

**“The Needs and Rights of Disabled Students: A Forum\for
Professionals Working with Youth in the Juvenile Justice
And Child Welfare Systems”**

Description of Forum:

The forums were designed to bring together an interdisciplinary group of key decision makers who work with youth involved in the juvenile justice and child welfare systems in order to improve educational opportunities for this population of youth. They were held in Covington, Louisville, Richmond, and Bowling Green, and pulled together almost 500 individuals as participants between the four locations. The objectives were to:

- provide an overview of the law as it pertains to children with educational disabilities,
- to discuss the barriers to effective service delivery to these youth in educational settings from the perspective of various disciplines
- to promote interdisciplinary understanding among professionals of roles and responsibilities relative to education, justice and treatment issues; and
- to promote improved practices, techniques and opportunities to better serve the educational needs of these youth across disciplines

The forum was attended by a proportionate number of professionals from around the state representing a mix of disciplines involved with children in the juvenile justice and child welfare systems. Specifically, attendees included a mix of:

- Judges, Court Designated Workers and other court personnel
- Department of Juvenile Justice personnel
- Cabinet for Families and Children personnel
- School administrators (DPP's, principals, special ed directors)
- Attorneys and legal advocates representing youth
- Private child care providers and other youth serving agencies
- Mental health providers, including IMPACT
- Higher education representatives

The agenda for the forum included four components. It began with a legal education session conducted by Barb Kibler from the Kentucky Department of Education. 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 and child welfare systems. Next, an interdisciplinary panel began the discussion of barriers to educational services for this population by each discussing three significant obstacles to obtaining appropriate educational services. This discussion was carried into the lunch hour with a "working lunch" in small groups, also arranged to create cross-disciplinary discussion. The small groups not only identified barriers to services, but also developed a list of systemic changes which 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 partner for these forums were numerous, and included the Department of Public Advocacy, the Administrative Office of the Courts, Department of Juvenile Justice, Cabinet for Families and Children, Eastern Kentucky University's Training Resource Center, the National Center for Education, Disabilities and Juvenile Justice, the Kentucky Center for School Safety, the Kentucky Department of Education, and the National Institute for Children, Youth and Families. In addition, the Building Blocks for Youth project, through the Youth Law Center, Inc. in Washington, D.C. has played a part in this project. A team of individuals from these entities is meeting to discuss results of the forum, including the recommendations and strategies developed by the working groups, and will determine next steps.

Summary of Barriers Identified by Participants:

While participants could name no shortage of barriers to providing effective educational services to youth in the juvenile justice and child welfare systems, a number of emergent themes were evident. Although not an inclusive list, the major issues can be summarized as follows:

1) There is often a tendency among service providers to "pass the baton" and/or blame other systems for the failure of a young person to receive appropriate services. Some factors which contribute to this include:

- Failure to understand the role and responsibilities of other systems, and/or unrealistic expectations regarding these roles and responsibilities
- Time constraints on the part of participants involved with the child
- "Zero tolerance" policies which shift responsibilities to other entities such as the courts, DOJJ and/or the Cabinet for Families and Children
- Lack of individualized care for the child versus "cookie cutter" approach to services
- Lack of funding or other resources which can adequately address the child's needs
- The failure of critical players to come to the table and focus on problem solving for the child
- Lack of information about the child or failure to communicate information among providers
- Rigidity in the perception of service providers about their perspective roles, and/or about the options available to the child
- Statutes and regulations pertaining to state agencies and/or local school districts are somewhat inconsistent and/or unclear as to roles and responsibilities

2) Agencies which provide services to at-risk youth are often hampered in effective planning for services and interventions by a lack of information about the needs of the youth. Some factors which contribute to this include:

- Lack of communication among service providers about their knowledge of the child and family

- Confidentiality provisions are not always understood and/or may otherwise interfere in disseminating critical information about the child's needs
- Youth often come for services without much information being available
- "Education Passport" law not adequate to provide information and not being implemented appropriately
- Schools often lack information about the child's other life issues (i.e. placement, trauma, court appearances, family problems, etc.)

3) School board violations and law violations occurring in schools have declined overall in Kentucky, consistent with other national data, yet the number of suspensions and school based petitions to juvenile court are apparently increasing.

- School expulsions, with and without services, have declined.
- There has apparently been an increased emphasis on prevention and early intervention programs in schools
- Referrals by schools to juvenile court for misconduct appears to be on the increase according to participants, and are often being made for conduct which many believe should be handled by the school and not the courts
- African American students are over-represented in their percentage of school board violations warranting disciplinary actions
- "Zero tolerance" policies continue to be a significant concern for many participants in cases involving minor behavior incidents

4) Parental involvement is often inadequate to provide the supports needed for the child. This may include:

- Poor understanding on the part of the parents about the rights of their child, and/or about the specific disabilities and appropriate interventions needed
- Parental distrust of schools and/or other service providers (i.e. fear the child will be taken away, intimidation factors, fear of asking for help)
- Parents being barraged with many service providers without a single contact source for case management
- Lack of training on the part of the parent to effectively advocate for their child
- Abrogation of parental responsibility for the child in an attempt to "wash their hands" of the child's care
- Few advocates are available to parents to assist them in school based decision making

5) Professionals in many disciplines lack training and understanding about the needs and rights of children with disabilities. This includes:

- Some school officials and other service providers often do not understand the juvenile court process, and what it can and cannot do for the child and family

- Some school officials and other service providers do not understand and/or fully implement laws pertaining to disabled students
- Lack of understanding and advocacy for children with disabilities often results in the failure to identify students entitled to the protections of IDEA or other laws. Conversely, some youth are mislabeled and/or over-identified
- Lack of cultural awareness may contribute to inappropriate disciplinary procedures, poor relationships with families or the child, and/or inaccessibility or ineffectiveness of services
- Judges, prosecutors, police and others in the juvenile and criminal justice system need training and sensitization about children with disabilities
- Probation staff and child protection workers are often faced with legal issues concerning the education of their clients, and have limited resources with which to address these issues

6) Lack of resources and funding often contributes to inadequate services for the child and family:

- Schools are currently faced with significant teacher shortages, particularly special education teachers, and must often rely on emergency certified teachers who lack experience and training to work effectively with this population
- High case loads and frequent turnover in agencies who work with children often results in children getting "lost" in the system
- Lack of behavioral intervention specialists in schools result in youth with behavior problems receiving limited interventions, if any
- Few resources exist to "transition" youth from facilities back into appropriate education settings, and
- While growing in popularity, alternative schools vary in how they are used and their level of effectiveness with students

7) Cultural differences among students and families are often not understood and addressed among service providers. This may effect:

- The family's ability to access appropriate services
- Attitudes regarding the need for services
- Distrust and/or tensions between schools, parents, youth and /or other providers
- Language barriers to acquiring and utilizing services

8) At-risk youth are often seen as a "disposable" population. This is evidenced by:

- Exclusion from services and/or harsher punishments
- Failure to identify as disabled and labeled as "socially maladapted"
- Reliance upon court systems to "fix" or punish
- Incarcerated youth are "no one's problem" until they emerge again in the community

- Exclusion from regular schools upon re-entry back into the community as a matter of policy

9) Effective mechanisms do not exist for interagency collaboration about the needs of at-risk youth. Specifically, it was noted that:

- Forums such as this one do not generally exist and can provide a valuable tool for communities to bring together key stakeholders from across the disciplines to problem solve
- There is not currently a mechanism to bring together policy makers around these issues to problem solve
- Case conferencing among disciplines is limited and does not often include the key players involved with the child.
- Schools and other systems often blame each other or see each other as adversarial
- Agencies do not always agree on what is in the child's best interest, or may not espouse a "best interest" role (such as defense attorneys); differences in roles may create conflict damaging to the child involved
- Agencies do not always understand the respective role and responsibilities of other agencies mandated to provide services to children

Systemic Changes to Reduce Barriers:

Forum participants identified numerous systemic changes that could help in reducing barriers to effective educational services for children. The most significant ones noted were:

- Proactive, positive instructional discipline policies should be developed and adopted by schools, including effective classroom management techniques
- Mechanisms for earlier identification and intervention with youth who are "at-risk" should be developed and implemented, including participation by other service providers such as the Cabinet, DOJJ, mental health providers, advocates and others
- Regional forums should be planned and held periodically within communities to bring together key stakeholders, facilitate communication and understanding of roles, and strategize local and statewide solutions
- Inter-agency participation is needed to examine and develop policies concerning at-risk students with disabilities, and should include areas such as the development of comprehensive resources (i.e. wraparound services), development of interagency agreements on issues such as information sharing, participation in district level consolidation planning and school councils, and to facilitate dissemination of effective models of intervention
- Training of professions in juvenile justice and child welfare, including lawyers, judges, mental health professionals, child welfare workers, and juvenile justice workers is needed to better understand the needs of children with disabling conditions, and to better understand the laws pertaining to this population

- Increased involvement of parents and youth in the process is essential and must be welcomed and facilitated by the professionals involved in order to develop trust, teach advocacy skills, and strengthen the partnering relationship for the child
- Effective models of service delivery to at-risk youth need to be further examined and implemented, including effective classroom management techniques, wrap-around services, behavior intervention specialists, and other collaborative models.
- Professionals working with disabled students across the disciplines need to be better educated on existing research concerning this population.

The Role of Various Stakeholders in Reducing Barriers:

While many comments in this area were not specific to individual stakeholders, and were somewhat repetitive of the question immediately above, more specifics included:

1) School systems should:

- Be inclusive of all students and look for effective means of delivering education services to at-risk students
- Develop more effective mechanisms to identify students who have disabilities or are otherwise 'at-risk' and provide earlier intervention services which are multi-disciplinary in nature.
- Develop mechanisms to break down cultural barriers with students and parents through training, practices, and staff composition
- Truancy issues should be addressed using more creative "best practices" by schools rather than relying upon the court systems
- Develop mechanisms to further involve parents, including breaking down barriers such as mistrust and intimidation
- Develop proactive, positive instructional discipline policies, including classroom management
- Be inclusive of other service providers in planning for educational services for the child
- Increase access to other behavioral supports such as intervention specialists, mental health professionals and others
- Examine the need for and quality of alternative education programs, including which students should utilize this resource, the goals of the program, and its effectiveness
- Include superintendents and other key school officials in interagency discussions regarding policy and practice
- Increase and improve communication with medical professionals involved with the child, including medication issues
- Listen more to youth and parents about their needs
- Avoid the "zero tolerance" approach to discipline in lieu of individualized consideration of the child's needs and circumstances

State agency officials (i.e. DOJJ, CBS, DOE) should:

- Provide more training opportunities for professionals working with children with disabilities to better understand the needs of these youth, as well as the laws which protect them
- Have workers play a stronger role in school related issues for the child, including participation in educational planning, identification of disabilities, and sharing of information about the child
- Listen more to parents and youth about their needs
- Provide opportunities for workers through case conferencing to bring together the various disciplines involved with the child
- Timely communicate major issues affecting the child to school officials
- Access information and records for schools systems about the youth in a timely fashion
- Strengthen cultural awareness to better serve the needs of minority youth and families
- Utilize education advocates as needed for youth
- Participate in inter-agency collaboration among policy makers to examine issues such as confidentiality of information, resource development and allocation, and other cross-discipline coordination.

The Juvenile Justice system should:

- Promote and provide training to court designated workers, judges, prosecutors and others about the needs and rights of disabled students, as well as effective services for this population
- Examine intake policies on school related referrals and strategize with local providers about appropriate referrals to juvenile court, as well as other options which can be employed in lieu of court involvement
- Work collaboratively as a part of the service delivery system for these youth to find effective community based solutions to effective educational services

The defense bar should:

- Provide training for attorneys in juvenile court handling school related issues to better understand the needs and rights of disabled students, and to advocate for effective mechanisms to provide services for these youth
- Play an active role in community collaboration to seek effective service delivery models for these youth, including youth in residential treatment, detention and youth transitioning back to the community

Mental health providers and other private agencies should:

- Strive for inclusion in education planning for the child, and conversely, include school officials in comprehensive treatment planning for the child and family

- Develop models on intervention which as interdisciplinary in nature and which can be used to support school related services and increase resources for the child
- Lend expertise to other service providers about the needs and characteristics of students with disabilities, as well as appropriate intervention techniques
- Provide training on the needs and rights of children with special needs for their workers