

# Building Brighter Futures

Tools for Improving Academic and  
Career/Technical Education in the  
Juvenile Justice System

A Pennsylvania Example

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## TOOL IX: Federal Policy Recommendations

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Juvenile Justice Collaborative

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# RECOMMENDATIONS TO IMPROVE CORRECTIONAL AND REENTRY EDUCATION FOR YOUNG PEOPLE

## INTRODUCTION

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On November 19, 2012, the U.S. Department of Education (DoEd) hosted a Summit on Education in Correctional Facilities to address correctional and reentry education for youth and adults. The goal was to ensure that formerly incarcerated individuals have the tools and supports necessary to become positively engaged members of society who are prepared for 21<sup>st</sup> Century employment. The meeting identified several critical issues, many of which apply to both adult and youth offenders. Participants also acknowledged that young people have unique needs, which require a separate set of strategies, programs, and standards. All participants agreed that the Summit must be the beginning of a robust national effort to address these critical challenges.

After the Summit, with support from the John D. and Catherine T. MacArthur Foundation, five organizations – Juvenile Law Center, Open Society Foundations, Pennsylvania Academic and Career/Technical Training Alliance, the Racial Justice Initiative, and the Robert F. Kennedy Juvenile Justice Collaborative – convened key stakeholders in eight listening sessions across the country to learn more about the challenges of providing quality correctional and reentry education and career/technical training for young people.

All together, these listening sessions convened over 100 community leaders and experts from the education, justice, and youth advocacy fields, at meetings held in Los Angeles, Boston, Atlanta, Washington, DC, and Chicago, as well as at the Correctional Education Association Director's Forum, and a conference call for participants who could not attend in person. These discussions provided rich information about frontline barriers to correctional and re-entry education, promising practices, and supportive policies.

The policy recommendations presented here reflect the insights, observations and knowledge gained from these critical conversations, and seek to achieve the following goals:

- **Improve the quality and availability of educational programs, including special education, programs for English language learners, and career/technical training for young people in juvenile and adult correctional settings;**
- **Improve access to quality education including post-secondary education and career/technical training, and necessary supports for young people re-entering the community from secure facilities; and**
- **Improve cross-system collaboration and appropriate information-sharing that facilitates full access to quality education, career/technical training, and necessary supports.**

While recommendations in this document focus on specific issues related to education and career/technical training for youth in and returning from correctional institutions, listening session participants repeatedly emphasized that a number of factors can support or undermine a young person's success in academic or career technical education. Young people need support in developing self-sufficiency and life skills, and in addressing housing and safety issues. Similarly, participants stressed that the most effective way to address education issues is to limit incarceration to only the most dangerous offenders and to ensure that young people who must be incarcerated are housed in small, humane, non-violent facilities that promote rehabilitation. Moreover, when youth are incarcerated, the Departments of Education and Justice should require facilities to limit the use of restraints and seclusion, prohibit facilities from using these methods to discipline youth for behavior in school, and ensure that youth are educated even when disciplined.

Participants stressed that to do this work effectively requires collaboration among key agencies, such as mental health and child welfare. No single federal agency can provide all of the leadership, funding and programming required to promote positive outcomes for young people in the correctional system. Participants called for federal agencies to involve young people, their families, and their communities in deciding on and implementing changes to correctional and reentry education. Participants also suggested engaging and informing juvenile court judges about youth education issues, to help ensure that courts send young people to placements that provide appropriate educational programs, and that courts with post-disposition jurisdiction monitor the educational progress of youth both in facilities and upon reentry. While these broader themes are very significant, the recommendations in this paper focus on the narrower question of the education policies needed to support young people who are in correctional facilities and who are reentering the community from confinement.<sup>1</sup>

Finally, while increased funding is critical to addressing many of the needs and goals identified here, significant improvements also could be achieved through the use of existing federal funds from Title I, Part D of the Elementary and Secondary Education Act (ESEA); DoEd's Race to the Top Program; and the Workforce Investment Act (WIA), among others. Additionally, but equally important, more effective monitoring and enforcement of existing regulations and laws, such as the Individuals with Disabilities Education (IDEA), are critically needed.

Providing access to quality education and career/technical training is key to success for young people. Implementing the recommendations below would dramatically improve educational opportunities for young people who enter the correctional system, reduce recidivism, and lead to better life outcomes; a more educated and trained workforce; and stronger family and community structures.

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<sup>1</sup> These recommendations focus on improving education for young people confined in long-term juvenile delinquency placements. Young people in short-term detention, and young people detained and convicted as adults, face similar challenges and these recommendations should inform policy reform for those populations as well. In particular, the recommendations regarding transfer of records and comprehensive assessment are particularly important in the short-term detention context, and recommendations regarding technology, collateral consequences, and access to the GED, as well as post-secondary education and career/technical training are especially critical in the adult correctional system.

## **RECOMMENDATIONS FOR IMMEDIATE ACTION**

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### RECOMMENDATION 1

**DoEd should provide the leadership and support to ensure that young people both in confinement and upon reentry have access to, and training in, technology by:**

- working with the Department of Justice (DoJ) to expand access to technology to adequately prepare young people to fully engage in the community and workforce;
- collaborating with DoJ to address security concerns regarding access to technology that present barriers to providing quality education and technical/career training; and
- providing resources and incentives to support the use of technology, including but not limited to model online curricula for credit acceleration and remediation.

### RECOMMENDATION 2

**DoEd should hold states accountable for correctional and reentry education<sup>2</sup> by:**

- requiring states to develop correctional and reentry education improvement plans, consistent with the recommendations in this document; and
- reviewing these correctional and reentry education improvement plans and collecting data on academic achievement in correctional facilities and upon reentry to ensure accountability.

### RECOMMENDATION 3

**As a part of its Race to the Top program, DoEd should support innovative practices that ensure access to quality education for youth in correctional settings and upon reentry into the community by:**

- providing federal funding to states and localities to develop innovative practices that enhance access to quality correctional and reentry education for youth;
- documenting innovative education models, including those supported by Race to the Top and otherwise, distributing this information to states and local education agencies (LEAs), and making resources, technical assistance and training available on how to implement these models; and

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<sup>2</sup> A dual track of both incentivizing jurisdictions to meet the educational needs of young people as well as holding jurisdictions accountable when they fail to do so may be required to actualize real policy and system change. If after a reasonable period of time states do not develop and implement adequate correctional and reentry improvement plans, DoEd should sanction or remove preferential status for funding or other benefits for states and/or Local Education Agencies (LEAs) that do not provide the required or appropriate educational services within correctional facilities and upon reentry.

- using Race to the Top grants, as well as other funding opportunities, as a chance to have states and localities review and report on correctional and reentry education.

## **LONGER-TERM RECOMMENDATIONS**

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### RECOMMENDATIONS TO IMPROVE CORRECTIONAL EDUCATION FOR YOUNG PEOPLE

The consensus from all of the listening sessions was that juvenile correctional facilities provide sub-standard education and can do better. Even where comprehensive reform is under way, people observed that, for the most part, there remains a disparity in the quality of opportunities provided to incarcerated young people as compared to their peers, and students still face problems with records and credit transfer between the home schools and the facility schools. As a result, students fail to develop competencies or to accrue necessary credits. Students eligible for special education are particularly at risk, and listening session participants stressed that LEAs routinely fail to fulfill their IDEA obligations for eligible students in correctional facilities. Listening session participants also noted that even in well-designed programs, credits issued in placement are often rejected by home school districts upon students' reentry into the community, placing the students at greater risk for dropping out.

#### RECOMMENDATION 4

**DoEd should provide strong leadership to ensure that schools in juvenile correctional facilities provide high quality, equitable education that prepares young people for college and 21<sup>st</sup> century careers.<sup>3</sup>**

**A. DoEd should ensure that academic programs in correctional facilities provide an education that aligns with state standards and local graduation requirements by:**

- requiring states to monitor graduation rates and academic progress for youth in correctional facilities;
- developing model standards and curricula, aligned with Core Standards, that could accommodate rolling admissions and discharges from correctional facilities to ensure that young people keep on track with their educational programs;

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<sup>3</sup> Listening sessions participants repeatedly cited the failure of correctional educational facilities to use curricula aligned with state standards, or access to the broad array of core courses and credits available to young people in community schools and required for graduation. While no one disputes the importance of remediation for young people who are significantly behind grade level, this support must be in support of credit accrual, not in lieu of it.

- funding experts to provide technical assistance to correctional facilities to improve their education and career/training programs;
- funding the development of model programs for program-wide and individualized math and reading instruction that support remediation and acceleration and that can be used in short term as well as long-term placements; and
- ensuring that English Language Learners in correctional facilities have access to instruction in their language of origin.

**B. DoEd should provide incentives to improve the quality of instruction in correctional facilities by:**

- funding training for teachers and staff, including training on the unique needs of court-involved young people;
- requiring local education agencies to include correctional educators in professional development opportunities; and
- providing incentives for correctional facilities to recruit highly qualified teaching staff, including staff certified to teach special education.

RECOMMENDATION 5

**DoEd should provide strong leadership to ensure that schools in juvenile correctional facilities provide a workforce development strategy that includes “soft” skill training<sup>4</sup> as well as high quality, career technical training aligned with industry standards by:**

- requiring states to ensure that correctional schools provide work skill and life-skill training for all students, and working with DoJ to require the same;
- requiring access in correctional facilities to career/technical training, aligned with industry standards and programs of study for high-demand career paths, and working with DoJ to require the same;
- working with the Department of Labor (DoL) to ensure that WIA Title I and Title II funding streams support training for sustainable career paths in correctional facilities, as well as internships, apprenticeships and subsidized employment opportunities set aside for adjudicated youth; and
- working with DoL to identify additional dedicated funding streams to offer high quality Career Technical Education (CTE) programs.

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<sup>4</sup> Young people in the delinquency system often lack both the “soft” or employability skills (also known as 21<sup>st</sup> Century Skills)—such as interviewing, problem solving, and anger management—and the technical training needed to compete for a shrinking pool of jobs. Teaching and supporting such skills helps young people to develop career paths and to understand the connection between education/training and living wage employment.

## RECOMMENDATION 6

### **DoEd should require each state to ensure the prompt transfer of all education records to facilities and back to the community by:**

- ensuring that young people and their parents or other legally authorized educational decision-makers are provided education records to facilitate the youth's prompt connection to school or training upon reentry;
- providing incentives for states to develop a central repository of student data, universal, standards-based credits, and other education records (e.g. assessment data, IEPs, etc.) to facilitate timely transfer;
- providing incentives for states to develop a process, such as an equivalency chart, to standardize credit accrual across districts and ensure that credits earned in placement are not inappropriately denied;
- requiring states to set timelines for the transfer of records between schools for all students, including those in correctional facilities (records should be transferred within no more than 7 days of a request); and
- providing incentives to states to establish state diplomas for young people who are not expected to return to school because of age and credit accumulation, and those who meet state graduation standards but fall short of district-specific requirements due to incarceration or other disruptions to their education.

## RECOMMENDATION 7

### **DoEd should require individual assessments and individualized education by:**

- requiring states to ensure that each young person receives a complete assessment of the student's academic, social and emotional status, including an assessment of whether the child should be referred for an initial special education evaluation; and
- requiring states to ensure that each young person has an individualized academic plan built from these assessments promptly after entering a juvenile delinquency facility.

## RECOMMENDATION 8

### **DoEd should establish alternatives to “seat time”<sup>5</sup> for credit computation, such as computer testing and competency based assessments by:**

- ensuring that students have access to teacher-assisted computer programs, online courses and tutoring; and

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<sup>5</sup> Young people in correctional facilities and upon reentry often fail to earn full credit for course work. Frequently this occurs because their moves to and from the correctional facility do not line up with the traditional semester. Credits granted based on “seat time,” or the amount of time spent in class, makes it difficult for students to advance in the curriculum, and places them at risk of falling further behind in school and possibly dropping out upon return.

- ensuring that young people have access to competency-based assessments.

#### RECOMMENDATION 9

**DoEd should provide the necessary funding to states to ensure year-round correctional schools.**

#### RECOMMENDATION 10

**DoEd should require facilities to provide access to post-secondary education and training in correctional facilities, as well as opportunities to earn college credit while still in secondary school (dual enrollment). Such opportunities could be facilitated by access to online courses.**

#### RECOMMENDATION 11

**DoEd should require federal education funding to follow each young person when he/she moves to an out-of-home-district school.**

#### RECOMMENDATION 12

**For purposes of computing Adequate Yearly Progress and other assessments of district academic performance, DoEd should require that home schools count youth in out-of-home placement until such youth have either graduated or received an alternative secondary credential.**

#### RECOMMENDATION 13

**DoEd should ensure universal access to affordable alternatives to graduation tests (e.g. GED), with adequate and affordable preparation for all applicants that includes preparation for careers and post-secondary education.**

#### RECOMMENDATION 14

**DoEd should ensure compliance with the IDEA by:**

- ensuring that states effectively monitor and enforce compliance by LEAs with all obligations under the IDEA for youth in correctional facilities, including:
  - identifying students in need of special education;
  - completing timely evaluations and re-evaluations;
  - timely updating and fully implementing IEPs, including offering transition services to students age 16 and older;



- following procedural safeguards for issues such as school discipline;
  - ensuring that students eligible for special education receive a free, appropriate public education, even if held in seclusion;
  - involving the youth's parent, as defined under the IDEA, in all decisions; and
  - employing teachers certified in special education.
- establishing an indicator requiring data collection and outcome reporting on students in correctional facilities in States' Performance Plans and Annual Performance Reports under Part B of the IDEA.

## RECOMMENDATIONS TO FACILITATE AND INCREASE ACCESS TO EDUCATION FOR YOUNG PEOPLE UPON REENTRY

Over the past few years, an increasing number of researchers and policymakers have identified access to education as one of the most important factors in determining successful youth reentry from correctional settings back into the community. Unfortunately, our listening sessions reflected the fact that many of these young people are not able to return to school or continue their education or technical/career training upon reentry without support during this critical transition. Data on this population underscores the problem: in one study, over half of youth in juvenile detention had not completed the eighth grade and two-thirds of those leaving formal custody did not return to school.<sup>6</sup> The recommendations below seek to describe how DoEd, DoJ, and other federal agencies can require or support the prompt connection of youth to the education, training programs and supports needed for successful reentry. Please note that recommendations regarding "seat time" and credit transfer and recovery are mentioned in the correctional education section above, but apply both to correctional and reentry education.

### RECOMMENDATION 1.5

#### **DoEd and DoJ should require the seamless reentry of youth from correctional facilities to schools or community-based technical/career training programs by:**

- requiring school districts to promptly re-enroll youth into an appropriate grade or educational setting that meets their individual needs after an out-of-home placement;
- prohibiting States and LEAs from creating or enforcing policies that prevent young people from returning to school upon reentry, including blanket policies that require that all young people returning from confinement to attend alternative education programs;

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<sup>6</sup> Roy-Stevens, Cory. "Overcoming Barriers to School Reentry." National Criminal Justice Reference Service, U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention. Oct. 2004.

- requiring jurisdictions to identify a state or local agency responsible for ensuring that a young person has a reentry plan and education placement before leaving a correctional facility. The education placement should permit prompt enrollment (within 24-48 hours) and should be an appropriate educational or technical/career training program for that young person. The youth also should have access to the support services needed for successful reentry and achievement in the educational placement;<sup>7</sup>
- providing guidance to states and localities urging that a failure of a young person to attend school or other appropriate educational or training program should not result in that young person's re-incarceration; and
- developing the data measures necessary to evaluate and improve the current rate of young people returning to school or other educational programs upon reentry from correctional facilities.

#### RECOMMENDATION 16

#### **DoEd should provide guidance on the use of Elementary and Secondary Education Act (ESEA) funding to support access to educational and technical/career training programs for reentering youth by:**

- requiring states and LEAs that receive ESEA Title I, Part D funding to account for the allocation of such funds, describe which programs the funding supported, and submit this report to the Department of Education on an annual basis;
- requiring education programs funded through Title I, Part D annually to report data regarding program effectiveness in promoting student educational achievement and degree/certificate completion;
- holding states and LEAs accountable for supporting programs that produce effective educational outcomes for reentering youth and provide guidance and technical assistance to states and LEAs on these effective programs and strategies; and
- requiring LEAs to allocate 15% to 30% of Title I, Part D funding to youth reentry, mirroring the state requirement; this set aside must supplement, not supplant existing resources.<sup>8</sup>

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<sup>7</sup> Identifying and holding a specific person accountable, especially when that person is employed by the education system itself, facilitates the navigation of young people through the reentry process to reenrollment in school or another appropriate educational placement. States, such as Washington, have used Title I, Part D education funds to support the employment of transition coordinators by local education systems to monitor and support youth reentry, including enrollment in school.

<sup>8</sup> Title I, Part D does not require LEAs to set-aside any percentage of this funding for reentry services. However, states are required to set-aside between 15 to 30 percent of this funding for this purpose. Requiring LEAs to set-aside some Title I, Part D funding to support reentry would help strengthen local involvement in and commitment to the reentry process, and increase resources available for these services. Any set-aside of Title I, Part D funds for reentry services by LEAs should mirror the state's requirement of a 15 to 30 percent set-aside and should supplement and not supplant existing resources in this area.

## RECOMMENDATION 17

**DoEd should reduce the negative impact of collateral consequences on the educational and employment opportunities of delinquency- and justice- system-involved young people by leveraging and supporting education-based paths to redemption by:**

- enhancing access to community college, post-secondary career and technical education, and four year college course work;
- reinstating Pell grants and the “ability to benefit” program to provide financial support and increased access to post-secondary education and technical/career training programs; and
- providing guidance, technical assistance, and training to instruct administrators for colleges and other post-secondary education and technical/career training programs about how to appropriately inquire and use information about juvenile and criminal-justice involvement for youth who are applying for entrance into these programs.

## RECOMMENDATIONS TO INCREASE OVERSIGHT AND ACCOUNTABILITY OF CORRECTIONAL AND REENTRY EDUCATION FOR YOUNG PEOPLE

Listening Session participants repeatedly called for increased oversight and accountability of the systems responsible for educating young people in correctional facilities and upon reentry. These recommendations specify areas in which increased oversight and accountability are particularly needed.

## RECOMMENDATION 18

**DoEd should improve data-gathering activities regarding youth correctional and reentry education by:**

- requiring school discipline information to specify which schools are schools in confinement settings;
- requiring school discipline information to identify whether each discipline event that occurred in school was treated as a school discipline matter or discipline for conduct in the correctional facility;
- requiring school discipline information to identify discipline that results in a referral to the juvenile or adult justice system; and
- supporting amendments to the Family Education Rights and Privacy Act (FERPA) to allow for education records to be shared with the appropriate youth or adult justice agency for the limited purpose of conducting research regarding the education of youth

in the justice system, with re-disclosure of personally identifiable information prohibited for any other purpose.

#### RECOMMENDATION 19

**DoEd and DoJ should improve and distribute information on research-based correctional and reentry education practices for young people by:**

- collecting research-based practices;
- making this information readily available to stakeholders, including the education field, correctional facilities, correctional educators, reentry programs, and other individuals and organizations interacting with justice-involved youth, potentially through a centralized online database; and
- funding experts to provide technical assistance to organizations and systems seeking to implement these best practices.

#### LEGISLATIVE RECOMMENDATIONS

#### RECOMMENDATION 20

**To support access to education for young people in correctional settings and upon reentry, DoEd and DoJ should recommend that Congress:**

- amend the Juvenile Justice Delinquency Prevention Act (JJDP Act) to include education and career preparation in its core protections;
- amend ESEA to include equity in correctional education and access to education upon reentry; and
- amend FERPA as described above.