for math and reading progress were even more pronounced in the South. The federal reports suggesting that 67 percent of the students in Southern juvenile justice schools had demonstrated improvements in reading in 2009 involved only 13 percent of all students and, in fact, indicated only that nine percent of all students had shown documented progress while in custody.<sup>10</sup>

<sup>9</sup> Regrettably, there is no indication from state reports or state agencies that the selection of students for pre- and post- testing represents a random sampling from which to predict the academic performance of all students or all longer-term students in the juvenile justice systems. Quite the contrary, both scholars’ independent surveys of state agencies and site visits in Southern states confirm that there are rarely universal and systematic procedures for assessing a student’s academic performance from the beginning to the end of their time in the custody of juvenile justice systems. There are differences in the total counts between OJJDP data (used earlier in the study) and these ED data that probably arise from the fact that the OJJDP is a census administered every few years (beginning in Sept and closing out in July), while ED data is reported by state departments of education from counts of unduplicated students in custody throughout one calendar year.

<sup>10</sup> There are legitimate reasons why only longer-term students (90 days or more) are assessed for learning improvements in juvenile justice systems. It would be unreasonable, whatever the educational needs and challenges of a student, to expect any school to make a substantial impact in improving reading if a student is in school for only a few weeks. But, the lack of academic assessments at the beginning and end of custody for most longer-term students makes it difficult, if not impossible, for states to maintain meaningful education accountability or to use assessments to improve teaching and learning for most students.

## Independent Studies Demonstrate Organizational Problems in Delivering Effective Education

Independent studies of teaching and learning in juvenile justice schools by scholars and analysts in recent years have found that considerable problems persist in how states attempt to make a difference in the education of students in their custody. Dr. Thomas G. Blomberg, one of the nation's leading experts on education in juvenile justice systems, led a research team that summarized the research: the "quality of juvenile justice schools throughout the United States historically has been uneven and inferior to that of public schools."<sup>11</sup>

In recent years, studies have shown that as many as two thirds of youth who leave the juvenile justice system drop out of school. National surveys have evidenced that the most juvenile justice schools fail to follow an approved curriculum or use individualized student learning plans to build a curriculum. Other surveys have revealed a "troubling snapshot of assessment" where perhaps as many as a quarter of juvenile justice schools were not using student assessments to evaluate the schools' own teaching and learning. Other studies and surveys indicate that juvenile justice schools have not provided an adequately rigorous curriculum, have not always been led by certified principals, and have failed to provide professional development that uses student assessment to help improve teaching.<sup>12</sup>

Also, scholars have found for several years that a large proportion of juveniles have learning disabilities but juvenile justice schools have had persistent shortcomings in how they deliver special education. Some investigators have found that the states' tools and procedures for diagnosing learning disabilities in juvenile justice systems are inadequate, infrequent, or inconsistently applied. There is strong evidence that the content and methods of providing special education programs in some juvenile justice schools are ineffective.<sup>13</sup>

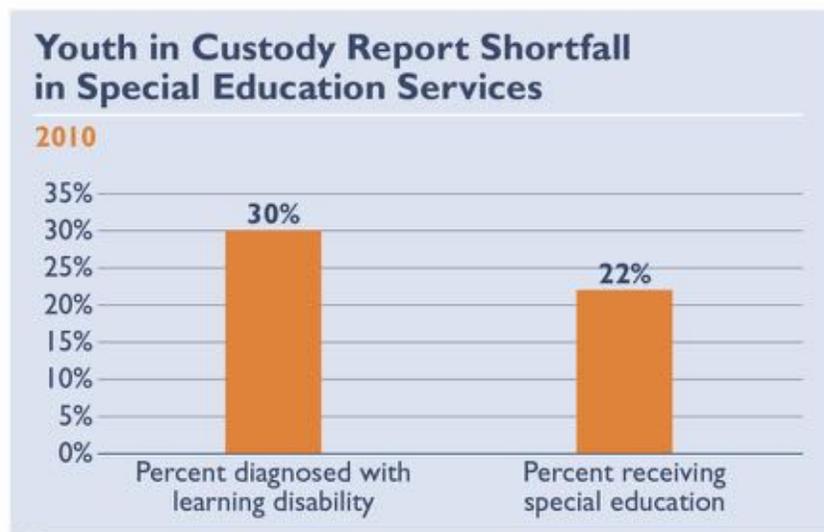
The latest federal survey of youth in state custody indicated that almost one-third of all students who were tested were diagnosed with learning disabilities. The survey also indicated that only 22 percent of the students reported receiving special education services. In other words, whatever the quality of special educational services, more than a quarter of the students reporting that the juvenile justice system had diagnosed them with learning disabilities did not receive special education services to address those disabilities.

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<sup>11</sup> Thomas G. Blomberg, Janine Blomberg, Gordon P. Waldo, George Pesta, and Jon Bellows, "Juvenile Justice Education, No Child Left Behind, and the National Collaboration Project," *Corrections Today*, pp. 143-146, April 2006.

<sup>12</sup> See Joseph C. Gagnon, Brian R. Barber, Christopher L Van Loan, and Peter E. Leone, "Juvenile Correctional Schools: Characteristics and Approaches to Curriculum," *Education and Treatment of Children*, Vol. 32, no. 4, 673-696, 2009; Joseph C. Gagnon, "State-Level Curricular, Assessment, and Accountability Policies, Practices, and Philosophies for Exclusionary School Settings," *The Journal of Special Education*, vol. 43, No. 4, 206-219, February 2010; Joseph C. Gagnon, Christopher L Van Loan, and Brian R. Barber, "Secondary Psychiatric Schools: Characteristics and Approaches to Curriculum," *Preventing School Failure*, Vol. 55, No. 1, 42-52, 2010; Joseph C. Gagnon and Brian Barber, "Characteristics of and Services Provided to Youth in Secure Care Facilities," *Behavioral Disorders*, vol. 36, no. 1, 7-19, November 2010.

<sup>13</sup> Peter E. Leone and Cadace A. Cutting, "Appropriate Education, Juvenile Corrections, and No Child Left Behind," *Behavioral Disorders*, Vol. 29, no. 3, 260-265, June, 2004; also see Peter E. Leone, "Education Services for youth with disabilities in a state-operated juvenile correctional system: case study and analysis," *Journal of Special Education*, vol. 28, 43-58, 1994; Kimber L. Wilkerson, Joseph Calvin Gagnon, Loretta Mason-Williams, and Holly B Lane, "Reading Instruction for Students with High-incidence Disabilities in Juvenile Corrections," *Preventing School Failure*, Vol. 56, no. 4, 219-231, 2012.



Source: Office of Juvenile Justice and Delinquency Prevention (OJJDP)

These limitations in providing effective education to students in state custody appear broad and deep and reflect a systemic problem in juvenile justice systems that include allied services aimed at improving the health and welfare of children and youth. A 2011 study of what works and what doesn't work in reducing criminal behavior of confined youth concluded that fewer than five percent of "eligible high-risk juvenile offenders in the U.S. are treated with an evidence-based treatment annually."<sup>14</sup>

#### Site Observations Reveal Systemic Obstacles to Effective Teaching and Learning

Site visits in the South to juvenile justice schools found differences across and within states in how education and related support services are provided to children in custody. These visits found many dedicated teachers and administrators who are attempting to help their students learn. But, as statistical reports confirm, they are generally unable to make a substantial, evident difference in the students' academic performance or in their future lives.

The failures in these juvenile justice schools are primarily systemic. The most dedicated, passionate teacher who can be found in a juvenile justice school with the support of a caring facility administrator generally cannot overcome the organizational obstacles and structural impediments that make teaching and learning routinely inadequate and ineffective in juvenile justice systems.

In Southern states (and probably across the nation), site visits illuminated that systemic practices and barriers often create a range of substantial deficiencies:

- a lack of timely, accurate assessments of student needs and learning levels available to teachers and updated throughout a student's period in custody;
- an absence of close coordination of learning and teaching from the first to last day across the whole period of a student's custody;
- inconsistent curricula;
- inappropriate, outdated, or inadequate teaching methods;
- frequent and at times unnecessary student mobility through the different sites of the juvenile system; insufficient spans of learning time for short-term students;

<sup>14</sup> Scott W. Henggeler and Sonja K. Schoenwald, "Social Policy Report: Evidence-Based Interventions for Juvenile Offenders and Juvenile Justice Policies that Support Them," *Sharing Child and Development Knowledge*, vol. 25, no. 1, 2011.

- the practice of essentially “one-room” schooling;
- the use of little or no technology to individualize learning paths and skills;
- a lack of intensive, individualized learning assistance and support services;
- a failure to integrate health and mental health support with academic teaching and learning;
- a lingering reliance on paper-and-pencil GED training as the default educational approach;
- lack of innovation and trained skill in delivering teaching and support; lack of supports during the transition back to a students’ local school and community; and
- too often a profound lack of high expectations, high content, and high levels of support that are necessary for disadvantaged students to improve in any setting.<sup>15</sup>

At the juvenile justice facilities visited by SEF in two states (South Carolina and Kentucky), agency administrators and teachers remarked that students’ atypically short enrollment and their sudden withdrawal from the agency as they transition to another site or transition out of custody was the prominent challenge to ensuring that each student received appropriate instruction.

One key issue in managing these short and irregular periods of time, as observed in these juvenile justice facilities, is the management of student data and the flow of information during transition periods, and the use of statewide, centralized databases to enter and gather information such as transcripts, student credit needs, and grades. It sometimes took days or longer to receive transcripts and education records from a students’ local school, and transition to another facility or out of custody may happen shortly after receiving records – or even before.

Kentucky has made efforts to manage this flow of information through a statewide data system called “Infinite Campus,” but data is not always entered consistently or completely. Coordination across various assessments is also important for all of the contacts a student might have while in custody (security, social workers, psychologists, educators, and others) for individualized assessment and planning. In South Carolina, a multidisciplinary treatment team at a long-term facility visited would meet at the beginning of a students’ custody, but this practice was not consistent across all sites or with frequency during a students’ stay.

Another issue was the calendar year: students seemed to benefit from schools that operate on longer calendars with more instructional days, and shorter units, given the irregularity of students’ stays. In Kentucky, some of the youth development centers operated on a year-round schedule. In addition, while professional development programs were in place, they did not seem to focus on training to address specific needs of the juvenile justice population, who are often struggling with issues of disabilities requiring special education, physical health, mental health, and poverty.

Despite systemic barriers, some innovative programs are being attempted. : For example, in Kentucky, teachers used SMARTBoards in classrooms to guide students through an online stock market competition at one facility. Students at a high-security facility used video games to promote team work; girls in a youth development center had access to nearly 30 new laptops and many students worked in independent, computer-based programs for credit recovery and GED preparation.

In South Carolina there is a district-wide arts integration program through which students used arts to promote learning in core subjects. Older students also worked towards licensure in a variety of trades while simultaneously pursuing their GEDs at several facilities, and there is a partnership with local technical colleges. Facilities in both jurisdictions used student art, displays, murals, and posters to

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<sup>15</sup> SEF conducted site visits at a range of institutions, from juvenile detention to long-term, in both Kentucky and South Carolina.

create a more school-like environment, but dated facilities and rigid behavior management often placed a greater emphasis on a jail-like environment. Discipline and order are necessary in juvenile justice facilities, but sensible behavior interventions that instill positive behavior and restorative justice practices that address the reasons for misbehavior were not often employed or aligned between school and security staff.

In short, observations from site visits provided evidence in line with statistical findings: the states' juvenile justice systems are coming up short in delivering effective education to its students in custody.

### **Status of Effective Education in Local Juvenile Justice Programs**

There are many compelling reasons to encourage and support the growing trend to keep children and youth close to home and in the least institutional environment in any juvenile justice system.<sup>16</sup> In addition, in the South and elsewhere, there have been far too many instances in the distant and recent past when children and youth were mistreated, neglected, or killed with or without malice because they were hidden from public view and separated from loved ones while in isolated custody.<sup>17</sup> It is common knowledge that the most promising conditions for troubled children and youth to turn around their lives for the better are rarely found in large, impersonal, and unnecessarily restrictive institutions.

At the same time, it appears that, under current mission and arrangements, local schools and education services made available to young people in local programs of juvenile detention and corrections have been no more successful than the state's juvenile justice schools in assuring effective teaching and learning. Simply keeping children in smaller, local facilities or in detention closer to home in their own local communities has not provided them with the education they will need to turn around the lives.

Based on the available statistical data, children and youth in local juvenile justice programs are making very limited progress in education. The federal reports documenting educational needs and progress of children in custody show a relatively small percentage of long-term students in local juvenile justice systems making progress in student achievement.

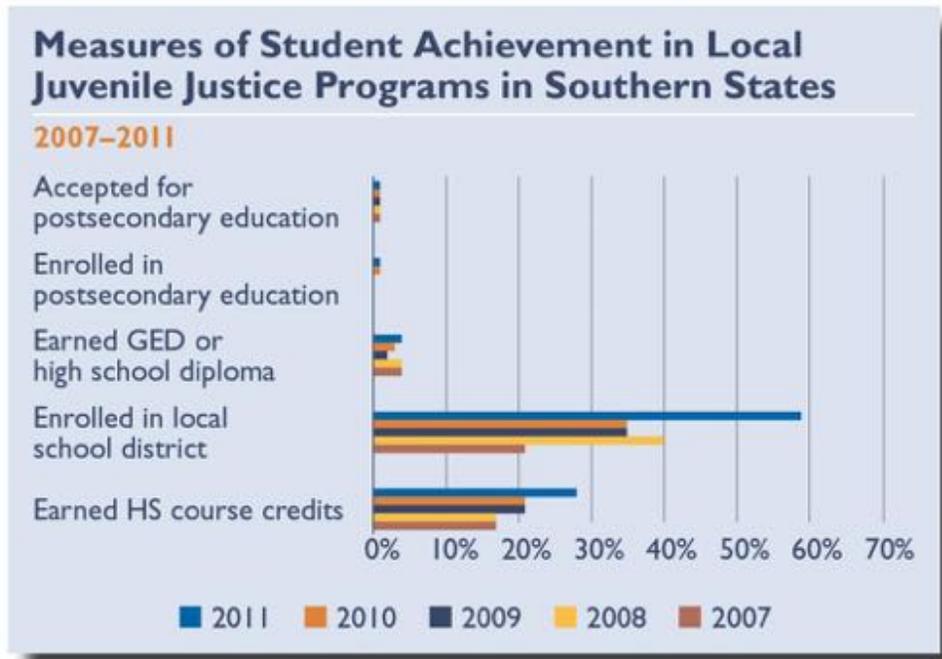
In the South, a growing proportion of juveniles in local custody are enrolled in local public school districts – apparently moving from 21 percent in 2007 to almost 60 percent in 2011. But, indicators of educational achievement for youth in local juvenile justice programs are much smaller. Less than one-third of the eligible students earned course credits. Far fewer eligible students earned a high school diploma or were accepted or enrolled in higher education. While an improvement over prior years, only 28 percent of the juveniles 13 to 20 years old in local facilities in the South earned a high school course credit in 2011. These Southern trends generally reflected national trends in local juvenile justice facilities since 2007, except for the percentage earning high school course credits. The national rate for course credits each year has been over 40 percent since 2007.

These patterns of under-achievement reflect the same low-performing patterns found in state residential facilities. In fact, despite a much larger percentage of students enrolled in local school districts, students in local juvenile justice programs and facilities may be making less progress toward earning educational credentials than students in state residential facilities.

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<sup>16</sup> See, for example, historical perspective in Robert W. Sweet Jr., "Deinstitutionalization of Status Offenders: In Perspective," 18 Pepp. L. Rev. 2 (1991).

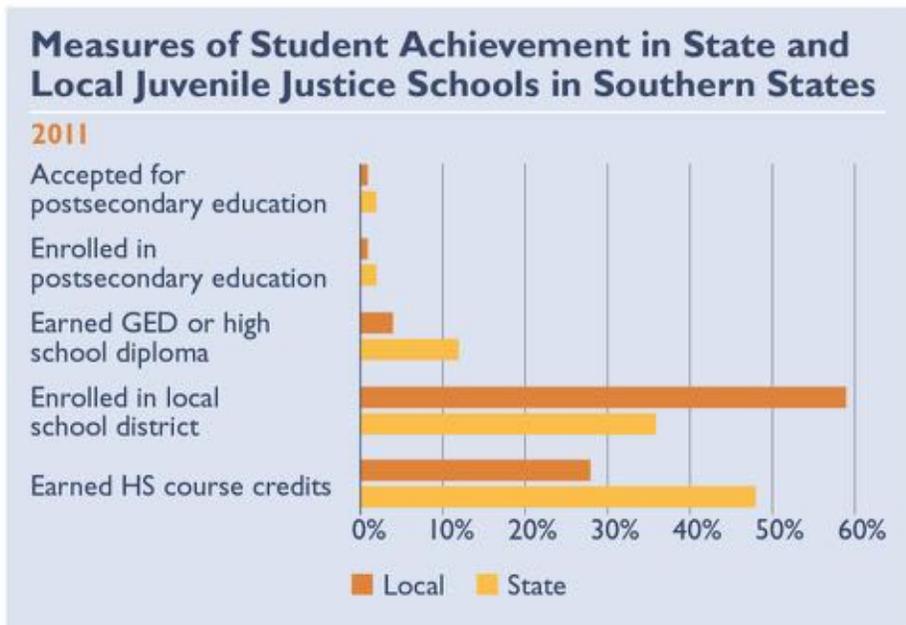
<sup>17</sup> See "Georgia Suspends 19 State Workers Over Delayed Abuse Inquiries," *New York Times*, June 28, 2013; "For Their Own Good: a special report on child abuse at the Florida School for Boys," *St Petersburg Times*, April 17, 2009; "All Children Are Children: Challenging Abusive Punishment of Juveniles," Equal Justice Initiative, undated; "South Carolina's Soul-Searching On Welfare of Children," *New York Times*, June 14, 2013.



Source: Consolidated State Performance Report, US Department of Education (ED)

According to federal data, despite limits and hazards, children and youth in state juvenile facilities in nine Southern states made more academic progress in education programs than young people in local juvenile facilities in the same states. For example, juveniles in state facilities in the nine states had much higher rates for earning a high school diploma or a GED and considerable higher rates for earning high school course credits than students in the local facilities in the same group of Southern states during the last four years.<sup>18</sup> Local juvenile facilities exceeded state facilities only in the percentage of youth enrolled in local school districts.

<sup>18</sup> These nine states, Alabama, Florida, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, were the only Southern states to report for both state and local facilities for the same years. Of course, there may be external factors that explain the differences in measures of effective learning in schooling at each type of facility. But, those factors would only increase the understanding of why students in state facilities are making more significant educational gains than students in local facilities in the South.



Source: Consolidated State Performance Report, US Department of Education (ED)

These and other data raises serious questions about how effectively local school districts and local juvenile justice agencies are coordinating to provide educational services and effective teaching to youth in the custody of the state. A group of scholars who study the educational achievement of troubled youth concluded that “neither neighborhood high schools nor the juvenile justice system currently appear to be institutionally capable of providing the range and intensities of academic supports needed by students who become incarcerated during high school.”<sup>19</sup>

More recently, school systems appear not merely ill-equipped to help educate juveniles. They appear to contribute to the problem by suspending students from school for relatively minor offenses and, directly or indirectly, sending a significant number of disciplined students into the juvenile justice systems. The 2010 federal survey of educational problems among juveniles in custody found that the most common characteristic – reported by 61 percent of the children and youth – was a past suspension or expulsion from school (see previous chart on page 14).

A major 2011 study in Texas by the Council of State Governments left no doubt that the overuse of school suspensions by local school districts have led to children and youth, especially African American and Hispanic males, becoming involved in the juvenile justice system.<sup>20</sup> This report used for the first time individual student records for most public school children in the state and found that almost one-third of all students and a notably higher percentage of students of color received out-of-school suspensions between the 7<sup>th</sup> and 12<sup>th</sup> grades. It also reported that a suspended or expelled student was “nearly three times as likely to be in contact with the juvenile justice system the following year.”

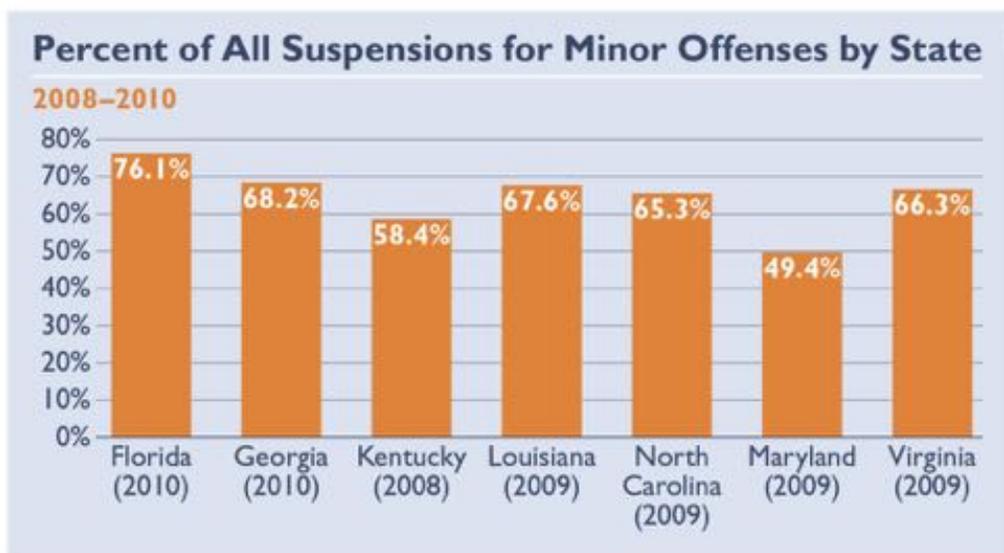
<sup>19</sup> Robert Balfanz, Kurt Spiridakis, Ruth Curran Neild, Nettie Legters, “High-poverty Secondary Schools and the Juvenile Justice System: How Neither Helps the Other and How That Could Change,” *New Directions for Youth Development*, No. 99, Fall 2003, 71-89.

<sup>20</sup> Tony Fabelo, Michael D. Thompson, Martha Plotkin, Dottie Carmichael, Miner P. Marchbanks III, and Eric A. Booth, *Breaking Schools’ Rules: A Statewide Study of How School Discipline Relates to Students’ Success and Juvenile Justice Involvement*, Council of State Governments Justice Center and the Public Policy Research Institute at Texas A&M University, 2011.

The Texas study also documented two other important findings: 1) the vast majority of all school suspensions were for breaking school rules – “discretionary discipline” – not for conduct that state law required removal from school; 2) African American students were more likely to be disciplined for lower-level violations of a school’s code of conduct than other students.

Texas is probably fairly representative of practices in other states. Based on available data from seven other Southern states, most students were suspended from school in a recent year for reasons that are relatively minor—reasons relating to classroom and school management much more often than to school safety.<sup>21</sup> Only a small fraction of school suspensions in this sample were for dangerous acts. Fighting at school seems to be a constant issue in school discipline, as it has been for decades, and a significant percentage of students were suspended from school for that reason. But school suspensions were used most frequently to respond to far less significant problems than school safety or fighting, including everything from lack of attendance to possession of cell phones to disrespect and inappropriate language.

Major offenses (dangerous acts, student fighting, and TAD offenses) did not constitute the reasons for most school suspensions in almost all surveyed states. Only in Maryland, where 34 percent of their suspended students were removed from school for fighting in 2008, did a majority of a state’s suspensions from school appear to be in response to a major offense. Kentucky had the second highest percentage of suspensions for major offenses—42 percent—due primarily to a higher rate of alcohol- and drug-related suspensions.



Source: SEF Calculations from various Southern state departments of education data

In the five remaining states, minor offenses were the basis for two-thirds or more of all out-of-school suspensions during a single year. The largest segment of minor offenses that prompted suspensions was related to disrespect, disobedience, and insubordination. These types of reasons for suspending students involved 30 to 40 percent of all suspensions in each of the five states that reported specific details. They constituted the grounds for 32 percent of all suspensions in Virginia, for example, and 40 percent in

<sup>21</sup> In keeping with federal law, all states collect data about school disciplinary incidents that are considered primarily dangerous to school safety, such as an assault or possession of a gun. In addition, some states compile records about the reasons for other student disciplinary actions, including school suspensions, although these databases are not always collected and reported systematically within or across states, nor are they always made available for public inspection. See Appendix 2 for cautions relating to the uses of data from different sources.

North Carolina. Violating various school rules and standards constituted another significant group of offenses that resulted in student suspensions. In Virginia, the failure to obey school rules and standards made up more than one-fourth of all suspensions in 2009.

A substantial number of students also were suspended for reasons related to school attendance. It appears that between three and eight percent of all students suspended from school were removed because of their failure to attend school. In Louisiana, North Carolina, and Virginia, as many as one out of every 13 or 14 students was suspended from school because the student was tardy or truant in 2009. Georgia suspended from school nearly one out of every 20 students in 2010 because the student had problems attending school.

Other studies have echoed these findings. A 2010 study of juvenile courts and local schools found that in two Southern states one in 10 of the referrals to the courts for commitment to the juvenile justice system came from school districts. And a 2013 report by the National Academy of Science on juvenile justice systems summarized the evidence by observing that “school systems are contributors to the overrepresentation of minority youth in the juvenile justice system.”<sup>22</sup>

In a national system of accountability by the numbers, with high levels of accountability for all student groups and low levels of school funding, local school systems in the South and elsewhere in the nation have attempted too often to resolve their own systems’ challenges by consciously or unconsciously helping to move students into a place where student performance has not been closely monitored or measured – into the juvenile justice systems, which also have been unsuccessful at, incapable of, or disinterested in educating youth at the state or local level.

Clearly, both state-run and local juvenile justice systems, even in conjunction with local school districts, are not designed, equipped, or operated to pursue and achieve learning for most students in custody. At best, education is a supplement to some youth’s confinement – not a primary aim or purpose of confinement. At worst, the juvenile system has become a dumping ground where troubled children and youth are sent beyond the accountable systems of education. As a result, education remains a possible, adjunct service – not a necessary core mission – of the juvenile justice systems.

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<sup>22</sup> Michael P. Krezmien, Peter E. Leone, Mark S. Zablocki, and Craig S. Wells, “Juvenile Court Referrals and the Public Schools: Nature and Extent of the Practice in Five States,” *Journal of Contemporary Criminal Justice*, 2010, 26:273; *Reforming Juvenile Justice: A Developmental Approach*, National Academy of Science, 2013, 236-36.

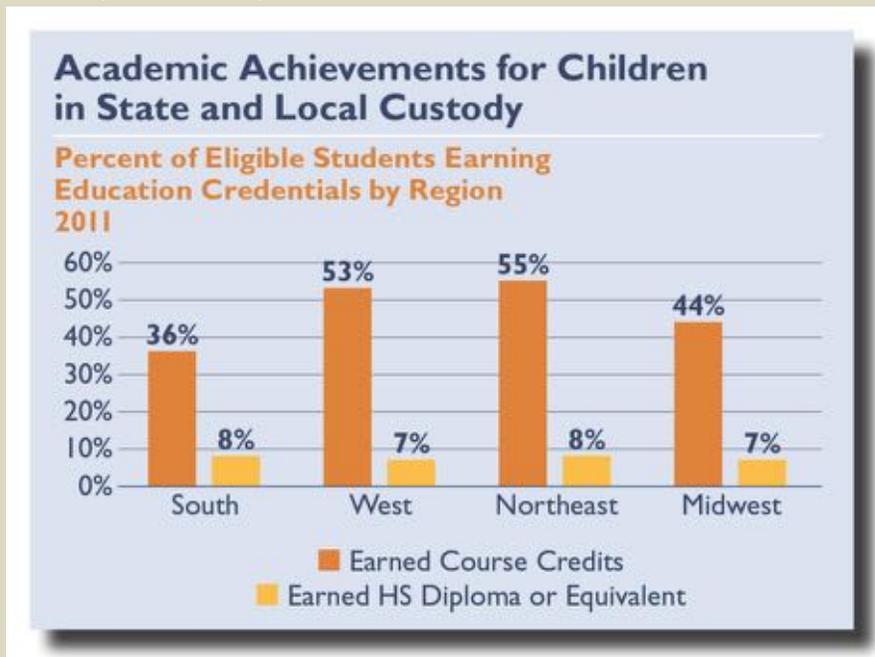
### Educational Issues of All At-Risk Youth in Custody

The juvenile justice system is not the only agency through which the state assumes the custody of vulnerable youth. The foster care systems across the 50 states have a responsibility for children who are taken from their home or family for their own safety and welfare and, like juvenile justice systems, are responsible for providing or arranging the children’s education. There are also a smaller number of at-risk children who are in the states’ custody.

Like the youth in juvenile justice system, all of these children who are the primary responsibilities of the states, are among America’s most under-educated, vulnerable youth. More than one-third of school-age foster children need special education and services, and perhaps as many as half do not acquire a high school diploma. Some children also are involved in both foster care and juvenile justice systems – “crossover youth” who were both abused or neglected and who committed an offense that put them into the juvenile justice system.<sup>i</sup>

Scholars and researchers have recognized the acute educational and developmental needs these children share and the shortcoming of state agencies in meeting those needs. “Two groups of children who frequently have complex educational needs are less likely to receive adequate educational service than their peers,” noted scholars Peter Leone and Lois Weinberg. “Youth in foster care and those involved with the juvenile delinquency system too often do not receive the education services to which they are entitled.”<sup>ii</sup>

The most recent data from federal reports demonstrates that there are substantial differences in academic achievement among these students by region and by state. (See chart below and Appendix 4 for state listing of academic performance.)



Source: Consolidated State Performance Report, US Department of Education (ED)

<sup>i</sup> Susan Stone, Amy D’Andrade, and Michael Austin, “Educational Services for Children in Foster Care: Common and contrasting perspectives of child welfare and education stakeholders,” *Journal of Public Child Welfare*, 1:2, 53-70 (2007); Peter Leone and Lois Weinberg, “Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems”, *Center for Juvenile Justice Reform*, Georgetown University (2012).

<sup>ii</sup> Peter Leone and Lois Weinberg, p. 5

## Effective Education: A Key Strategy for Creating Positive Turning Points

The evident problems most juvenile justice systems have providing a system of effective teaching and learning for children and youth are more harmful today than ever before. As this report documents, a good education is now necessary for most young people to earn an income that enables them over time to be economically self-supporting, productive adults. But, the juvenile justice systems may be doing more harm than simply failing to provide effective education during the time young people are in custody. They are also denying troubled youth the means by which to turn around their own lives in the near future so that they can make full use of education in the long run.

At a critical point in the lives of troubled youth, where they are away from the different pressures and obstacles of their daily lives, the juvenile justice systems have a unique opportunity to help turn around lives through education and related services. Recent research offers growing evidence that making real progress in juvenile justice schools often serves as an “effective turning point” for troubled youth as well the start of the effective education they need to earn a decent living in the future. A 2008 study of young males in the California juvenile justice system found that “finishing high school served as a turning point in offenders’ lives,” especially for those youth arrested as teenagers. The researchers speculated that both new learned skills and acquired resilient characteristics may have created the mechanisms by which high school completion helped to turn around the trajectory of troubled youths’ lives.<sup>23</sup>

Professor Thomas G. Blomberg and others have undertaken other, path-breaking research on “whether academic achievement serves as a turning point and re-directs juvenile delinquents away from subsequent offending.” Based on studying more than 4,000 youth in more than one hundred juvenile justice facilities in Florida, Blomberg and his fellow researchers found that “youth released from juvenile institutions who had above average academic achievement while incarcerated were significantly more likely to return to school” than lower-performing youth.

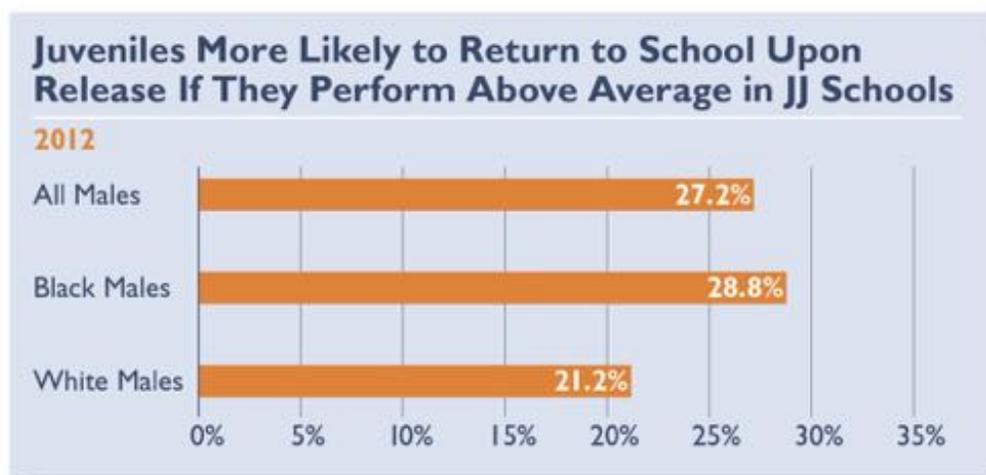
Also, the study found that youth “regardless of their age/grade level, prior arrest history, demographic characteristics, and if they had a disability were significantly less likely to be rearrested within 12 and 24 months following release of incarceration if they returned to school and had higher levels of attendance.” For children and youth in state custody, Blomberg’s findings “illustrate an important turning point away from delinquency that involves educational achievement during and after custodial release.”<sup>24</sup> In a second study of the same cohort of Florida youth, Blomberg and his colleagues examined whether there were differences across race or sex on how academic achievement serves as a “positive turning point and re-directs juvenile delinquents away from subsequent offending.” This research found that above-average academic achievement during incarceration made the largest difference for black males in decreasing the likelihood of delinquency, although it made a significant difference for all males. And all males, including black males, with above average school attendance after release had a significantly lower likelihood of arrest.<sup>25</sup>

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<sup>23</sup> Misaki N. Natsuaki, Xiaojia Ge, and Ernst Wenk, “Continuity and Changes in the Developmental Trajectories of Criminal Career: Examining the Role of Timing of First Arrest and High School Graduation,” *Journal of Youth Adolescence*, vol. 37, 431-444, 2008.

<sup>24</sup> Thomas Blomberg, William D. Bales, Karen Mann, Alex R. Piquero, and Richard A. Berk, “Incarceration, Education, and Transition from Delinquency,” *Journal of Criminal Justice*, vol. 39, 351-365, 2011.

<sup>25</sup> Thomas G. Blomberg, William D. Bales, and Alex R. Piquero, “Is Educational Achievement a Turning Point for Incarcerated Delinquents Across Race and Sex?” *Journal of Youth Adolescence*, vol. 4, 202-116, 2012.



Source: Bloomberg, 2012

Another set of recent innovative studies supports these findings that educational achievement can be a critical turning point for trouble youth. They also provide insight on how education may be more effectively delivered to improve a juvenile's life chances. Sara Heller and her colleagues undertook a study in Chicago to understand if a program of schooling that includes cognitive behavior therapy – courses and experiences that engage disadvantaged youth in promoting meta-cognition (“thinking about thinking”) – can be effective in reducing criminal activities and advancing academic achievement and educational attainment. The study involving almost 3,000 youth in Chicago showed a 44 percent reduction in violent crime arrests among participants during the program year as well as gains in schooling, measured by days in attendance, grade point average, and school persistence that continued into the follow-up year. The youth in the study were not old enough to have graduated, but the study predicted that their academic progress would show a seven to 22 percent increase in high school graduation rates.<sup>26</sup>

In addition, recent path-breaking research by James Heckman and his colleagues help to illuminate how juvenile justice schools could deliver more effective education and why it can be a turning point in the lives of troubled children and youth. The Nobel laureate in economics has begun to identify the mechanisms by which early childhood programs can have large, lasting effects on children's long-term prospects in education and in life – “the channels through which different programs produce their effects.” In examining the very successful High/Scope Perry Pre-school Project, Heckman's study found that a change in “personality traits” (academic motivation and persistence in learning) and a “reduction in externalizing behavior” (aggressive, disruptive, and dishonest behaviors) explained the bulk of the

<sup>26</sup> Sara Heller, Harold A. Pollack, Roseanna Ander, and Jens Ludwig, “Preventing Youth Violence and Dropout: A Randomized Field Experiment,” National Bureau of Economic Research, Working Paper 19014, May, 2013. Heller and colleagues have in progress a study evaluating the crime and schooling effects of operational reforms that include cognitive behavioral therapy-based programming at one of the nation's largest juvenile detention facility in Chicago. In this experiment, the study involved 10 local residential centers, half of which used “behavior training principles that include a token economy system in which good behavior earns points that can be redeemed for privileges like extra exercise time or snacks from the commissary.” The centers providing programming also incorporated some of the therapeutic activities at the public school operated by the local juvenile justice system. A report on preliminary findings showed that youth with or without the program had similar rates of recidivism in the first few months after release, but by 12 to 15 months after leaving the juvenile system, the risk of returning is around 5 percentage points lower for the participating youth. This approach, however, was not integrated fully into an educational strategy. See Jens Ludwig, Sara Heller, Jonathan Guryan and Thomas Miles, “How Can We Know if Juvenile Justice Reforms are Worth the Cost?” *Models for Change Knowledge Brief*, John D. and Catherine T. MacArthur Foundation, 2011.

long-term effects of the program in reducing future criminal activities, job gains, and better health outcomes.<sup>27</sup>

While early childhood learning takes place during a child's most formative stages of brain development, the longer-term benefits from methods of teaching and learning that integrate "thinking about thinking," "learning how to effectively learn," and developing the habits of cooperation and persistence appear especially promising for juveniles.

There has been some insightful practical experience in educating delinquent youth in ways that create positive turning points. The Maya Angelou Academy became a juvenile justice school at the New Beginnings Youth Development Center in the District of Columbia. Its founding directors, David Domenici and James Forman Jr., have documented their educational strategies and efforts, which were remarkably similar to the methods proven to be effective for many high-risk youth in controlled studies and in the general population: "a good school inside a juvenile facility shares many characteristics with good schools on the outside."<sup>28</sup> These strategies include: a) hiring talented teachers with high energy and expectations; b) building a school culture of trust; c) developing a structured curriculum that is delivered through differing, individualized instruction; d) weaving special education services into all parts of the school; and e) spending time and effort on preparing students to transition into self-sustaining learners.

The practitioners suggest that effective education must be at the core of the juvenile justice system's mission and a necessary part of "how we might keep our young people out of the juvenile justice system." Their experience and earned knowledge echoes the current direction of the research: "making sure that kids who enter the system do not return" is the essential function of an effective, humane juvenile justice system, and education is the primary channel by which that goals can be accomplished.<sup>29</sup>

### Potential Economic Gains from Effective Education

Keeping young persons in the juvenile justice systems in humane and constitutional conditions is an expensive undertaking for all states. In Georgia, the special commission on juvenile justice reform estimated in December 2012 that the cost of each residential placement in the state's juvenile justice system was on average between \$88,000 and \$91,000 per year. A 2009 audit report revealed that the average cost of residential placement in other Southern states' juvenile justice systems were comparable. In Louisiana, the annual average cost was \$119,073. In Virginia, the average was an estimated \$101,037 per year and in Tennessee the average cost of a residential placement in the juvenile justice system was \$92,060.<sup>30</sup>

<sup>27</sup> James Heckman, Rodrigo Pinto, and Peter Savelyev, "Understanding the Mechanisms Through Which an Influential Early Childhood Program Boosted Adult Outcomes," *American Economic Review*, vol. 103, no. 6, 2052-2086, 2013.

<sup>28</sup> David Domenici and James Forman Jr., "What It Takes to Transform a School inside a Juvenile Justice Facility: The Story of the Maya Angelou Academy," in Nancy E Dowd (ed.), *Justice for Kids: Keeping Kids out of the Juvenile Justice System*, New York University Press, 291, 2011.

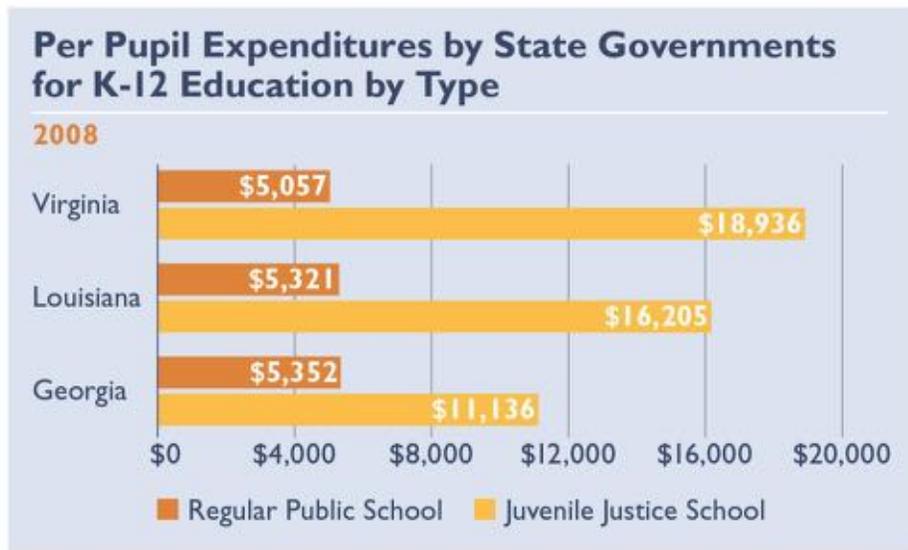
<sup>29</sup> David Domenici and James Forman Jr., 303-304.

<sup>30</sup> These are costs are often referred to as "costs per bed" since young persons in the custody do not always remain in residence in a juvenile justice facility for an entire year. This computation reflects the annual costs of each available place or "bed" for juveniles in a residential facility. In effect, this represents the annualized cost of keeping a young person in a juvenile justice facility for a period of a year. Also, site visits suggest that funds available for education programs are not always directed for use in education programs. *Report of the Special Council on Criminal Justice Reform for Georgians*, December 2012, <http://www.georgiacourts.org/files/Report%20of%20the%20Special%20Council%20on%20Criminal%20Justice%20Ref%20for%20Georgians%202012%20-%20FINAL.pdf> (accessed March 01, 2014); *Department of Juvenile Justice*:

These costs are actually an understatement of the real, direct costs of incarcerating a young person. These facility costs usually do not include the costs for the activities and time of personnel before placement. There are additional costs for local police, social service agencies, juvenile court judges and court personnel, public defender’s offices, district attorney’s offices, and other specialists and support staff who are involved throughout the process of arrest, referral, intake, screening, evaluation and assessment, case review, court hearings, conferences , and community services – even before a juvenile receives a residential placement. A study of the juvenile justice system in Dallas Texas developed cost estimates that added 30 percent to 40 percent to residential costs for calculating the real, direct costs of incarcerating a young person.<sup>31</sup>

There is no reliable source on the cost of the educational services that are provided to each confined youth in juvenile justice systems across the 50 states. But, the annualized costs of educating juveniles in Southern states for each placement in a residential juvenile justice facility appears much higher than the Southern state governments annual costs of educating students in the regular public schools. A 2009 report comparing juvenile justice costs in some Southern states indicated that states annually spent anywhere from \$11,136 to \$18,936 on educational services for each residential placement in the juvenile justice systems.

In three Southern states, for example, state expenditures for regular public schooling of youth in 2008 were one-half to one-third the annualized state expenditure for educational services in state juvenile justice facilities. In Virginia, the estimated annual educational cost for a student’s educational services in the juvenile justice system was almost \$19,000 compared to \$5,057 in state per pupil expenditures in a regular public school.



Source: SEF computations from U.S. Census data and report of Georgia Department of Audits and Accounts

Because effective education in the juvenile justice systems helps to reduce recidivism and the number of youth who are in need of custody in the future, it also can reduce the need and costs for future placements in juvenile justice facilities. These reductions constitute real savings for state governments

*Comparison with Other States’ Juvenile Offender Population and Average Costs*, Georgia Department of Audits and Accounts, October, 2009.

<sup>31</sup> Simon M. Fass and Chung-Ron Pi, “Getting Tough on Juvenile Crime: An Analysis of Costs and Benefits,” *Journal of Research in Crime and Delinquency*, vol. 39, No. 4, 363-399, 2002.

and taxpayers. For example, were Louisiana to reduce its need for residential placements by only 200 young people, the direct cost savings would be approximately \$1.6 million annually.

Scholars associated with the National Academy of Sciences reviewed the research on direct costs and benefits of a wide range of juvenile justice interventions in their 2013 study of reforms in juvenile justice. Their findings suggested that strategies such as “boot camps” and wilderness challenges were counter-productive. The study did estimate that educational services can have the highest direct, monetary benefits for a participant – more than \$100,000 in direct benefits – among a wide range of interventions that were reviewed in juvenile offender programs, although they were unable to measure the costs of providing the services.<sup>32</sup>

While noteworthy, these direct economic benefits are only a small part of the overall gains that improved, effective education in juvenile justice programs can provide states and their residents. Prior studies demonstrate that a comparatively small number of juveniles who continue as youth and adults to engage in criminal activity and anti-social behavior create very substantial direct and indirect costs for society. According to the latest estimates, the societal costs of a 14-year-old high-risk juvenile who does not turn his life around today range from \$3.2 million to \$5.8 million over a lifetime.<sup>33</sup> By reducing his recidivism and helping a young person turn around his life and become a law-abiding, productive citizen, effective education for juveniles can have an enormous cost savings for states and their residents.

These real societal benefits and savings from effective education in juvenile justice systems can come from reductions in criminal activity, drug use, and dependency on government support and future, additional contributions from job earnings and tax payments. They promise a huge, real beneficial impact for state governments and communities. For example, if Southern states undertook new strategies in effective education that helped to prevent only 1,000 additional young people from becoming re-offending juveniles and adults, the total, collective monetary benefits over a lifetime would be approximately \$3.9 billion. If juvenile justice schools in Southern states enabled 10,000 additional youth to forego recidivism, the total societal gains during only the first five years would amount to approximately \$39 billion.

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<sup>32</sup> Committee on Assessing Juvenile Justice Reform, National Academies of Science, *Reforming Juvenile Justice: A Developmental Approach*, National Academies Press, 2013, pp. 393-409. Also, see Elizabeth Drake, Steve Aos, and Marna G. Miller, “Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State,” *Victims and Offenders*, vol.4, 186-189, 2009.

<sup>33</sup> Mark A. Cohen and Alex R. Piquero, “New Evidence on the Monetary Value of Saving a High Risk Youth,” *Journal of Quantitative Criminology*, vol. 25, 25-49, 2009. See, earlier calculations in Thomas G. Blomberg, Testimony before the U.S. House of Representatives Joint Hearing, Healthy families and Communities Subcommittee, Crime Subcommittee on Lost Educational Opportunities for Kids in Juvenile and other Non-Traditional Settings, March 12, 2009.

## Societal Gains/Costs of 14-Year-Old “High Risk” Youth Offender

Number of Youth	One Year Societal Monetary Gains/Costs	Five Year Societal Monetary Gains/Costs	Ten Year Societal Monetary Gains/Costs
100	\$14,344,800	\$178,852,200	\$389,361,000
250	\$35,862,000	\$447,130,500	\$973,402,500
500	\$71,724,000	\$894,261,000	\$1,946,805,000
1000	\$143,448,000	\$1,788,522,000	\$3,893,610,000
5000	\$717,240,000	\$8,942,610,000	\$19,468,050,000
10,000	\$1,434,480,000	\$17,885,220,000	\$38,936,100,000

Source: Developed from Cohen, 2009; also see Blomberg, 2009.

There is another way to understand these figures. Every young person who leaves the juvenile justice systems in the South and the nation today without an effective educational experience that can help direct the trajectory of his life toward a law-abiding, self-sustaining future is liable to cost his state and local community from \$2 million to \$3 million during the next 10 years of their life. This cost will continue to mount up if nothing changes in how juvenile justice systems educate children and youth in their custody.

These figures are projections, not precise predictions, and they may appear unusually large because statistical methods now permit us to place a monetary value on the full range of gains or damage that a relatively small number of young people can create in a society of more than 300 million persons. These numbers both quantify and illustrate the enormous promise of effective education for troubled youth. They spotlight in dollars and cents a simple, profound truth: by becoming effective institutions that are in the business of providing just learning, juvenile justice systems across the South and the nation have the potential to render an enormous positive impact on the lives of individual troubled children and youth and on the states and communities where they live.

## Interpretation, Recommendations, and Conclusion

The specific findings in this report need no detailed interpretation. Simply put, the data shows that both state and local juvenile justice systems are failing profoundly in providing adequate, effective education in the South and the nation. The evidence for this conclusion is overwhelming, and it confirms what has been consistently proven by a large body of academic and scientific studies and national data for at least the last two decades. Less clear have been the current and future consequences of this persisting failure.

The shortcomings that have plagued juvenile justice schooling rarely have the same immediate, dire consequences for incarcerated youth as have the systems' too-often repeated failures to provide personal safety and humane treatment for the children in custody. Too many children and youth for far too long have suffered abuse, neglect, and harm in the hidden custody of the juvenile justice systems. For this reason, a safe, secure environment that is the least restrictive environment possible has been and remains the first order of business in juvenile justice and a prerequisite in the states' responsibilities for the young people whose lives they control.

But, that is not enough – not nearly enough in this day and age. A system of effective teaching and learning is a necessity for the juvenile justice system today because the effects of inadequate, ineffective education are profound and crippling for both troubled youth and their communities. Without the tools and opportunity for a good education, juveniles are very unlikely to stay out of trouble and incarceration, and, without adequate skills and means, they will usually fail to become productive, independent adults. The aim must be to provide both the opportunity and the means to troubled children and youth so that, as Shay Bilchik has elegantly observed, there is “hope for the future – hope that life will get better, that today is not the best life is going to get.”<sup>34</sup>

Therefore, because it has not yet been achieved, a national goal of diverting more youth from large state facilities to local, non-institutional settings in the juvenile justice systems continues to be an essential first step in restoring justice to the juvenile systems. This step is necessary and can have many direct and indirect benefits. But, it is also insufficient as a strategy of change in the essential goal of providing both young people in custody and the 50 states that have them in custody with the benefits that each needs and deserves from juvenile justice.

The mission of juvenile justice systems must be redefined and reorganized with a fundamental mission of education if the systems are to be successful. Without redefining the mission of the states' entire juvenile justice systems primarily for the development and education of troubled youth, without reconstructing and sustaining effective educational services for juveniles as they move from and among local school systems and juvenile justice systems, the states will fail to do much more than perpetuate the problems that they want to solve. Without profound transformation, there will be little or no justice for both the young individuals in custody, especially the young African American males, and for society.

There is little doubt that improving coordination among various state and local agencies would enable improvements in how education is delivered to youth in the juvenile justice systems. Arguably, such an approach also would be a more realistic goal in a federal system where there are 50 state juvenile justice agencies, 50 different state education agencies, more than three thousand counties or parishes, and almost 15,000 local school districts across the nation.

But, that too is not enough – not nearly enough. The school districts in the South and the nation are not currently designed, prepared, or funded to meet the needs of most children adjudicated as juvenile

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<sup>34</sup> Shay Bilchik, “Redefining the Footprint of Juvenile Justice in America,” in Nancy E. Dowd (editor), *Justice for Kids*, New York University Press, 22, 2011.

delinquents.<sup>35</sup> There must be a fundamental transformation in the purposes, organization, and functions of the juvenile justice systems if effective teaching and learning is to become systematic in juvenile justice systems and if they are to provide most of their troubled youth with a positive turning point that enables them to acquire the necessary skills for becoming law-abiding, productive adults.

In transforming juvenile justice systems with a new, primary purpose of education, the states will need to completely recreate institutions and processes in order to advance the primary goal of delivering effective education for the children and youth they control and serve. These young people have profound developmental and health needs that must be addressed as they receive the education they need. In this regard, a new mission for juvenile justice systems will require new ways in which schools and educators integrate and deliver developmental services and health care as key elements in the new educational mission.

This transformation can begin in different ways. New state laws can re-establish existing juvenile justice agencies as educational institutions with primary educational aims and purposes. State laws can designate state boards of education and state public education agencies with primary responsibility for the education of all children and youth in custody.

The essential elements of transformation will involve recreating agencies so that delivering effective education and related services is the primary purpose of custody in the safest, least restrictive environment. This change must include assuring that agencies have the leadership, personnel, and systems that are capable of defining and delivering effective education to each and every child who is in the custody of the juvenile justice systems. The systems must undergo changes that embed essential components for effective educational institutions and systems today:

- *Re-organize each institution, unit, and department in the juvenile justice systems so that their functions, arrangements, and daily schedules are designed and carried forward to advance teaching and learning of students.*

Every part of the juvenile justice system from court hearings, intake procedures, and evaluations to the daily operations, schedule, and assignments of personnel in local and state juvenile justice facilities should be re-evaluated and re-organized to assure that they do not interrupt or hinder education and, in fact, whenever possible, advance the education and learning of juveniles in a safe, secure environment. That is how institutions of learning are best organized. And, unlike traditional schools, juvenile justice schools may often have an opportunity to help shape learning and the habits of learning among their students during more than eight hours per day. The systems should re-organize to take advantage of this opportunity to help students in ways that traditional schools cannot.

- *Set and apply the existing standards for teaching and learning in each state to all educational programs and schools in the state's juvenile justice system.*

The standards that are necessary for what teachers should know and what children should learn in regular K-12 public schools should be no lower for teachers and students in the juvenile justice system. If a state's content standards, for example, constitute a baseline for all students in public schools in order for them to become self-sustaining, contributing adults, they should be the standards for juvenile justice schooling. A second-class education for students who are

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<sup>35</sup> The nation's public schools are currently grappling with a quickly rising population of low income students and the learning gaps of these students, who are a majority in the South and a near-majority across the nation. See *Update: A New Majority: Low Income Students in the South and the Nation*, Southern Education Foundation, 2013.

already the nation's most disadvantaged, troubled youth will not serve their needs or society's interests.

At the same time, the students in juvenile justice systems constitute a population that has a special set of characteristics and needs. This fact means that there needs to be special professional development and recruitment of high-qualified teachers who teach in the juvenile justice systems and often through non-traditional means of teaching.

- *Establish effective, timely methods of testing and reporting on the educational status and progress of each and every child and youth in the juvenile justice system.*

The juvenile justice systems must know the educational status of each and every child and youth soon after commitment, periodically throughout their custody, and at the end of their confinement or custody. The testing and reporting should be designed and carried out so that they advance in practice two primary purposes: a) to measure the needs, status, and progress of each student while in custody; b) to assist teachers and administrators to understand, measure, and improve each student's performance.

- *Develop and implement a progressive individual educational plan and learning strategy for each and every student to guide individualized instruction and services, including special education and developmental services, academic motivation, persistence in learning, and meta-cognition.*

Students in juvenile justice schools have a range of challenges and problems they must overcome in order to become effective learners. Each should have a meaningful educational plan that takes into account their problems and needs and includes developmental and educational strategies to advance well-being and learning. These plans should often be implemented using non-traditional methods of teaching and learning, aided at times by new technologies and innovations that have begun to emerge in some places such as "dropout recovery" programs. Effective, individualized learning will be a necessity for success.

- *Establish effective systems and methods of coordination and cooperation that provide a seamless transition of students from and back into public schools as they leave the juvenile justice system.*

Because so many children and youth in the juvenile justice systems are transferred back and forth through detention, commitment, and custody, there is a necessity for local schools and the juvenile justice systems to coordinate and cooperate effectively in maintaining students' education and learning from start to finish in state custody. Other local service agencies also must be involved in coordination and cooperation for a young person as they leave state custody. For this purpose, juvenile justice systems will need to become and provide advocates who work on behalf of each child and youth to insure that they continue to receive an effective education after custody.

This change will require many local school districts to build greater capacity to address effectively the needs of the students returning from juvenile justice systems. At the same time, this greater capacity also can enable local school districts to better meet the needs of students who are at-risk of entering the juvenile justice systems.

- *Create and maintain useful data systems of reporting and accountability that will measure institutional and system-wide educational progress and identify areas in need of improvement.*

No Child Left Behind (NCLB) is the current national framework for reporting and accountability in traditional K-12 public education, but it has been all-but-abandoned by most states as

ineffective or unworkable.<sup>36</sup> It also has never been applied to juvenile justice schooling for some of the same reasons it has been less than useful in traditional public schooling. There are other federal guidelines and regulations that set special standards for reporting and accountability for juvenile justice schools, but they too have failed to produce accurate reporting and good results, as this report documents. To date, reliable reporting on teaching and learning in juvenile justice systems has been woefully inadequate.

In association with state governments, the U. S. Department of Education and the U.S. Department of Justice could play a useful role by convening and assisting states to create meaningful, joint new standards for what need to be reported publicly to assure juvenile justice systems as public institutions are held accountable for educating youth in their custody.

There is a role in creating this transformation for all levels of government and for all private organizations and citizens concerned about education, children and youth, or juvenile justice, as there is in any undertaking to fundamentally change any important democratic institution. At the same time, this transformation must become a primary state responsibility and initiative. Now, as in the past, states have the role and duty to make juvenile justice systems teaching and learning institutions.

This is not a call for state juvenile justice systems to re-brand themselves as educational institutions. It will require a great deal more than simply changing the image and language of juvenile justice – much more than calling juvenile facilities “schools” or “campuses” and referring to incarcerated youth as “students.” Those kinds of cosmetic changes would be fraudulent without first enabling a fundamental transformation of the mission, methods, goals, and accountability of the juvenile justice systems. Calling the Florida School for Boys a “reform school” did not prevent the tragedies that took place there in the distant and more recent past.

By establishing an educational mission and by re-designing their processes and functions primarily to provide effective education, juvenile justice systems will need to design and provide good schooling inside their own systems and to help to redesign and recreate effective schooling for these students in the communities they re-enter.

Nothing less will assure that juvenile justice systems help young people to leave and never to return to the juvenile system or to adult prisons. Nothing less will produce just learning and just results. Nothing less will deliver in the coming years on a promise of justice for the children and youth in custody and for the communities they re-enter. And nothing less will provide the South and the nation with the effective governmental systems that succeed in providing the nation’s most under-educated, vulnerable youth with a future that is better than the past.

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<sup>36</sup> See, for example, <http://www.edweek.org/ew/section/infographics/nclbwaivers.html>.

## Appendix I

### Youth in Residential Placement in Juvenile Justice Systems By Race, State, and Region: 2010

REGION/STATE	Total	White	Black	Hispanic	American Indian	Asian	Other
<b>United States</b>	<b>70,792*</b>	<b>32%</b>	<b>41%</b>	<b>22%</b>	<b>2%</b>	<b>1%</b>	<b>2%</b>
<b>South TOTAL</b>	<b>22,944</b>	<b>31%</b>	<b>52%</b>	<b>14%</b>	<b>1%</b>	<b>0%</b>	<b>1%</b>
Alabama	1,101	38%	59%	2%	0%	0%	1%
Arkansas	729	42%	47%	9%	0%	0%	1%
Florida	4,815	38%	53%	8%	0%	0%	0%
Georgia	2,133	17%	75%	6%	0%	0%	1%
Kentucky	852	61%	32%	4%	0%	0%	4%
Louisiana	1,035	22%	77%	1%	0%	0%	1%
Maryland	888	17%	78%	5%	0%	0%	0%
Mississippi	357	18%	81%	1%	0%	0%	0%
North Carolina	849	31%	57%	6%	1%	0%	3%
Oklahoma	639	36%	38%	11%	14%	0%	1%
South Carolina	984	32%	65%	2%	0%	0%	2%
Tennessee	789	39%	54%	3%	0%	1%	2%
Texas	5,352	22%	33%	44%	0%	0%	0%
Virginia	1,860	30%	61%	5%	0%	0%	3%
West Virginia	561	74%	18%	3%	0%	1%	5%
<b>West TOTAL</b>	<b>20,016</b>	<b>27%</b>	<b>21%</b>	<b>46%</b>	<b>3%</b>	<b>2%</b>	<b>1%</b>
Alaska	282	39%	10%	0%	39%	4%	7%
Arizona	1,092	34%	12%	46%	9%	1%	0%
California	11,532	13%	26%	58%	0%	3%	0%
Colorado	1,530	44%	22%	30%	2%	1%	1%
Hawaii	120	10%	3%	23%	0%	25%	43%
Idaho	480	74%	1%	19%	4%	1%	1%
Montana	192	58%	3%	5%	31%	0%	2%
Nevada	717	28%	31%	35%	3%	3%	2%
New Mexico	576	18%	6%	66%	8%	1%	2%
Oregon	1,251	61%	12%	21%	3%	1%	1%
Utah	684	63%	6%	25%	4%	2%	0%
Washington	1,305	50%	19%	19%	5%	3%	4%
Wyoming	255	75%	4%	16%	5%	0%	1%

REGION/STATE	Total	White	Black	Hispanic	American Indian	Asian	Other
<b>Northeast TOTAL</b>	<b>9,765</b>	<b>26%</b>	<b>54%</b>	<b>16%</b>	<b>0%</b>	<b>1%</b>	<b>3%</b>
Connecticut	315	19%	48%	29%	1%	0%	4%
Delaware	252	19%	73%	7%	0%	0%	1%
Maine	186	85%	8%	3%	2%	0%	0%
Massachusetts	663	34%	30%	32%	0%	2%	3%
New Hampshire	117	79%	8%	10%	0%	3%	3%
New Jersey	1,179	12%	69%	19%	0%	0%	1%
New York	2,637	23%	52%	20%	0%	1%	4%
Pennsylvania	4,134	26%	60%	10%	0%	1%	3%
Rhode Island	249	36%	34%	22%	0%	5%	4%
Vermont	33	55%	0%	36%	0%	0%	0%
<b>Midwest TOTAL</b>	<b>15,312</b>	<b>45%</b>	<b>41%</b>	<b>7%</b>	<b>3%</b>	<b>1%</b>	<b>3%</b>
Illinois	2,217	33%	49%	14%	1%	0%	2%
Indiana	2,010	58%	32%	5%	0%	0%	4%
Iowa	738	62%	20%	10%	3%	1%	5%
Kansas	843	48%	32%	17%	1%	0%	1%
Michigan	1,998	36%	54%	5%	1%	0%	3%
Minnesota	912	42%	34%	7%	12%	3%	3%
Missouri	1,197	51%	42%	4%	0%	0%	3%
Nebraska	750	44%	31%	15%	4%	1%	4%
North Dakota	168	59%	4%	0%	34%	0%	4%
Ohio	2,865	44%	51%	2%	0%	0%	3%
South Dakota	504	43%	8%	7%	38%	1%	2%
Wisconsin	1,110	41%	49%	4%	2%	2%	1%

Source: Office of Juvenile Justice and Delinquency Prevention (OJJDP) (\*from the OJJDP Census on Juveniles in Residential Placement, which is a snapshot of juveniles in a facility at one point in time over the course of a year)

## Appendix 2

### A Void and Confusion of Data in Juvenile Justice Systems

There is no database in the United States or within any of the 50 states that documents the educational status and academic achievement of children and youth in the juvenile justice systems. Although the national No Child Left Behind Act (NCLB) does not provide an explicit exemption, the US Department of Education has permitted the states' juvenile justice schools to forego meeting the federal law's standards and reporting requirements. States do submit federal forms with some statistics on the educational levels and services that they provide "neglected and delinquent" youth and children, including migrant and homeless children as well as those in juvenile justice facilities.

The US Department of Education also sets performance goals for the states in educating these children in return for federal funds, which partially finance the state's educational services. Generally, the federal goals set a target for the percentage of students who should make improvements in a basic subject, like reading or math, or who earn high school course credits or a high school diploma. For example, one federal performance goal is to increase "the percentage of neglected or delinquent students who improve reading skills." In 2011, the target was 97 percent of all students. (The federal performance goals also have measures to improve program efficiency.)

The education data that Southern states have reported to the US Department of Education for children and youth in juvenile justice systems often has been incomplete and inconsistent. The reporting forms are too generic and fail to capture the reality of juvenile justice schools. Within and across states, the annual data offers very limited information about what is actually achieved in the juvenile justice schools for students and appears entirely divorced from any consideration of how student assessments should primarily be used for improving instruction and learning.<sup>37</sup>

The juvenile justice office of the US Department of Justice has regular reporting or surveys about conditions and youth in juvenile justice systems but none include information about juvenile justice schools, educational services, or student learning.

Most states and all Southern states publish student enrollment, finance, and performance data from public school districts and public schools, but only a few states include any data on juvenile justice schools. The state departments and agencies responsible for juvenile justice systems across the country publish annual reports, but none provides meaningful, systematic data from juvenile justice schools on student enrollment and performance. In the South, apart from descriptive information about the location and nature of educational services, juvenile justice agencies provide no regular public reports on schooling.

In short, in an emerging era of "big data," the students and the juvenile justice schools they attend operate essentially as off-the-book enterprises where standard public reporting and common rubrics of educational assessment do not apply.

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<sup>37</sup> The Office of Civil Rights in the US Department of Education also has a database based on a survey of school practices, especially related to school discipline. That database also has very limited and inconsistent data on juvenile justice schools.

## Appendix 3 Calculations and Methodology

### Methodology for Data Cleaning and Analysis of DOE Consolidated State Performance Reports

The data presented in this report reflect the official data that Southern states<sup>38</sup> submitted to the US Department of Education in the Consolidated State Performance Reports (CSPR) for school years (SY) 2006/07–2010/11. The CSPR is the required annual reporting tool for each state under Section 9303 of the Elementary and Secondary Education Act, and covers programs and facilities receiving funding under Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk. SEF analyzed data collected under Title I, Part D, which included both state agency (SA) data under Subpart 1 and local education agency (LEA) data under Subpart 2. SEF reviewed data under these two subparts for juvenile detention and juvenile corrections facilities.<sup>39</sup> States are instructed to report only on students receiving federal Title I, Part D funding in juvenile detention and corrections facilities. These data do not represent the full population of students residing in detention and correctional facilities.

SEF reviewed data from these reports on the demographics, academic performance, and academic and vocational outcomes of students in state and local juvenile detentions and corrections facilities in the Southern region for SY 2006/07-2010/11, creating Southern regional databases for each school year. Students in Juvenile Corrections (JC) and Juvenile Detention (JD) facilities were combined to form a Juvenile Corrections and/or Detention (JC/JD) category.

#### **Data Issues:**

**Suppressed Counts of Students:** In order to protect the privacy of student information, student data presented in the CSPR are suppressed. Each state sets their own suppression level with the US Department of Education (e.g., less than 10 students, less than 5 students, etc.) when reporting various categories of data. If the student count falls below that value, it is suppressed as an “n-size”. However, all the individual values are represented in total counts of students.

The National Evaluation and Technical Assistance Center’s (NDTAC) Reports for the SY 2006/07-2007/08 provided the raw numbers for student demographics, academic outcomes, and vocational outcomes. SEF was able to utilize the data from NDTAC Reports to fill in the missing “n-sizes” in our Regional databases for SY 2006/07-2007/08.

For the remaining missing data, SEF calculated the differences between the reported totals and the published numbers and divided this difference evenly amongst the “n-sizes” for the demographic data presented in the CSPR.

#### **Missing or excluded data:**

The following states are not included in the Southern regional databases for the following subparts and/or years because no data was reported:

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<sup>38</sup> SEF uses the following 15 states in its Southern region analyses: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

<sup>39</sup> As defined in the CSPR reports: **Juvenile Corrections:** An institution for delinquent children and youth is a public or private residential facility other than a foster home that is operated for the care of children and youth who have been adjudicated delinquent or in need of supervision. Include any programs serving adjudicated youth (including non-secure facilities and group homes) in this category. **Juvenile Detention Facilities:** Detention facilities are shorter-term institutions that provide care to children who require secure custody pending court adjudication, court disposition, or execution of a court order, or care to children after commitment. *Note that the Southern states varied in whether they reported data in both juvenile corrections and detention facilities in each year.*

- No Subpart 1 data in Oklahoma SY 2006/07-2010/11
- No Subpart 2 data in Arkansas SY 2006/07-2010/11
- No Subpart 2 data in West Virginia SY 2008/09-2010/11
- No Subpart 2 data in Georgia SY 2006/07-2010/11

The following states are not included in the *performance measures only* in the Southern regional databases for the following subparts and/or years because no data was reported:

- No Subpart 1 data in Arkansas SY 2006/07
- No Subpart 1 data in Florida SY 2006/07-2007/08
- No Subpart 1 data in Virginia SY 2006/07
- No Subpart 1 data in Tennessee SY 2007/08
- No Subpart 1 data in North Carolina SY 2010/11
- No Subpart 2 data in Virginia SY 2006/07
- No Subpart 2 data in North Carolina SY 2010/11

### **Analysis of Academic & Vocational Measures for Each Subpart:**

Using the data described above, SEF computed the following calculations for the Southern region, based on the national data tables used in the NDTAC 2008/09 report, in order to compare the Southern regional data to national data:

- Number and Percent of Age-Eligible Students Achieving Academic Outcomes
- Number and Percent of Age-Eligible Students Achieving Vocational Outcomes
- Number and Percent of Long-Term Students Testing Below Grade Level in Reading
- Number and Percent of Long-Term Students Demonstrating Improvement in Reading
- Number and Percent of Long-Term Students Testing Below Grade Level in Math
- Number and Percent of Long-Term Students Demonstrating Improvement in Reading

In order to compute academic/vocational outcomes, SEF utilized the age categories established in the NDTAC reports for students who are most likely to have accomplished the various outcomes. By summing the number of juveniles in these age categories and dividing the reported academic and vocational outcomes by these summed categories, SEF was able to compute the percent of students accomplishing each of the outcomes below in the Southern region.

- Earned HS course credits (13-21 years of age)
- Enrolled in a GED program (14-21 years of age)
- Earned a GED or obtained a HS diploma (16-21 years of age)
- Enrolled in a local school district (6-21 years of age)
- Accepted into postsecondary education (16-21 years of age)
- Enrolled in postsecondary education (16-21 years of age)
- Enrolled in elective job-training courses/programs (16-21 years of age)
- Enrolled in external job-training education (16-21 years of age)
- Obtained employment (14-21 years of age)

The percent of long-term students demonstrating improvement in reading and math was based upon long-term students who completed a pre and post-test. While improvement was measured in three different categories in CSPR (Improvement of up to ½ grade level, ½ to one full grade level, and more than one full grade level), these were consolidated into one category of “students demonstrating improvement” for comparability with the NDTAC reports.

## **Methodology for Identifying and Reporting Reasons for Suspensions**

State departments of education in some instances published or provided detailed disciplinary data that showed the state's incident totals broken down by the type of offenses committed by year. Offenses such as attendance, disrespect, and failure to obey school rules are generally considered by most states to be minor offenses. Fighting, drug possession/distribution, bullying, criminal acts against person or property, possession of knives or other weapons, and other serious offenses are generally considered by most states to be major offenses. SEF followed this standard for grouping the incidents of offenses resulting in out-of-school suspensions.

The rates for suspensions by reason were calculated by dividing the total number of a specific incident action resulting in an out-of-school suspension and dividing it by the total incidents resulting in out-of-school suspensions for the state.

## Appendix 4

### Measures of Academic Achievement-Neglected, Delinquent, and At-Risk Youth by State and Region: 2011

<b>Percentage of Age-Eligible Students Who Earned High School Course Credits by State &amp; Region</b>		
<b>State</b>	<b>SY 2010–11 Number of Students Eligible to Achieve the Outcome</b>	<b>SY 2010–11 Percentage of Students Who Achieved the Outcome</b>
<b>United States</b>	<b>410,840</b>	<b>46%</b>
<b>SOUTH TOTAL</b>	<b>126,275</b>	<b>36%</b>
Alabama	10,507	33%
Arkansas	2,001	42%
Florida	25,989	49%
Georgia	1,999	48%
Kentucky	8,261	45%
Louisiana	10,251	8%
Maryland	6,519	47%
Mississippi	4,009	4%
North Carolina	1,320	68%
Oklahoma	5,043	29%
South Carolina	5,314	5%
Tennessee	4,106	20%
Texas	29,566	30%
Virginia	10,093	61%
West Virginia	1,297	66%
<b>WEST TOTAL</b>	<b>134,851</b>	<b>53%</b>
Alaska	1,367	58%
Arizona	11,750	11%
California	89,658	58%
Colorado	3,409	89%
Hawaii	717	21%
Idaho	3,765	30%
Montana	790	60%
Nevada	1,580	67%
New Mexico	2,234	17%
Oregon	7,691	63%
Utah	2,235	49%
Washington	9,439	62%
Wyoming	216	79%

<b>Percentage of Age-Eligible Students Who Earned High School Course Credits by State &amp; Region (continued)</b>		
<b>State</b>	<b>SY 2010–11 Number of Students Eligible to Achieve the Outcome</b>	<b>SY 2010–11 Percentage of Students Who Achieved the Outcome</b>
<b>NORTHEAST TOTAL</b>	<b>64,789</b>	<b>55%</b>
Connecticut	1,892	36%
Delaware	964	27%
Maine	584	36%
Massachusetts	4,749	67%
New Hampshire	1,090	29%
New Jersey	7,358	68%
New York	20,512	39%
Pennsylvania	26,240	68%
Rhode Island	1,083	31%
Vermont	317	23%
<b>MIDWEST TOTAL</b>	<b>83,194</b>	<b>44%</b>
Illinois	4,916	55%
Indiana	10,545	29%
Iowa	4,919	58%
Kansas	5,033	36%
Michigan	14,018	41%
Minnesota	7,045	59%
Missouri	4,807	59%
Nebraska	2,981	61%
North Dakota	2,355	77%
Ohio	21,023	32%
South Dakota	2,180	73%
Wisconsin	3,372	50%

<b>Percentage of Age-Eligible Students Who Earned a High School Diploma or the Equivalent by State &amp; Region</b>		
<b>State</b>	<b>SY 2010–11 Number of Students Eligible to Achieve the Outcome</b>	<b>SY 2010–11 Percentage of Students Who Achieved the Outcome</b>
<b>United States</b>	<b>304,312</b>	<b>8%</b>
<b>SOUTH TOTAL</b>	<b>87,600</b>	<b>8%</b>
Alabama	7,201	4%
Arkansas	1,368	17%
Florida	18,935	5%
Georgia	1,545	9%
Kentucky	5,423	10%
Louisiana	6,683	5%
Maryland	5,706	7%
Mississippi	3,068	5%
North Carolina	2,116	6%
Oklahoma	3,702	10%
South Carolina	5,345	10%
Tennessee	2,243	6%
Texas	16,401	11%
Virginia	7,044	14%
West Virginia	820	14%
<b>WEST TOTAL</b>	<b>103,592</b>	<b>7%</b>
Alaska	1,083	12%
Arizona	8,356	9%
California	70,640	5%
Colorado	2,536	19%
Hawaii	2,536	19%
Idaho	2,767	17%
Montana	577	12%
Nevada	1,351	14%
New Mexico	1,859	6%
Oregon	5,573	15%
Utah	1,457	1%
Washington	6,330	9%
Wyoming	395	54%

<b>Percentage of Age-Eligible Students Who Earned a High School Diploma or the Equivalent by State &amp; Region (continued)</b>		
<b>State</b>	<b>SY 2010–11 Number of Students Eligible to Achieve the Outcome</b>	<b>SY 2010–11 Percentage of Students Who Achieved the Outcome</b>
<b>NORTHEAST TOTAL</b>	<b>54,917</b>	<b>8%</b>
Connecticut	5,196	8%
Delaware	808	5%
Maine	431	20%
Massachusetts	4,252	8%
New Hampshire	695	7%
New Jersey	6,520	5%
New York	17,024	7%
Pennsylvania	18,038	10%
Rhode Island	1,214	10%
Vermont	739	12%
<b>MIDWEST TOTAL</b>	<b>56,534</b>	<b>7%</b>
Illinois	4,205	8%
Indiana	6,205	7%
Iowa	2,913	11%
Kansas	3,431	6%
Michigan	8,941	6%
Minnesota	4,734	5%
Missouri	3,162	16%
Nebraska	2,164	8%
North Dakota	1,449	6%
Ohio	15,144	4%
South Dakota	1,671	13%
Wisconsin	2,515	9%

Source: Consolidated State Performance Reports, US Department of Education (ED)  
*(\*this refers to unduplicated counts of youth in juvenile justice facilities, and also includes youth who are under state custody because they are neglected, delinquent, or 'at-risk')*



*Founded in 1867 as the George Peckedy Education Fund, 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. SEF uses collaboration, advocacy, and research to improve outcomes from early childhood to adulthood. Our core belief is that education is the vehicle by which all students get fair chances to develop their talents and contribute to the common good.*

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