

Summary report of findings from a series of community forums held throughout the state of Ohio entitled “Improving Education Outcomes for Youth with Disabilities in the Juvenile Justice System.”

During the spring of 2005, the Children’s Law Center, Inc. in partnership with the Ohio Coalition for the Education of Children with Disabilities sponsored a series of interdisciplinary community forums in Chillicothe, Dayton, Toledo and Cleveland. These forums brought together a broad range of local professionals and provided the attendees with training on the IDEA, training on the “School to Prison Pipeline” research, and promoted dialogue to identify barriers to providing educational services to youth with disabilities in Ohio’s juvenile justice system. This report is designed to provide a summary of how these forums were conducted; who participated; what barriers were identified by participants; and what systematic changes participants suggested that could help reduce these barriers and thus improve educational outcomes for youth with disabilities involved in the juvenile justice system.

Research shows that youth with disabilities are far more likely to find themselves involved in the juvenile justice system than non-disabled youth. For this population, quality education services are an invaluable component of successful growth and development and are critical to preventing youth with disabilities from entering the juvenile justice system. In addition, quality education services significantly impact recidivism rates and successful transitioning for youth reentering their home school upon release for a juvenile detention facility. However, providing effective education services for these “at-risk” youth presents increasingly complex challenges for professionals in the juvenile justice system, child welfare agencies, and school systems that oftentimes

extends beyond what these organizations perceive as their defined role and sphere of responsibility.

Considering the disproportionate number of youth with disabilities being served by these agencies, it is imperative that professionals working in child welfare, juvenile justice and the court system recognize the educational needs and rights of these children, and that collaborative efforts are made with the schools and other agencies to ensure that the best practices are implemented to meet their needs. Without adequate training and education on the rights of youth with disabilities, service providers in these systems are more apt to fall short of meeting their responsibilities. Moreover, services for these youth cannot be provided in a vacuum. In order to maximize the opportunity for achievement, collaborative efforts must be made among the schools, the courts and other systems to coordinate their services and develop a comprehensive approach to prevention of delinquency among youth with disabilities, and to improve educational outcomes for those youth already involved in the juvenile justice system.

To this end, the forums were designed to bring together an interdisciplinary group of key decision makers who work with youth with disabilities involved in the juvenile justice system in order to improve educational opportunities for this population of youth. The forums held in Chillicothe, Dayton, Toledo and Cleveland pulled together over 400 individuals as participants between the four locations. The objectives were to:

- provide an overview of the law as it pertains to children with education related disabilities;

- provide information on the connection between disabilities and delinquency as found in the “School to Prison Pipeline” research from The Harvard Civil Rights Project;
- discuss the barriers to effective service delivery to these youth in educational settings from the perspective of various disciplines;
- promote interdisciplinary understanding among professionals of roles and responsibilities relative to education, juvenile justice and treatment issues; and
- promote improved practices, techniques and opportunities to better serve the educational needs of these youth across disciplines.

Each forum was attended by a proportionate number of professionals from the local community representing a mix of disciplines involved with providing or accessing education services for children in the juvenile justice system. Specifically, attendees included a mix of:

- Professionals in the field of education, including superintendents, SERRC directors and staff, principals, assistant principals, special education directors, hearing officers, resource officers, and pupil service administrators;
- Professionals in the juvenile justice system, including judges, magistrates, detention facility directors/administrators and teachers, probation officers, prosecutors, and private residential facility directors;
- Professionals in social services, including child protection agency directors, child welfare supervisors and caseworkers, and MRDD directors;
- Juvenile defense attorneys, guardian ad litem, civil legal aid attorneys, and other advocates who serve children and youth with disabilities.

The agenda for the forum included four components. First, it began with a research presentation entitled “Understanding the School to Prison Pipeline: What Research Tells us About Education, Disabilities and the Delinquency Connection.” The presenters for this component--depending on location--were Dan Losen, Senior Education Law and Policy Associate at The Harvard Civil Rights Project; Monique L. Dixon, Senior Attorney for the Advancement Project in Washington, DC.; and Mark Zablocki along with Robert Bartolotta, both Doctoral Students at the University of Maryland and staff members of the National Center for Education, Disabilities and Juvenile Justice. The research presentation was followed by a legal education session conducted by an administrator from the local Special Education Regional Resource Center serving the community where the forum was held. This session provided a synopsis of portions of the Individuals with Disabilities Education Act (IDEA) and other pertinent state statutes that routinely affect children in the juvenile justice system.

Next, an interdisciplinary panel began the discussion of barriers to educational services for this population by each discussing three significant obstacles they have encountered in their community to obtaining appropriate educational services. Local speakers included members of the juvenile defense bar; parent advocates from the Ohio Coalition for the Education of Children with Disabilities; juvenile court judges or magistrates; directors or administrators from the local Children Services Board; administrators from a local juvenile detention facility, and education administrators.

This discussion was carried into the lunch hour with a “working lunch” in small groups, arranged to create cross-disciplinary discussion and grouped geographically. The small workgroups not only identified barriers to services, but also developed a list of

systematic changes that could help to reduce barriers. Finally, the groups strategized about what role various disciplines could or should play in reducing barriers for these youth.

The partners for these forums were The Children's Law Center, Inc. and the Ohio Coalition for the Education of Children with Disabilities. Also supporting this project were the Ohio Department of Education: Office of Exceptional Children, Ohio Special Education Regional Resource Centers, the Civil Rights Project at Harvard, the Advancement Project in Washington, D.C., and the National Center for Education Disabilities and Juvenile Justice (EDJJ).

Summary of Barriers Identified by Participants:

The following is a summary of barriers identified by the interdisciplinary working groups at each forum. Participants in each group were asked the same question: "In your experience, and from the perspective of your discipline, what are the most significant barriers you face to providing education services to youth with disabilities in the juvenile justice system?" Although numerous issues were identified, several topics emerged from the discussions that are indicative of the pervasive barriers Ohio professionals face when providing or accessing educational services for youth with disabilities. It should be noted that the following topics are not an inclusive list; however, they do serve to identify the most prevalent barriers discussed at the forums.

1) Lack of communication and collaboration:

Nearly all of the working groups at the forums identified a lack of communication and collaboration between agencies as a significant barrier to providing education services to youth with disabilities involved in the juvenile justice system. Participants

pointed to a disconnect among systems and a lack of a continuum of care that results in a fragmented approach to meeting the needs of these youth in the schools, the courts and social services. As indicated by participants, the lack of communication among agencies tends to stem from several factors including:

- A lack of knowledge and understanding regarding the specific roles and authority of the various disciplines involved in providing services.
- No external system of accountability to ensure that each service provider complies with the law and protects the rights of students with disabilities.
- No system of sharing information between schools, juvenile courts and detention centers.
- A lack of information among systems about the services available for disabled students from other agencies.

Underlying these factors, as indicated by participants, is a lack of trust and sense of territorialism among decision makers that prevent agencies from working together.

Moreover, some groups expressed that many agencies are entrenched in the status quo and resist change, and that there is a tendency to blame other systems for the failure of a young person to receive appropriate educational services. “Too often we are working against each other,” was a comment from one participant. This has led to a lack of collaboration and no sharing of responsibilities among agencies to meet the needs of its youth with disabilities population.

A common example of this is the disconnect between school systems and the juvenile courts in many areas of Ohio. Records and information about a youth with disabilities does not flow from the schools to the courts and vice versa. For instance, the

courts may not be aware of a youth's special education needs, which could impact on adjudication and dispositional decision making. Also, schools are often unaware of the process taking place within the court system, including even being unaware of the location of the child if he or she is placed outside the school district.

In Chillicothe, this problem was discussed in terms of a lack of understanding among decision makers. Many felt that the "IDEA law is too complex." "Courts may not know to request records or understand special education services." And, "educators don't understand the law." This discussion was sparked to some extent by the panel presentation in Chillicothe that included a juvenile court judge who talked about some of the problems associated with interpreting and applying special education laws and regulations. In addition, the judge pointed out that his role in adjudicating a youth in his court is not comparable to the role of a school principal disciplining a child; and that unlike the schools, the courts are constrained by a myriad of due process requirements and rules that come into play when a child becomes involved in the court system.

In contrast, many comments at the Cleveland forum indicated that the communication barriers in that area of the state are related to confidentiality concerns. Participants stated that "confidentiality issues are used to prevent information sharing;" and that "privacy laws need to be changed...." Agencies are often unable to obtain IEPs and other records for youth with disabilities coming into their systems because schools are not willing "to cooperate with requests" for information. As one participant described it, the "school system itself [is] closed off, slow moving, [and] not open to outside professionals."

Another example of discord among systems is the lack of adequate transition services for students entering a juvenile detention facility, or reentering the school system upon release. Schools do not always know where students are placed in juvenile detention, or they are not notified of subsequent changes if a child is moved to another facility or released. On the other side, detention facilities are not receiving IEPs for special education students entering their facilities, and records are not “getting back to teachers as to what [a] child did while at JDC [i.e., a juvenile detention center].” As one participant stated: “[A] child’s learning is put on hold because information isn’t being shared”

In addition to this lack of information flow, restrictive attendance policies may prevent students from receiving credit for course work completed in a detention center. In describing the problem, a participant wrote: “Attendance and credit policy while [a] child is at JDC is unfair to [the] child: ten days absent and the child fails...” In other words, in some schools a child is counted absent during the time he or she is in detention and will automatically fail after ten days. Moreover, there are often “differing credit requirements in each system” that impede credit transfer for work completed in juvenile detention.

Finally, there was a perception among participants that schools overly rely on the juvenile courts to discipline for misconduct at school. Comments at the forums ranged from: “zero tolerance doesn’t work;” and “courts are being used for discipline that should be done in the classroom;” to “a child in the juvenile justice system is a barrier to education from the start.” Participants stated that it is a matter of “out of sight, out of mind,” and that school policies make it “too easy” for a child to be ushered into the

juvenile court system. On the other hand, one participant from Toledo stated that charges are often filed in hopes of getting services for a child; and that “[i]f everyone is assured an avenue into obtaining services, perhaps they won’t get so desperate and end up in the court system.”

In addressing this issue, one group acknowledged the difficulty of weighing the competing goals in meeting a child’s educational needs while at the same time addressing safety concerns within the school. This group opined that “we all tend to define this in our way, based on our own experiences...[;but that] sometimes we criminalize behavior that is related to a child’s disability.” This is an example of an area where the goals and responsibilities of the two systems involved may not be clearly defined or understood between the decision makers.

In summary, one the most discussed barriers at the forums was the problems associated with a lack of communication and coordination among agencies. The disconnect described above is prevalent statewide. The systematic barriers discussed, combined with more subjective factors such as territorialism and a lack of trust, have created a system with an ineffective continuum of services for youth with disabilities who are involved in the juvenile justice system.

2) **Lack of Training and Education:**

In addition to communication barriers, many working groups identified a lack of adequate training and education among all stakeholders and a lack of cross-discipline training as a significant barrier to providing services to youth with disabilities. The need ranged from educating parents to best practices training. Specific informational barriers that were discussed by panel members and working groups at the forums were:

- A lack of cultural awareness on issues and the presence of bias and stereotypes.
- A lack of understanding among decision makers about the legal obligations of other agencies involved in providing services to youth with disabilities.
- A lack of training among defense attorneys and guardian ad litem on special education advocacy.
- A lack of training among legal aid and civil attorneys on delinquency and the juvenile court process.
- A lack of training for police, probation and detention staff on behaviors that may indicate a child has a disability.
- A lack of adequate parent training on available resources for families.
- A general lack of understanding among professionals of the available services for children with disabilities.
- A lack of available best practice training in Ohio.

The need for “cross-discipline” training was discussed at every forum. Not only did the forums reveal a call for more information on special education laws and regulations; the discussion also revealed a need for training on the roles and responsibilities of each agency under these laws. There seems to be a basic “lack of understanding about what other agencies do” according to one participant. It is not always clear who has the authority to “initiate and advocate for needed services” for youth with disabilities.

The need for additional parent involvement and training was also discussed. Groups indicated that parents lack adequate knowledge and understanding of the system;

they may not know who to contact for services for their child; and they often are not engaged by professionals to participate in the process. The need for more parent mentors was mentioned in some communities as well. And, for those parent mentors currently providing services, participants pointed to a need for improved training and information about the juvenile justice system and court process.

As for juvenile justice workers, several groups saw a need for improved education among the juvenile defense bar on the needs and rights of youth with disabilities, as well as improved education for juvenile court judges, prosecutors, and probation officers on the relationship between behavior and disability.

Finally, several groups identified a lack of best practice training as a barrier to providing education services to youth with disabilities. Participants were interested in knowing how other states have addressed many of the problems and barriers identified at the forum. As stated by the groups, agencies need to look at “what works;” they do not need to “reinvent the wheel.” The perception among participants was that “maybe ‘everything’ has not really been tried” yet. In addition, participants wanted information and training on any existing pilot projects in Ohio.

3) **Lack of Funding and Resources:**

Not surprisingly, working groups also consistently identified a lack of adequate funding and resources as a significant barrier to providing services to youth with disabilities. The funding barriers identified were:

- A lack of flexibility in funding rules and limits that prevents agencies from working more closely together.

- A lack of state “cluster” funds available to provide more wrap around services.
- Little or no financial incentives to comply with special education regulations.
- A lack of funding for school counselors, social workers and assessments.

Resource allocation was discussed statewide. Some participants complained that funds are often earmarked in a way that limits agencies from working together to implement a more holistic approach to serving the educational needs of youth with disabilities in school, the community and detention. Moreover, at least one education professional felt that school resources are often focused on the students with the most extreme disabilities leaving children with less severe conditions with little or no help. In addition, unfunded mandates, including the lack of funding for IDEA, were mentioned as an impediment to providing services to youth with disabilities.

Along this line, a noteworthy number of groups identified the lack of funding for school social workers and psychologists as a significant barrier to providing educational services to youth with disabilities. And, some participants pointed to a lack of adequate insurance coverage for mental health services for students and families.

4) **Lack of early identification and effective early intervention programs:**

Next, early identification was a common topic, especially in Chillicothe. According to participants, many children are not being identified until they become involved in the juvenile court system. For this population, “identification is not early enough so that behaviors are relatively fixed by the time that children get into the juvenile justice system.” Participants identified a need for increased or improved pre-natal services, healthy start, head start programs, and school therapeutic services to

increase early identification and intervention for “at risk” youth. And, in Cleveland, many participants saw a role for faith based services to meet early needs for children and families.

5) **Lack of community, family and social support:**

The lack of adequate community and family support was also discussed at the forums. The barriers identified under this topic include: 1) attitudes and peer pressure that devalue education; 2) the lack of family participation; and 3) pressures on the school system to address all areas of a child’s needs. According to participants, there is a “perception that this is not a community problem, that it is only a school problem;” and that “parents expect schools to fix children without full involvement” of the parent. One participant in Toledo complained that “schools [are expected] to deal with all areas of a child’s needs: to be a parent, mentor, mental health service provider, etc.” And, there were several comments relating to the lack of appropriate parenting skills and the use of substitute care providers for children in the home. Some groups in Dayton felt that community resources are not being utilized well by families of students with disabilities.

In addition, groups discussed social concerns that families encounter as a barrier to providing education services. The groups saw substance abuse, homelessness, transience, and problems associated with gangs as examples of social problems that make provision of services to some families challenging. Also, participants pointed to issues related to poverty, racism, and bias against females as barriers to providing education services to youth with disabilities. And, in some areas of the state, parents are historically reluctant to look for help outside the immediate family, and families may not

value education. Looking at these barriers, participants observed an overall lack of community and family support for youth with disabilities.

7) **Curriculum barriers:**

Finally, groups discussed the need to develop school curriculum to meet children's special education needs. According to one group, "when the schools have used all their resources, and problems are still evident, they don't have other appropriate placement options in the community." Another groups saw a "need [for] more diversionary programs to keep kids out of the [juvenile justice] system altogether." Also, groups pointed to the lack of variety of education opportunities available, including the need for "differentiated instruction," and "different methods in teaching techniques" for youth with disabilities. And, for those youth with disabilities in detention facilities, participants indicated that the number of hours in the school program should be increased, especially in math and reading.

In summary, the barriers most commonly identified at the forums were the lack of communication and collaboration among systems; the lack of training and education among stakeholders; and the lack of adequate funding and resources. Also discussed widely among participants were the lack of early identification and intervention programs available for "at risk" youth; the lack of community, family and social support; and curriculum barriers.

Summary of Systemic Changes to Reduce Barriers:

After identifying these barriers, the interdisciplinary working groups were then asked to identify systematic changes that could help reduce them. The most significant suggested changes forum participants identified can be summarized as follows:

- Programs for early identification and intervention should be developed and implemented with the participation of all stakeholders including parents, mental health workers, social service agencies, school systems, and others.
- Regional special education/juvenile justice forums should be scheduled and held periodically within communities to bring together key decision makers, facilitate communication, promote understanding of the roles and responsibilities of various agencies, and develop strategies to better meet the needs of youth with disabilities in the regional community.
- Inter-agency collaboration is needed to examine and develop policies concerning youth with disabilities including the development of comprehensive resources (i.e., wraparound services), development of interagency agreements on issues such as information sharing, and the development of effective models of intervention.
- Training programs should be planned and available to juvenile justice professionals, judges, lawyers, social workers, and mental health providers to address the need for better understanding of a child's needs and condition, and to better understand special education laws and regulations.
- Training programs should be planned and available to education professionals and workers in the social service system to provide information on the juvenile court process, and on privacy laws and regulations pertaining to special education student records.

- Increased parental involvement in the process is essential and must be encouraged by professionals involved in order to develop trust, teach advocacy skills, and increase communication and collaboration with parents.
- Effective service delivery models for at risk youth should be considered and implemented, including effective wraparound services, alternative services and diversionary programs, and other collaborative models.
- Effective interagency communication mechanisms should be considered and implemented where appropriate, including computerized information sharing and the use of agency liaisons from different disciplines to facilitate information sharing, including transfer of IEPs between juvenile justice placement and home schools.
- Best practice models should be examined and included in interagency training programs—including best practice models for transitioning children who are reentering their home school from a detention facility—and efforts should be made to implement these programs as appropriate.
- Professionals working with students with disabilities across the disciplines need to be better educated on existing research concerning this population.

The Role of Various Stakeholders in Reducing Barriers

The third question each group addressed is: “What role should the various disciplines play in reducing these barriers to obtaining appropriate education services for youth in the juvenile justice system?” Responses from participants included the following:

1) School systems should:

- Build relationships with professionals in the juvenile justice system.

- Provide education resources to other agencies.
- Cooperate with other agencies and share more information.
- Increase student assistance programs.
- Focus on and be proactive with early identification measures.
- Eliminate “zero tolerance” discipline policies.
- Institute a policy that addresses consistent communication with the juvenile justice system, child welfare agencies, and other education systems.
- End policy of suspending students who have truancy issues.

2) **Juvenile Justice system should:**

- Find the balance between accountability and manifestation of disability.
- Build relationships with children and professionals in the school system.
- Provide training to court and probation personnel to enable them to recognize a child’s disability, and provide training on IDEA and federal education entitlements.
- Order or encourage parental involvement through the juvenile court system.
- Request needed information from schools and ensure that a child’s special education needs are known to court personnel.
- Increase the use of effective diversion programs.
- Educate other systems on what services can realistically be provided by the court.
- Assure compliance with the law.

3) **The defense bar should:**

- Represent children in a more holistic manner and create collaborations with civil attorneys to meet children's special education and other civil legal needs.
- Attend trainings on what resources are available for youth with disabilities.
- Attend trainings on the IDEA.

4) **Social services agencies and mental health providers should:**

- Institute a mentoring program for "at risk" youth made up of volunteers.
- Design and implement wraparound, multi-systems services.
- Increase home visits and promote family involvement in planning for their child.
- Increase outreach services.
- Educate parents on how to navigate the special education and juvenile systems.
- Attend trainings on the IDEA and the juvenile justice system.

5) **Juvenile detention facilities should:**

- Ensure their education services are in compliance with the mandates of the IDEA.
- Institute a policy that addresses consistent communication with home schools.
- Create a method to exchange information with children's home schools.

- Create reentry programming for transitioning children back to their home school environment.
- Train staff on behaviors and needs of disabled students.

6) **State agency officials/legislature should:**

- Fully fund IDEA.
- Increase ability of county “clusters” to work with youth with disabilities.
- Provide best practice training on transitioning/reentry, prevention, early intervention, and records exchange.
- Make good faith effort to “fix” school funding.
- Commit more time and money to prevention services.
- Provide training on special education law requirements and education law confidentiality provisions.
- Conduct trainings regionally so more professionals can attend.

7) **All systems providing services to youth with disabilities should:**

- Make better use of electronic capacity to share information, records and IEPs.
- Come together to communicate, form agreements and work together toward a uniform, efficient way to get information about a child.
- Participate in “cross discipline” training.
- Work in collaboration to solve problems.
- Create a memorandum of understanding which clearly addresses each system’s responsibilities.

- Participate in more interdisciplinary working groups within the region to develop effective action plans.
- Avoid “turf wars” over issues and strategies regarding services to youth with disabilities.
- Model leadership and respect.
- Share information with other decision makers.
- Seek out and/or develop training opportunities.
- Be aware of personal bias, stereotypes, perceptions and deficiencies.

Conclusion:

In conclusion, meeting the educational needs of Ohio’s youth with disabilities population presents complex challenges for all systems involved in providing or accessing services. These “at risk” youth often have multidimensional needs as a result of related mental health issues and other social, psychological, community and family stressors that compound the difficulties in providing education services. In planning to address these challenges, it is important to consider the specific barriers identified at these forums and the changes suggested by participants to address them.

As evident from every forum, there is a need for improved partnering and collaboration among all systems to effectively address the barriers that impede services to these youth. There is also a need for improved understanding among all professionals of the legal rights that apply to this population, and for improved understanding of the roles and responsibilities of each system to provide services. With coordinated efforts among all stakeholders, it is envisioned that problems can be identified expeditiously, and that a more comprehensive continuum of services can emerge that will improve education

outcomes for Ohio's youth with disabilities, especially those who become involved in the juvenile justice system.