

Interim Report on Improving Educational Services to Youth in Out of Home Placement

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TABLE OF CONTENTS

Introduction	3
Acknowledgements	6
Methodology	7
Recommendations	8

INTRODUCTION

Several reports issued during the past three years have highlighted the need to reform education services for incarcerated youth in the state and have recommended areas for reform. In January 2017, the Recidivism Work Group of the Juvenile Justice and Policy Oversight Committee (JJPOC) issued a policy brief, “Transforming Education for Youth in Connecticut’s Justice System.” Among other things the report found that Connecticut’s system of education for youth placed out of home was grossly inadequate.

The Recidivism Work Group found:

We are fragmented and expensive: Connecticut has a welter of uncoordinated state and local agencies and actors providing educational services for youth in justice system facilities. Fragmentation costs money by defeating economies of scale in an era of shrinking budgets and falling populations of youth in custody. For instance: In 2016, education at the Connecticut Juvenile Training School and in our detention centers cost more than \$35,000 per seat in staffing alone. But, because we have no economies of scale, even that was not enough, as the detention center schools in Hartford and Bridgeport slashed expenses to the extent that teachers were not always available in every classroom.

We lack quality standards, monitoring, and accountability: Connecticut has no quality standards for educating out-of-home youth in the justice system, very little data reporting and external monitoring for educational programs in justice system facilities, and few accountability mechanisms to fix failing programs.

We lack specialization and expertise: Right now, educational services may be provided by programs that lack specialized expertise and which have not invested in teacher training, curriculum development, or the multiple pathways to success that are necessary for educating youth in justice system custody.

We let youth slip during transitions: Fragmentation makes seamless transitions among facilities, and between facilities and the community, more difficult. Connecticut struggles with records collection and transfer; identifying youth with special needs; and reentry planning and support.¹

Similarly, in January 2019, the Office of the Child Advocate (OCA) issued “Incarcerated/ Detained Youth - An Examination of Conditions of Confinement” in response to Conn. Gen. Stat. 46a-13/(12). The report outlined a number of troubling practices, particularly for youth under the age of 18 in Department of Correction custody as well as youth confined at CSTS.

With regard to education services, the OCA recommended that:

1. All facilities must have clear and specific frameworks for ensuring compliance with all state and federal education laws regarding attendance, discipline, special education, and record-keeping.

¹ Recidivism Work Group, JJPOC, “Transforming Education in Connecticut’s Justice System.” Tow Youth Justice Institute, 2017, January, p.4.

2. *All facilities must be required to report regarding the provision of educational services to incarcerated youth, including data regarding attendance, discipline, and special education service delivery (with information regarding availability and utilization of special education and related services).*
3. *Facilities must ensure effective intake and discharge procedures for educational programming purposes. No youth should be discharged without an educational plan which includes a plan for immediate enrollment in an appropriate program.*
4. *The State Department of Education should provide guidance to school districts regarding necessary practices to facilitate record-sharing, educational meeting participation, and enrollment for justice-involved youth.*

The JJPOC authorized the creation of the Education Workgroup to generate policy recommendations for review by the JJPOC. To assist the Education Workgroup, the Tow Youth Justice Institute (TYJI) contracted with Dr. Peter Leone, a Professor in the College of Education at the University of Maryland who has studied and participated in the reform of juvenile justice education systems in a number of states during the past 30 years. He is the former Director of the National Center on Education, Disability, and Juvenile Justice, a federally funded research, technical assistance and training program.

He has worked with the Civil Rights Division of the U.S. Department of Justice, agencies in more than 30 states on crafting more effective responses and programs for marginalized youth, particularly those in custody or at-risk for out of home placement. He has served as special master, monitor, and/or expert to federal courts in class action litigation in a number of states. In Connecticut, he served as expert to the plaintiffs in *Smith v. Wheaton*² and was invited to evaluate the education program for youthful offenders by the Department of Correction in 2007. His work has been funded through grants and contracts from the U.S. Department of Education and the U.S. Department of Justice, the Gates Foundation, the Jett Foundation, Public Counsel, and the Abell Foundation.

The Education Workgroup was formed by the JJPOC consistent with PA. 18-31 Sec. 7(q) “Effective July 1, 2018: JJPOC shall convene a subcommittee to develop a detailed plan concerning overall coordination, oversight, provision, and direction of all vocational and academic education services and programs for children in justice system custody.” The Tow Youth Justice Initiative, in support of the JJPOC, contracted with Josh Perry to assess the status of education services for youth in Connecticut’s Justice System. Mr. Perry’s report, “Transforming Education in CT’s Justice System” served as a framework for the Education Workgroup and its recommendations. The Perry report identified a) fragmentation, b) inefficiencies, c) quality control, d) specialization and expertise, and e) transitional supports as primary problems with the delivery of education services for justice system youth.

From the fall of 2018 to the present, Dr. Leone has supported the Education Workgroup through site visits, consultation, and policy analysis. He has visited MCI-Manson, the Hartford Detention Center, and CT Junior Republic. He has met with TYJI leadership and

² *Smith v. Wheaton*, U.S. Dist. Ct., Dist. of CT, 1989-1992 [original Long Lane School].

staff, met with and conferred with the DOC, CSSD, and the SDE. He has also reviewed reports and data provided by the SDE, the DOC (USD #1), CSSD (USD #2), DOMUS (Bridgeport Detention), and the OCA. and the began meeting to discuss organizational and programmatic alternatives in June 2019, with assistance from CCLP. A subgroup of the Incarceration Workgroup was formed in August 2019 to meet more frequently to review the information collected by CCLP and to discuss the pros and cons of three primary organizational and programmatic alternatives. In October 2019, Dr. Leone presented preliminary findings and recommendations to the full JJPOC and produced this report in December to accompany its presentation and recommendations.

The work and key questions of the three subgroups of the Education Committee were:

1. Infrastructure:

- a. Who will provide, oversee, and ensure quality and compliance for educational programming of youth in justice system custody?
- b. What educational pathways will be provided?
- c. Where will the funding come from?

2. Quality Control and Personnel:

- a. How will we measure education quality?
- b. What will be our quality objectives?
- c. What will be our quality standards, including external accreditation?
- d. What oversight and accountability systems will we put in place?
- e. What kind of professional support do we need to ensure quality teaching for youth in custodial settings?

3. Transition including Entry/Reentry

- a. How can we provide seamless reentry for youth in custody?

ACKNOWLEDGEMENTS

This review was completed with the assistance of the Education Workgroup members, staff from the State Department of Education, the Department of Corrections, and the Judicial Branch of the Court Support Services Division. Staff from these agencies and staff from the Office of the Child Advocate, the Tow Youth Justice Institute, and my colleagues at the Council for State Governments Justice Center and the Center for Children's Law and Policy were invaluable in supporting the development of the policy recommendations presented to the JJPOC in October 2019 and contained in this report.

Incarcerated youth are among the most educationally disadvantaged and underserved youth in most states. Many youths who become involved in the justice system have not been well served by the public schools prior to their out of home placement in juvenile detention or placement. As noted in several reports on youth in Connecticut's justice system, these youth are disproportionately children of color, youth with disabilities, and youth who have been suspended and retained in grade in the public schools. While the mechanisms associated with these factors are complex, too often, the education services youths receive while incarcerated or in placement are substantially inferior to those available to other youth in spite of statutory entitlements. Education is crime prevention. Education achievement and literacy levels are positively correlated with more positive outcomes for youth. Monies spent on education and vocational services for youth in custody, generate three to four times their initial costs in reduced reoffending, employment, and education.

Juvenile justice reform presents considerable challenges to current ways of thinking about and responding to crime and delinquency and the entitlement of youth to high quality services and supports. The Education Workgroup and the agency staff and administrators that I met with during the past year, have worked diligently to help me understand the contours of current system of education services and the challenges associated with reforming the system. The recommendations presented here benefited greatly from their input and responses to my requests for information. While we did not agree on all of the recommendations that follow, their input and suggestions were made with the best interest of justice system involved youth. I thank them for their input and support.

METHODOLOGY

From April through December of 2019, I engaged in the following activities, that informed this report and its recommendations.

- (1) Reviewed research on education services and supports for court-involved youth.
- (2) Conferred with colleagues in other states and reviewed funding and administrative structures for education services for court-involved youth.
- (3) Examined reports and recommendations generated by foundations, advocacy groups, and state agencies on reforming education services for court-involved youth including reports issued by OCA and TYJI (Perry report).
- (4) Met with leadership and staff from CSSD, DOC, and the SDE.
- (5) Requested and reviewed data on operations and education performance of youth in USD #1, USD #2, DOMUS, and the CT Junior Republic.
- (6) Conducted site visits to MCI – Manson, Bridgeport Detention, and CT Junior Republic.
- (7) Drafted and distributed five memorandums to the Education Workgroup:
 - a. “Initial Thoughts and Recommendations – January 2019”
 - b. “Funding and Administrative Structure of Educational Services for Incarcerated Youth – Examples from Missouri, Oregon, and Utah” – June 2019
 - c. “Quality Control/Quality Assurance – Measurement, Objectives, Standards, and Accountability” – June 2019
 - d. “Principles and Recommendations” (3 subgroups) – June 2019
 - e. “Solicitation for Committee’s Ideas” – September 2019
- (8) Met with and participated in discussions with the Education Workgroup in person and via conference calls to discuss present information, research, and recommendations.

My work was guided by the mandates of the JJPOC for education reform, my experience as an educator, and my work with the courts, state agencies, and advocates a number of states. I am committed to this work and assisting the JJPOC crafting policy recommendations that creates the best opportunities for adolescents and young adults to achieve their full potential and become responsible, contributing members of our communities.

RECOMMENDATIONS

1. Infrastructure and Funding

	Comments
1.1 Create a special school district for education programs serving incarcerated and court-involved youth. Create an independent school board for the special school district	
Alternatives recommended by the Education Committee	
Expand USD#1 for all JJ-involved youth in out-of-home placement.	USD#1 would need to become independent of DOC.
Existing providers continue educational services with oversight by a newly formed legislative commission, which would include all affected state agencies. Executive responsibility will be vested in SDE with legislative commission having oversight and accountability	SDE has not expressed interest in assuming this role.
A single agency or single non-profit would provide all educational services with oversight by a newly formed legislative commission, which would include all affected state agencies. Executive responsibility will be vested in SDE with legislative commission having oversight and accountability	
1.2 Fund education services for justice-involved youth at twice the average per pupil cost for public school students in the state.	Mobility, intense education needs, and relatively short lengths of stay require adequate funding. A robust funding formula would enable educators and other stakeholders to plan, deliver high quality services and supports and assess outcomes.
1.3 Require the special school district to achieve accreditation from an association of colleges and secondary schools within 36 months of its creation.	This is essential for accountability and credit transfer. Accreditation can generate external support for school operations. (Most public schools are accredited by associations of colleges.) Not all committee members saw value in this accreditation.

2. Quality Control and Accountability

<p>2.1 Develop a framework for education accountability that includes educators, the courts, custody and security, sending and receiving school districts and programs, and the SDE.</p>	<p>Education committee achieved consensus on the importance of this recommendation.</p>
<p>2.2 Require education providers to no less than semi-annually provide student performance data to the administrators of the special school district and its school board. Ensure that reporting measures are tailored to experiences of students in short and long-term placements.</p>	<p>Some members of the Education Committee questioned how “educational success” could be measured in justice settings.</p>
<p>2.3 Require education providers to develop partnerships and programs with local education agencies, non-profit cultural groups, local industries, and businesses.</p>	<p>The Education Committee reached consensus on this.</p>

3. Transition, Entry/Reentry

<p>3.1 Establish explicit expectations and roles for key players in the transition of youth into and out of court placements.</p>	<p>The Education Committee achieved consensus on the importance of this recommendation.</p>
<p>3.2 Through the special school district, create mechanisms to ensure that sending and receiving schools and programs provide services and supports that maximize youths’ success.</p>	<p>The Committee achieve consensus on this item. Concerns were raised about awarding credit and partial credits. This issue would be addressed through accreditation. (See recommendation 1.3 above.)</p>

Education Principles. These principles were suggested to the Education Committee as a way of framing the discussion about transforming education services for justice-involved youth.

1. Standards for education services for incarcerated youth should be consistent with those for public school children in the state.
2. Funding for services and supports for the education of incarcerated youth should be driven by a formula that takes into account the mobility, academic disadvantage, and the considerable number of youth who are English learners and who are eligible for special education services.
3. One agency or division within an agency should have primary responsibility and authority for education services all incarcerated youth in the state.
4. Transition of youth from local schools to state agency placements should be seamless. Expectations, responsibilities, and outcomes for agencies and personnel responsible for entry and reentry should be explicit and measurable.
5. The agency or division within an agency should report annually on the operations of the education programs serving youth in the justice system.