A black and white photograph showing a person's hands using a calculator. The calculator is held in the center, with the person's fingers pressing buttons. The background is a checkered tablecloth and some papers. A semi-transparent blue overlay covers the bottom half of the image, containing white text.

# CREDIT OVERDUE

HOW STATES CAN MITIGATE ACADEMIC  
CREDIT TRANSFER PROBLEMS FOR YOUTH  
IN THE JUVENILE JUSTICE SYSTEM

A publication of Juvenile Law Center,  
Education Law Center-PA, Drexel University  
and the Southern Poverty Law Center

Written by:

Nadia Mozaffar and Kate Burdick, Juvenile Law Center  
Maura McInerney and Kristina Moon, Education Law Center  
Katherine Dunn, Southern Poverty Law Center  
Stephanie C. Burke and Dr. Naomi E. Goldstein, Drexel University

## TABLE OF CONTENTS

Executive Summary .....	4
The Credit Crisis: The Problem & Its Causes.....	6
Credit Transfer Issues & Their Consequences .....	14
Ensuring Better Educational Outcomes .....	21
A Framework for Reform.....	24
Practices and Policies to Implement Legislation .....	35
Recommendations .....	36
Appendix A: Survey Methodology.....	37
Appendix B: Statutory Examples .....	38
Endnotes.....	51
Acknowledgments .....	54



## EXECUTIVE SUMMARY

**On any given day across the country, more than 48,000 youth are confined to juvenile justice facilities, where they are held for weeks, or even months at a time, research shows.**

These youth are held in facilities that not only take them away from their homes, but also their schools. And while these facilities provide classes to prevent young people from falling behind in their schoolwork, many return to their schools to discover that they did not receive full academic credit for their work, that there is no record of their credits or that their credits will not count toward graduation.

In other words, they discover that despite their best efforts to succeed, the juvenile justice system failed them. In fact, research spanning the last 20 years — including anecdotal reports from youth, families, advocates and others — describes rampant credit transfer problems.

What's more, the research in this report confirms that it continues to be a problem on a national scale, despite recently expanded mandates under the Every Student Succeeds Act and the Juvenile Justice Delinquency Prevention Act, federal laws requiring states to have procedures for timely assessment and transfer of credits.

This report, *Credit Overdue: How States Can Mitigate Academic Credit Transfer Problems for Youth in the Juvenile Justice System*, is the first of its kind to analyze this problem from a national perspective, including the consequences youth experience due to the system's failure. The report also examines the legislative solutions necessary to ensure youth receive the academic credits they are due.

The authors of this report conducted a national survey of 208 professionals from 135 counties across 34 states and the District of Columbia. The findings confirmed that youth frequently don't receive credit for the work they complete while in juvenile justice facilities. Only 9% of survey respondents said youth always earn credit for all their coursework in detention facilities, which are short-term centers that primarily hold youth waiting for their court dispositions. The findings are not much more encouraging in juvenile justice placement facilities: Only 17% of respondents reported that youth always earn credit for all work completed in these facilities, which are used for longer-term youth placements post adjudication.

When young people do not receive credit for the work completed in juvenile justice facilities, they face a slew of educational consequences, including repeating courses or an entire grade level. Others may find themselves relegated to alternative and disciplinary schools. Unsurprisingly, they often become discouraged and their academic performance suffers, potentially putting a high school diploma farther out of reach.

"I always use the analogy that as adults when we go to work, we put in work, we expect to be paid — we expect to be compensated," said Leon Smith, a longtime child advocate who serves as executive director of Citizens for Juvenile Justice. "Kids go into each of these settings and they put in the work,

and they expect to get grades and credit for that. When that doesn't happen, it's incredibly maddening. It is discouraging to be asked to take courses that you've already taken."

The consequences of not receiving academic credit, as this report shows, are particularly devastating for youth who are disproportionately represented in the juvenile justice system and youth with unique experiences, including Black and Latinx youth, youth with disabilities, undocumented youth or youth who are English learners, LGBTQ+ youth, and youth who experience multiple levels of discrimination due to their overlapping identities.

Additionally, about a quarter of survey respondents (27%) reported that classes in these facilities are not aligned with school or district standards. A quarter of respondents also noted that many facilities relegate students to GED diploma classes rather than coursework to earn a high school diploma.

In addition to the survey responses, this report examines the various facets of credit transfer problems through new data from the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth, focus groups with youth advocates in Juvenile Law Center's Juveniles for Justice and Youth Fostering Change Youth Advocacy programs, and the youth advocates' previous research. This report's findings are also based on interviews with advocates working with youth in the system, as well as numerous studies and reports on

the educational challenges faced by youth with juvenile justice system involvement.

Overall, the best way to eliminate credit transfer problems — and the consequences young people face as a result — is to invest in community-based alternatives to incarceration; close juvenile justice facilities, which are essentially "youth prisons;" and prioritize keeping youth with their families and in their community schools. Fortunately, several jurisdictions are working toward this goal.

However, for the youth currently in the juvenile justice system, states must take legislative action to ensure they get academic credit for their work. This means legislation to create the infrastructure, staffing and systems to help ensure credit transfer. It also means legislative reform to ensure youth receive quality, credit-bearing courses in these facilities. Schools also must be required to accept credits, including partial credits, earned in these facilities. For those young people who are still behind, they must have access to flexible make-up coursework, credit recovery and various diploma options.

As this report highlights, reform is not enough. There must be enforcement measures, such as those outlined in this report, to ensure reforms are effectively implemented. We must do better — not only for the 48,000 youth locked up in our nation's juvenile justice system, but for our communities.

Detailed recommendations are provided at the end of this report.

 "I always use the analogy that as adults when we go to work, we put in work, we expect to be paid — we expect to be compensated. Kids go into each of these settings and they put in the work, and they expect to get grades and credit for that. When that doesn't happen, it's incredibly maddening."

— Leon Smith, longtime child advocate and executive director of Citizens for Juvenile Justice



## THE CREDIT CRISIS THE PROBLEM & ITS CAUSES

There are many barriers to successful reentry to school after a young person spends time in a juvenile justice detention center or placement. Failure to receive academic credit for coursework completed while in placement is one of the most significant barriers, because it hinders timely reenrollment and appropriate grade assignment. Youth stories, survey results of professionals, and organizations conducting education advocacy all confirm it is a serious issue for youth in the justice system.

Youth advocates with Juvenile Law Center's Juveniles for Justice program recount in story after story the struggle to get credit for work completed in juvenile justice facilities.

"It took me three to four weeks to get re-enrolled in my public school after I came home from placement," said Don, a youth advocate. "I had trouble with my credits because the placement wouldn't give them to my new school. I was a grade behind because my credits never got transferred."

I-sha-le, another youth advocate, said, "The biggest challenge I have had graduating is going to alternative schools and having that mess up my credits. I was told I earned a certain amount of credits in those schools, but public schools said I earned much less. I needed consistency throughout my education."

Survey research underscores how pervasive these experiences are throughout the country. Advocates and juvenile justice professionals report that it is extremely common for youth leaving juvenile justice facilities not to receive full credit for work completed.

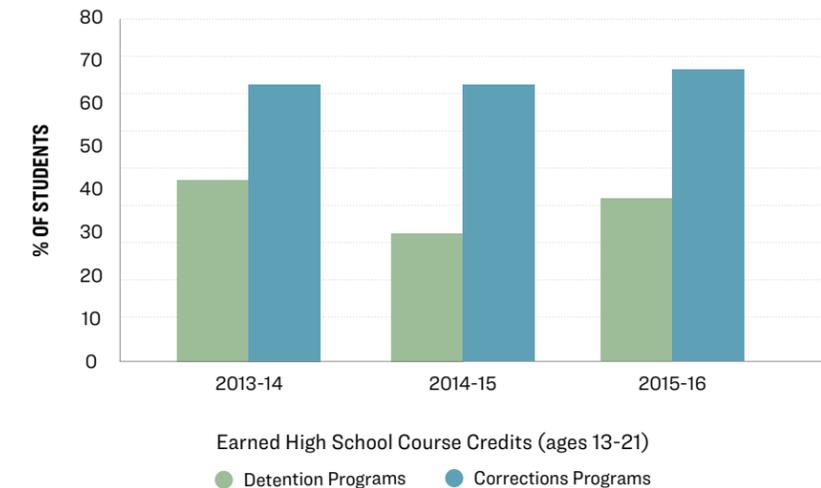
To fully comprehend and analyze the breadth of the credit transfer problem, the authors conducted a national survey of 208 professionals from 135 counties across 34 states and the District of Columbia to learn whether youth in juvenile justice facilities were earning credit for coursework completed, the factors preventing them from earning credit and the consequences of unearned academic credit.<sup>1</sup>

Survey questions asked about youth experiences in either detention or placement facilities. Detention facilities are generally short-term centers for youth who are confined while waiting for their court dispositions. Placement facilities refer to longer-term placements that confine youth post adjudication. About one-third of youth confined in the juvenile justice system are in detention facilities awaiting adjudication, disposition or another alternative placement, while two-thirds are in longer-term placement facilities after being adjudicated delinquent.<sup>2</sup>

The survey found that 17% of survey respondents noted that youth always earn credit for all work completed in juvenile justice placement facilities, while only 9% answered that youth always earn credit for all their coursework in detention facilities.

Of those survey respondents who said youth do not always earn credit for all work that is completed, more than half (54%) noted that youth in detention centers receive "far fewer credits" than youth in a comparable public school. In regard to juvenile justice placement facilities, 45% answered that youth in these facilities received "far fewer credits" than

**PERCENT OF YOUTH AGES 13-21 EARNING CREDIT IN TITLE I, PART D-FUNDED JUVENILE DETENTION AND CORRECTIONS PROGRAMS**



Source: National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth

youth in public schools. Forty-four percent of respondents indicated that youth in placement receive "slightly fewer credits" than youth in public schools.

While the educational outcomes regarding credit transfer are worse in juvenile detention facilities where most youth are awaiting hearings, the results show that entering either type of confinement is detrimental to educational progress, particularly as many youth remain in detention facilities for weeks or longer.<sup>3</sup>

In 2013, 127 organizations and 84 individuals, including community leaders and experts from the education, justice and youth advocacy fields, signed onto recommendations that concluded the following:

*Even where comprehensive [juvenile justice] reform is under way ... for the most part, there remains a disparity in the quality of opportunities provided to incarcerated young people as compared to their peers, and youth still face problems with records and credit transfer between the home schools and the*

*facility schools. As a result, youth fail to develop competencies or to accrue necessary credits ... even in well-designed programs, credits issued in placement are often rejected by home school districts upon youths' reentry into the community, placing the youth at greater risk for dropping out.<sup>4</sup>*

More recent reports continue to call out credit transfer as a serious problem.<sup>5</sup> Data collected by the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (NDTAC) on youth ages 13 to 21 in juvenile justice detention and placement facilities funded through the Title I, Part D program of the Every Student Succeeds Act<sup>6</sup> also highlights that significant numbers of youth in juvenile detention and correction programs do not earn any high school course credits while in those facilities. Title I, Part D provides funding to state agencies, as well as local education agencies, with high numbers of youth in juvenile correctional facilities.<sup>7</sup>

**33%**  
of youth confined in the juvenile justice system are in detention facilities awaiting adjudication, disposition or another alternative placement.

**67%**  
are in longer-term placement facilities after being adjudicated delinquent.



## YOUTH ADVOCATES PUBLISH 'OPERATION: EDUCATION'

Juvenile Law Center's Youth Advocacy Program engages young people who have been involved in the justice and child welfare systems in systemic reform efforts. Each year, the program's two groups — Youth Fostering Change and Juveniles for Justice — select an issue in the child welfare or juvenile justice system, determine a strategy to address it and implement their advocacy campaign.

In 2018-19, Juveniles for Justice and Youth Fostering Change focused on the barriers these young people faced reentering school (or transitioning from school to school) and graduating on time. To address these barriers, these organizations published *Operation: Education — An Action Kit to Achieve Positive Educational Outcomes for Youth in the Child Welfare and Juvenile Justice Systems*.<sup>13</sup> The publication includes recommendations to improve educational success for young people in both systems, which are highlighted throughout this report.

During the 2013-14, 2014-15 and 2015-16 school years, about one-third of youth did not earn any high school course credits while in juvenile corrections (placement)<sup>8</sup> programs that reported data to NDTAC.<sup>9</sup> The number of credits earned were significantly worse in juvenile detention facilities in those years — almost two-thirds of youth earned no high school credits.<sup>10</sup> While still troubling, the lack of credit earned in detention facilities is partially explained by the shorter amounts of time youth spend in detention facilities as compared to post-adjudicatory placements. Notably, this data set includes credit data for youth even if they have been in the detention facility for as little as one day.

The shorter time youth spend in detention facilities also impacts how often they earn high school diplomas while detained. For all three school years of data, fewer than 2% of youth obtained a high school diploma while in a detention facility.<sup>11</sup> But even in longer-term facilities, this number is strikingly low: Fewer than 7% of youth obtained a diploma while in a placement facility.<sup>12</sup> While the NDTAC data does not encompass every student in a juvenile justice facility in the country, it is the largest data set of educational outcomes of young people in juvenile justice facilities, and thus provides valuable information on the widespread shortcomings in credit transfer in detention and placement facilities.

## ROOT CAUSES OF THE CREDIT CRISIS

While numerous factors result in inadequate credit transfer, three fundamental problems most significantly contribute to the credit transfer problem: lack of school stability for youth in the juvenile justice system, the poor quality of education programs offered at many juvenile justice facilities, and a lack of infrastructure and supports in the juvenile justice and education systems to ensure youth successfully re-enter their local school in a manner that ensures they receive their earned credits.

### SCHOOL INSTABILITY

One of the most fundamental problems with the education youth receive in detention and placement facilities is that the juvenile justice system does not consider or encourage educational stability. While in the juvenile justice system, youth may find themselves in many different detention centers, placements, group homes or other types of residential facilities. When youth do not spend a substantial amount of time in any one facility, they cannot always meaningfully complete enough of the curriculum to earn credit for their work.

A majority (59%) of the survey respondents who said that youth do not always earn full academic credit noted that one of the reasons was that the youth were not at the facility long enough, while 39% noted that this was the “most common” reason that youth did not receive credit. Similarly, about one-quarter (27%) of respondents reported that youth sometimes do not receive credit simply because they were not present for the final exam.

“You could have someone who’s at one place for one month, one place for another month, one place for the other month,” said Claire Blumenson, co-founder and executive director of the School Justice Project in Washington, D.C. “They [will not have received] any term reports, so it may look like they’ve gotten zero credits even though they’ve been in school for that full year, because they’ve been moving around placements.”<sup>14</sup>

It is not just the number of school moves but also the timing of these moves that impacts youth. Many survey respondents noted the challenges of youth entering and being released at varying times throughout the school year.

“One huge problem is youth losing credits for entire semesters,” said one respondent identified as a transition coordinator inside a juvenile facility. “For example, when my youth come [into] our facility in April or October — i.e., mid-semester in a traditional school — they do not earn any credits from the school they left OR from our facility.”

Another respondent explained that when youth in that district are released in October or April, for example, they attempt to enroll at their home school but are “explicitly told that they can come to school but they won’t earn any credits for the semester, because they won’t be there long enough. Who would want to even go to school every day, knowing they wouldn’t earn any credit?”

These disruptions and the transient nature of juvenile justice detention and placements compound the educational instability that many youth have experienced throughout their academic careers and experience again after they leave facilities. Even before many young people enter the juvenile justice system, they have often experienced significant trauma that interrupts their learning and have had negative school experiences that put them behind in learning and credits earned.<sup>15</sup>

Many have already been excluded from school through harsh — and often discriminatory — school disciplinary policies. Almost two-thirds (61%) of youth in a juvenile justice placement reported that they had been either suspended or expelled from school in the year preceding their last entry into placement.<sup>16</sup>

Exclusionary school discipline policies are especially harmful because of their disproportionate targeting of Black youth and youth with disabilities.<sup>17</sup> For example, though white youth comprise half of the public school population<sup>18</sup> and Black youth make up just 15.5%, in 2013 to 2014, over 175,000 more Black youth than white youth were suspended from school in a single year.<sup>19</sup> Research shows that the difference in discipline cannot be explained by a difference in behavior between Black and white youth.<sup>20</sup> Students with disabilities have similar experiences of disproportionate school discipline. In particular, many students with disabilities have their disability misidentified — if identified at all — or fail to receive appropriate supports and are referred to the juvenile justice system for reasons relating to

“[M]any facilities don’t provide the coursework required, like lab sciences, or third-year Spanish, or a full three-year course selection of algebra. No matter how hard the kid tries, they cannot complete the coursework necessary for graduation.”

— Diane Smith Howard, managing attorney for criminal and juvenile justice at the National Disability Rights Network

their disabilities. Though students with disabilities comprise only 12% of public school youth, they account for about 21% of all in-school suspensions and 25% of all out-of-school suspensions.<sup>21</sup>

Youth often enter the juvenile justice system already behind in credits for their intended grade,<sup>22</sup> academically behind,<sup>23</sup> and are more likely to have repeated a grade.<sup>24</sup> “After coming in and out of school for disciplinary exclusions, youth then face school-based arrest and start to go in and out of the system — they go from their home school to detention, back to home school, and then [to] two or three placements,” said Leon Smith, executive director at Citizens for Juvenile Justice.<sup>25</sup>

In addition to losing the opportunity to complete meaningful work, justice system involvement exacerbates the problem: Every time youth are moved from one facility to another, there are increased chances for their educational records or other administrative paperwork to be lost or delayed, or simply not created during their short time at the facility. In Oregon, for example, the average length of stay in the juvenile detention facilities is five to 11 days; however, school districts are allotted up to 10 days to transfer a student’s records.<sup>26</sup> School records therefore might not arrive until after the youth has left the facility.

School districts also award credits on different schedules. Some require a certain amount of “seat time” — time physically spent in a classroom — that can be impossible for youth moving through the juvenile justice system to meet. Others offer semester-based options, while still others provide yearlong options. These problems are further exacerbated by situations where a youth is transitioning back and forth between block scheduling (fewer courses for longer class periods) and traditional course scheduling.

Awarding youth partial credits when they have completed a portion of a course in a juvenile justice facility could alleviate some of these problems. Unfortunately, school districts may refuse to accept partial credits.<sup>27</sup> As a result, students may return to their community schools to discover they must retake an entire class or multiple classes, even though they already earned credit for a portion of their courses.<sup>28</sup>

### SUBSTANDARD, INCONSISTENT EDUCATION AT JUVENILE JUSTICE FACILITIES

The limited educational opportunities and frequently inferior curricula inside juvenile justice facilities also prevent young people from receiving academic credit for coursework they completed. Young people have reported finding themselves in classrooms with youth of a variety of ages and grade levels. They often describe the assignments as “busy work” rather than educational.

Survey respondents, the legal and educational professionals working with youth in the juvenile justice system, noted that sometimes there was no instruction — or even qualified teachers — in the classroom. Instead, youth would be given worksheets to complete on their own. Some respondents noted difficulties recruiting teachers for correctional settings. When staff teaching certain subjects were not certified, the courses might only count as electives, which typically do not fulfill core graduation requirements.

“[M]any facilities don’t provide the coursework required, like lab sciences, or third-year Spanish, or a full three-year course selection of algebra,” said Diane Smith Howard, managing attorney for criminal and juvenile justice at the National Disability Rights Network. “No matter how hard the kid tries, they cannot complete the coursework necessary for graduation.”<sup>29</sup>

In fact, 33% of survey respondents identified the lack of classes fulfilling core requirements as a reason youth did not receive credit. Thirteen percent answered that credit-bearing coursework was not offered within facilities at all. About a quarter of respondents noted that courses were not aligned with school or district standards (27%) and that the courses were not sufficiently rigorous (25%).

And while most states require schools to provide 180 days of instruction each year, over one-fifth (21%) of juvenile justice facilities report providing fewer than 180 days, with 5% of these providing fewer than 170 days of instruction.<sup>30</sup> Similarly, while the average public school offers over 33 hours of academic programming per week,<sup>31</sup> the average juvenile justice facility reports offering only 26 hours of educational programming per week, with 15% offering fewer than 20 hours.<sup>32</sup>

A survey of state juvenile correctional agencies in all 50 states found that only 16% of states offered youth who were incarcerated the same educational services they offered youth in the community.<sup>33</sup> The finding is echoed by a recent report from Bellwether Education Partners, which analyzed data from the U.S. Department of Education’s Office for Civil Rights.<sup>34</sup> Survey respondents also noted that facilities offered limited course options, that foreign language requirements are seldom offered in facilities, and that internet-based instruction in facilities does not sufficiently challenge or instruct youth.

Even if facilities offer rich academic instruction, the simple fact that courses available in facilities can be very different from those a youth would have in a community school undermines students’ academic progress. “There are so many different school districts and there are no universal requirements of coursework or credits,” one survey respondent lamented. Another said, “The credits needed to graduate are different from school district to school district. It is not unusual for a child to be placed at our agency believing that they are on track to graduate, only to be told they do not have enough credits, or that they will be placed in a lower grade than previously thought.”

A quarter of survey respondents said many facilities relegate youth to taking classes to prepare for a GED diploma rather than coursework that will earn them credits toward a high school diploma. While some youth may wish to prepare for their GED exam, it is important for all youth to be given the opportunity to continue coursework that leads to high school graduation.

Regardless of what courses a youth may be pursuing in these facilities, overly punitive security measures within them can disrupt whatever education is provided. “Lockdowns in facilities prevent youth from being brought to school at all,” one survey respondent said.

### INADEQUATE STRUCTURES TO SUPPORT CREDIT TRANSFER

Education in the juvenile justice system is poorly managed by multiple systems that do not sufficiently coordinate or communicate among themselves, leaving youth without the infrastructure and supports they need to be successful.

The web of agencies that may play a role in the education of youth in juvenile justice facilities, including local school districts, state educational agencies and state juvenile justice agencies, causes confusion in determining roles and responsibility.

“We’ve seen a lack of clarity of who is responsible for the overall education of a particular youth,” said Smith Howard. “In some states, different agencies are responsible for different parts of the educational process. The local school district may have a contractor providing general [education], then the local school district might be providing the [Individualized Education Program]<sup>35</sup> services — or supposed to, but not doing it — and then there’s the facility where the student goes to school. But the determination of the credits earned and whether accepted or not is by the local school district based on its own criteria.”<sup>36</sup>

Poor communication between the various juvenile justice facilities and the students’ home schools compounds the problem. This issue commonly manifests when education records are incorrect, delayed or lost as youth move between educational programs. “It took me three weeks to go back to the school I attended before placement,” reported Jihid, a youth advocate with Juveniles for Justice. “I tried to go to a public school in another district, but the juvenile

placement lost my transcripts so I couldn’t go to a regular school. My mom and my aunt were trying to recover my lost transcripts. I was forced to go to a cyber school ... and be re-evaluated for grade level, since I didn’t have any credits.”<sup>37</sup>

Thirty-one percent of survey respondents noted that youth do not receive academic credits because records are lost. Respondents also noted delays in record transfer and a lack of clear procedures to transfer records. Respondents said that youth were scheduled for incorrect courses or repeated courses as a result.

When youth enter a juvenile justice facility or a detention center, it is important that they are enrolled in age- and grade-appropriate education programs as soon as possible. If there is a delay in record transfer, there is also a delay in education. One survey respondent noted, “Record transfer rarely happens, and when it does, records are often incomplete and/or missing vital information about the returning student and her needs.”

The records delay becomes especially problematic when youth are transferred between numerous juvenile justice facilities and face a delay in receiving an education each time, leaving them with inadequate time to complete enough coursework to earn credits. “By the time school districts respond to our requests for student records, the youth have often already left our center,” another survey respondent noted.

Even when records are transferred in a timely fashion, problems can occur if the records are incorrect or missing grades and academic credits.<sup>38</sup> Additionally, records may not describe coursework in a way acceptable to the receiving school district. Much record-keeping, for example, is ad hoc and not uniform, sometimes done through pencil-and-paper records. Transcripts from juvenile justice facilities often identify subjects in more general terms than a school in the community would — classes may be designated as “Math,” “Language Arts,” or “English,” which offers little information to the recipient of the record or the schools to which they transfer.

One survey respondent explained: “For example, ‘integrated social studies’ is a course that frequently appears on transcripts [from schools in juvenile justice facilities]. In order to determine where the

credit goes, the teacher or principal [of the receiving school] must confer with the [juvenile justice] school to determine if that is economics, government, world history, or U.S. history.” When receiving school districts must interpret such classes and poorly kept records, they are often unable to award credit, or they misinterpret the class taken. What’s more, receiving school districts often have significant autonomy to decide whether they are going to accept certain credits or not — their decisions are unchecked.

Too often, the burden of ensuring that credits are transferred and count towards graduation falls to the youth and their families, but they may not have the tools, knowledge and power to advocate effectively. States also do not universally mandate that school districts, juvenile justice facilities or other governmental agencies have dedicated staff to assist youth with reentry.

As one survey respondent noted, a parent may not receive the transcript and credit information from when the child was in a facility. “It then becomes a probation violation for the youth if they aren’t enrolled in school and making good progress,” this respondent said, “when the reality is that no adults are held responsible for what is a job belonging to adults — to ensure that a kid is safely enrolled in the right educational environment.”

Even in states with laws requiring school districts to accept credits from juvenile justice facilities,<sup>39</sup> difficulties transferring credits still arise: Youth may not be aware of their rights and school registrars may not be properly trained on the laws and what the implications are for youth.<sup>40</sup>

Marisa Mascolo Halm, director of the Center for Children’s Advocacy TeamChild Youth Justice Project in Connecticut, noted how one cannot always rely on such laws: “[T]he reality is we have really good laws [in Connecticut] that require youth to be able to get credit for work that they’ve done while they’re in these facilities. ... Sometimes that’s automatic, and sometimes it’s not. Having an attorney or an advocate working for the youth to leverage those laws is important.”<sup>41</sup> Without such staff and supports, families and children are left to navigate a complicated system alone in an attempt to ensure youths receive credit for their work.

.....

**“Record transfer rarely happens, and when it does, records are often incomplete and/or missing vital information about the returning student and her needs.”**

**31%** of survey respondents noted that youth do not receive academic credits because records are lost.

# CREDIT TRANSFER ISSUES & THEIR CONSEQUENCES

By the time youth are preparing to leave a placement or detention center, they have already battled a number of educational obstacles including exclusionary discipline, low-quality education programs in juvenile justice facilities, inappropriate class placements and struggles from not receiving appropriate special education services, as required by their Individualized Education Programs (IEPs) or other required school accommodations for a qualifying disability.

When they return to their communities, youth eager for a fresh start can quickly become demoralized when trying to receive credit for their work. “[S]ometimes youth are really discouraged by the number of credits that they need to catch up on,” said Raúl Arroyo-Mendoza, juvenile reentry fellow at the public defender’s office in Contra Costa County, California. If youth don’t receive appropriate credit, or otherwise get a waiver of required credits, “they might just drop out because they feel like there’s no way they’re going to catch up.”<sup>42</sup>

As one survey respondent said: “[T]here are real psychological consequences. Depression, anxiety, anger at the system that manifests itself in different ways. It is both traumatic in their experience but also in making them feel silenced.”

Youth often feel failed by the adults and institutions around them. “Agencies charged with a student’s care tell them that they must complete

their schoolwork in facilities in order to be ‘rehabilitated,’” said Claire Blumenson of School Justice Project, “but when the agencies lead you down a road that the other adults in your life and other agencies will later say was wrong ... it makes youth not believe in either system – the education and justice system – but also not believe in the adults who are telling them what they think they should be doing.”<sup>43</sup>

Over one-third of survey respondents (38%) said that youth “very often” drop out of school as a consequence of not receiving credit for all of their coursework. Recent data from NDTAC shows that youth earn limited credits after leaving juvenile justice facilities that receive funding through Title I, Part D. In the 2013-14, 2014-15 and 2015-16 school years, fewer than 20% of youth earned any academic credit even 90 days after leaving a juvenile justice facility.<sup>44</sup> While some youth may have been released at a time during the school year where they did not have an opportunity to earn credits 90 days after release – for example, if they were released at the beginning of summer vacation – the extremely low number of youth earning credit still demonstrates that academic progress was stifled even after they were no longer confined.

Youth who do not receive education credit are also likely to miss additional school days after they return to school; over 40% of survey respondents said that this was “very often” the case. Moreover,

these youth continue to fall behind in their education because schools require them to repeat courses or even entire grades: Over 40% of survey respondents noted that youth experienced both consequences “very often.”

“Every bit of extra time wasted earning credits that they already earned is time that could be spent working or supporting their families,” said Julia Souza, supervising attorney at the Legal Advocates for Children & Youth (LACY) program at the Law Foundation of Silicon Valley.<sup>45</sup> Youth may also lose the chance to play sports or rejoin extracurricular activities they participated in before placement – missing out on opportunities that are enriching, may help support postsecondary education or career goals, and would create enthusiasm for and connection to school.

Many survey respondents noted that youth returning to school from detention were denied or delayed in re-enrollment. Some districts do not even have open enrollment, so youth who return later in the school year have limited school options. Youth may be relegated to alternative disciplinary schools or schools

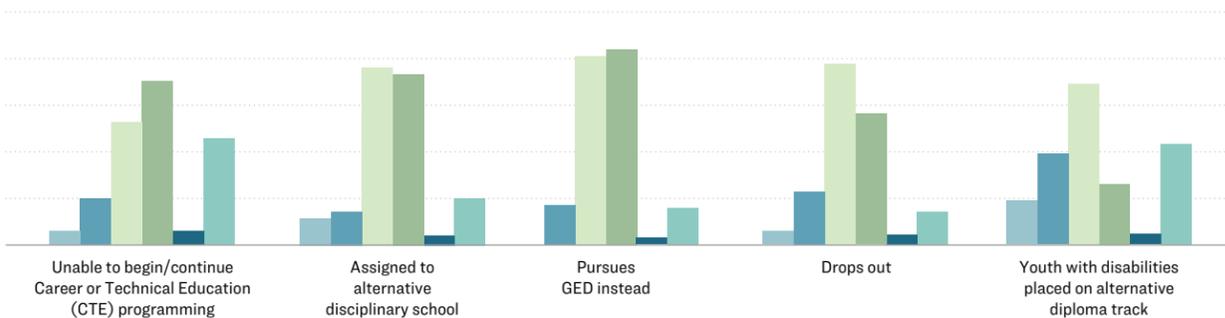
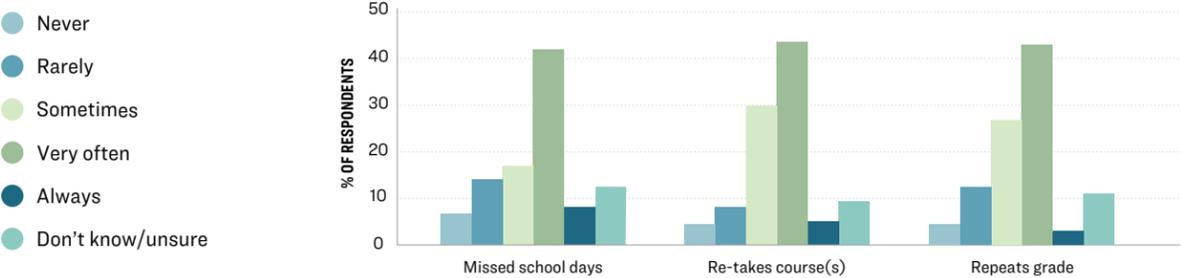
**“There are real psychological consequences. Depression, anxiety, anger at the system that manifests itself in different ways. It is both traumatic in their experience but also in making them feel silenced.”**

that are focused on credit recovery: Over 35% of survey respondents found that assignment to alternative disciplinary schools was “very often” a consequence of youth not receiving full academic credit for the coursework they completed, and 45% of respondents said that youth “very often” had to attend an alternative school focused on credit recovery.

It is well documented that alternative disciplinary education schools provide an inferior educational program. These schools have lower levels

of support staff than traditional schools. Barbara Fedders, assistant professor of law and longtime researcher of alternative schools, has noted they offer “little proven educational benefit and they instead cause significant harm.”<sup>46</sup> According to Fedders, disciplinary alternative schools are “designed to be inferior to regular public schools in significant respects, including curricular offerings and extracurricular opportunities. Often, youth don’t receive in-person instruction; when teachers are present, they are often less qualified than their counterparts in regular public schools.”<sup>47</sup>

## CONSEQUENCES YOUTH EXPERIENCE AS A RESULT OF NOT RECEIVING ACADEMIC CREDIT



Moreover, several states have enacted exceptions allowing alternative schools to offer less instruction than the minimum number of instructional hours required by state law.<sup>48</sup> School districts in some states even assign teachers to alternative schools as “punishment.”<sup>49</sup> Youth are more likely to face harsher discipline than in regular schools and become even more alienated from school.<sup>50</sup>

## CREDIT TRANSFER ISSUES AND THEIR DISPROPORTIONATE IMPACT

Credit transfer problems exacerbate inequities in the education system, and certain groups of young people face unique credit transfer problems. While data on credit transfer and other educational challenges for various groups of youth is often unavailable or limited, we can assess some of the ways in which certain youth are most harmed by the credit transfer epidemic. Data tracking this issue should be disaggregated so future research can more fully investigate issues and possible solutions.

### BLACK, LATINX AND NATIVE YOUTH

Racial disparities are present at almost every step of juvenile justice system processing — from arrest to commitment.<sup>51</sup> For instance, despite white youth being equally likely to engage in fights, have weap-

ons, steal property, sell and use drugs, and skip school, Black youth are 2.3 times more likely to be arrested than white youth.<sup>52</sup> These disparities continue to exist at the point of detention<sup>53</sup> and placement.<sup>54</sup> Similarly, in 2015, for every 100,000 youth, 86 non-Hispanic white youth were in a residential treatment facility compared to 142 Hispanic youth and 433 Black youth — a rate over five times that of non-Hispanic white youth.<sup>55</sup> Native youth are also three times as likely to be incarcerated as white youth.<sup>56</sup> And among youth in juvenile justice schools, native youth also are least likely to have access to courses,<sup>57</sup> which makes it even less likely they will stay on track with credits, according to a recent Bellwether Education Partners report.

### YOUTH WITH DISABILITIES

Youth with disabilities are not only disproportionately placed in the juvenile justice system, but they face a number of additional educational challenges when placed in a juvenile correctional facility.<sup>58</sup> Research suggests that nationwide, on average, 33% of incarcerated youth qualify for services under the Individuals with Disabilities Education Act (IDEA), in contrast to 14% of youth in the general public,<sup>59</sup> with rates varying greatly across the nation.<sup>60</sup> In the District of Columbia, for instance, over 90% of youth committed to the Department of Youth Rehabilitation Services (DYRS) have an Department of Youth Rehabilitation Services (DYRS) have an IEP and a mental health diagnosis.<sup>61</sup>

Nationally, almost half of youth in a juvenile correctional facility eligible for services under IDEA have an emotional disturbance, and nearly 40% have a learning disability.<sup>62</sup> “I just see kids who either are already identified with disabilities or who often should have been identified with disabilities long before end up getting pushed through the school-to-prison pipeline into that dropout pathway and beyond,” said Leon Smith.<sup>63</sup>

Such youth often do not receive adequate special education services. “[W]e usually see a tremendous lack of special education services for these kids ... and their IEPs are usually stripped. Providers often rewrite the IEPs to match the services available in the facility instead of vice versa,” said Smith

Howard. “So not only do youth not receive the services on their IEP, but then when they leave there’s no record on their IEP that they were ever supposed to have them.”<sup>64</sup>

### GIRLS

Girls in the juvenile justice system face unique educational challenges because the system is typically designed with boys in mind. The system may not adequately account for the developmental differences between boys and girls or the fact that girls enter the system more likely to have experienced sexual abuse and other traumas.<sup>65</sup>

Survey respondents noted that a locality may not have many placement options for girls. As a result, girls may languish in detention facilities longer. A Texas study found that “females were held, on average, five days longer in pretrial detention facilities than their male counterparts despite their offenses being less serious.”<sup>66</sup> As described in this report, there are typically fewer opportunities to earn credit in detention. Smaller numbers of girls may also lead to fewer course offerings and other opportunities inside facilities.

Dr. Monique W. Morris has highlighted the numerous obstacles Black girls experience as they attempt to get credit for the work they completed in juvenile justice facilities.<sup>67</sup> In her 2016 book *Pushout: The Criminalization of Black Girls In Schools*, Dr. Morris described how their difficulty receiving academic credit for work completed undermined their trust in the juvenile court educational system and demonstrated the inconsistent systems that facilities have in place for earning and tracking student credits.<sup>68</sup>

### LGBTQ+ YOUTH

Youth who identify as lesbian, gay, bisexual, queer (LGBQ), gender nonconforming or expansive (GNC), or transgender (T) are also particularly likely to be harmed by credit transfer issues due to their disproportionately high rates of juvenile justice system involvement.<sup>69</sup> While surveys suggest LGBQ/GNCT youth make up 7% to 8% of the general population, they comprise 20% of youth in the justice system.<sup>70</sup>

The abuse these youth often experience in schools leads to being further behind academically (e.g.,



lower grade point averages, higher rates of truancy) than their peers upon entrance to a juvenile justice facility.<sup>71</sup> Also, the harassment they often encounter within juvenile justice facilities may make them less likely to attend classes or less able to pay attention and learn effectively. Finally, given that many LGBQ/GNCT often struggle with receiving adequate family support due to conflicts regarding their sexuality or gender expression,<sup>72</sup> they may be less likely to have a family member advocating on their behalf.

### NONCITIZEN YOUTH, YOUTH WITH NONCITIZEN PARENTS & ENGLISH LEARNERS

While a majority (78%) of people in the U.S. age 5 and older report speaking only English at home, 22% (65.5 million) report speaking a language other than English at home, with Spanish the most common language spoken. Interviews with stakeholders and survey results suggest that noncitizen youth, youth with noncitizen parents and youth whose parents speak a language other than English are all particularly disadvantaged when it comes to transferring their academic credits.

Some survey respondents noted inconsistent English learner support in facilities. Moreover, many legal and educational professionals have highlighted the importance of having an adult — whether an attorney, educational liaison or family member

**Credit transfer problems exacerbate inequities in the education system, and certain groups of young people face unique credit transfer problems.**

NIKKI KAHN/THE WASHINGTON POST VIA GETTY IMAGES



— who has the skills and capacity to advocate on a youth’s behalf through the credit transfer process. While “[t]here are no reliable data on the number of noncitizen youth involved in the juvenile justice system,”<sup>73</sup> there are over 2.3 million immigrants between the ages of 10 and 19. Parents who are undocumented may fear that assisting their children with the credit transfer process could alert authorities to their immigration status and lead to removal proceedings.<sup>74</sup>

Additionally, youth whose parents have limited English proficiency may not understand the process for checking credits, or may struggle to navigate the education and juvenile justice systems. Schools’ lack of appropriate interpretation services and translated documents may also create obstacles for parents trying to advocate on behalf of their child.<sup>75</sup> Youth lacking immigration documentation may also be ineligible for services provided by some advocacy organizations.<sup>76</sup>

#### YOUTH WITH EXPERIENCE IN THE CHILD WELFARE SYSTEM

Youth with experience in both the juvenile justice and foster care systems<sup>77</sup> are doubly impacted by the educational challenges within each system and often remain in such systems for a longer time. Youth in the foster care system, for example, face school instability as they are transferred through various foster homes and residential placements — compounding the instability of education they face in the juvenile justice system.

“Since leaving [a juvenile justice] placement, I have been in three different schools,” said Alex, a youth advocate with Juveniles for Justice. “I am also in foster care and have been in eight different homes including foster homes, group placements, and mother-baby homes [programs to help moms]. I am 19 and still in the 10th grade because two years of my schoolwork is gone.”<sup>78</sup>

Poor communication between these systems contributes to the problem. “Essentially, one system will note the child is in the custody of the other and just assume that everything is being handled for the child,” said one survey participant. “There will often be a significant lapse in information/coordination across systems upon exiting a specific program, leaving a lapse in education attendance and then an overall regression in the child’s academic performance.”

Further, youth in residential facilities who don’t have an adult legally authorized to advocate on their behalf face a heightened risk of having their credits fall through the cracks.

#### OLDER YOUTH

Youth age 18 and older may be particularly susceptible to credit transfer issues. Many schools are hesitant to re-enroll older youth simply because of their age, even when the youth is entitled to attend school under state or federal law.<sup>79</sup> Moreover, older youth with special education needs may be particularly disadvantaged.<sup>80</sup> Notably, the IDEA permits states to stop providing special education services to youth ages 18 to 21 to the extent providing special education services “would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children” or youth in this age range.<sup>81</sup>

Youth in the juvenile justice system age out with insufficient services and few credits towards high school graduation,” noted a working group established to study issues of youth in the care of Washington, D.C. They return to their communities to find a service desert and experience difficulty reenrolling in traditional public schools upon their return. As a result, these youth become lost in the system of mass incarceration and educational inequities and even find themselves at the margins of reform movements.”<sup>82</sup>

“Agencies charged with a student’s care tell them that they must complete their school work in facilities in order to be ‘rehabilitated’, but when the agencies lead you down a road that the other adults in your life and other agencies will later say was wrong ... it makes youth not believe in either system — the education and justice system — but also not believe in the adults who are telling them what they think they should be doing.”

— Claire Blumenson, co-founder and executive director of the School Justice Project in Washington, D.C.



## YOUTH CHARGED OR CONVICTED THROUGH THE ADULT CRIMINAL SYSTEM

Nearly 5,000 youth are held in adult jails or prisons per year in the United States.<sup>83</sup> Although this report focuses on youth in the juvenile justice system, youth held in adult jails and prisons face unique challenges when it comes to earning and transferring credits.<sup>84</sup> Ninety-three percent of survey respondents reported that youth in the adult system face credit transfer difficulties.

Correctional facilities may cater more to adults’ education needs and might not necessarily offer a traditional high school curriculum, making it difficult for youth to complete relevant coursework while incarcerated.<sup>85</sup> Youth in adult jails and prisons are also especially at risk for physical and psychological harm,<sup>86</sup> making it practically impossible for them to stay on track with their high school education while incarcerated.

In addition, there is no obligation under federal law to evaluate youth ages 18 to 21 who are in adult correctional facilities and were not identified for special education services before incarceration.<sup>87</sup>

Credits may also fail to transfer because facilities don’t complete a transcript and provide it to the home school district.<sup>88</sup> Further research should examine credit transfer barriers and consequences for youth in the adult system.

## RESOURCES TO ELIMINATE OR REDUCE DETENTION AND JUVENILE JUSTICE PLACEMENTS

The best way to prevent barriers to successful educational reentry is to not remove young people from their homes and communities in the first place.

Moving away from detention and youth prisons also prevents other harms caused by residential placement as well as the further separation of Black and Latinx youth from their families and communities. There are many resources for jurisdictions to decrease the use of detention and longer-term placement or to keep youth in smaller facilities near their own communities.

### **Juvenile Detention Alternatives Initiative (JDAI)**

from the Annie E. Casey Foundation helps jurisdictions create alternative programs for juvenile offenders and safely reduces detention populations. Nearly 300 counties have adopted the JDAI model, reducing the number of youth held in detention.

### ***No Place for Kids: The Case for Reducing Juvenile Incarceration***

, an Annie E. Casey report, offers recommendations on how states can reduce juvenile incarceration rates that are also better for youth, highlighting successful reform efforts across several states.

**YouthFirst Initiative** works to build a national consensus against youth imprisonment and for keeping youth in their communities. YouthFirst helps create and launch sustainable state-based campaigns, led by directly impacted youth, to close youth prisons and invest in community-based supports, services and opportunities.

**The Safely Home Campaign** advocates for expanding community capacity to help all youth and young adults to live safely at home, rather than unnecessarily sending youth to harmful out-of-home placements.

**Impact Justice's Diversion Toolkit for Communities** provides guidance to communities on how to build a pre-charge restorative justice diversion program that reduces youth criminalization, ends racial and ethnic disparities, and meets the needs of those harmed.

### **Youth Correctional Leaders for Justice**

brings together current and former youth correctional administrators to advocate for “a more youth-, family-, and community-oriented vision of youth justice” rather than relying on traditional punitive sanctions and incarceration.

### **Stakeholders' Views on the Movement to Reduce Youth Incarceration**

, a report from the National Council on Crime and Delinquency, describes strategies to reduce youth incarceration, based on interviews with stakeholders from jurisdictions with successful initiatives.

## ENSURING BETTER EDUCATIONAL OUTCOMES

The systemic problems that prevent youth from receiving academic credit for completed work can only be addressed through significant systemic reforms. The best way to ensure that young people do not fall further behind in their education is to keep them out of facilities and educate them in their local community schools. However, to the extent that youth continue to be placed in juvenile detention and other facilities, important reforms are needed to ensure better educational outcomes.

### **CLOSE YOUTH PRISONS AND INVEST IN COMMUNITY-BASED SUPPORTS**

Survey respondents noted that the No. 1 reason youth do not earn credit towards graduation in detention or longer-term placement is because they move too frequently. The solution, however, cannot be to hold youth longer in harmful facilities that cut them off from family and community supports. Indeed, as described above, residential facilities in the juvenile justice system are fundamentally unsuited for fostering education success and put youth at risk of harm from family separation,<sup>89</sup> solitary confinement,<sup>90</sup> humiliating strip searches<sup>91</sup> and physical abuse.<sup>92</sup> In addition, research demonstrates that incarcerating youth — especially for lengthy periods of time and for minor offenses — increases recidivism, undermining public safety.<sup>93</sup>

Instead, the best reform is to invest in community-based supports that allow youth to remain at home and continue their education in their communities. Such reform requires long-term organizing efforts, but is a realistic goal. Many states — including Alabama, California, Florida, Illinois, Michigan, Missouri, New York, Ohio and others<sup>94</sup> — have significantly reduced the number of young people in detention or placement facilities, sparing youth the school reentry challenges described in this report.

### **SERVE YOUTH CLOSE TO HOME**

Placing youth in small, humane facilities inside the youth's school district — while not as effective as eliminating the use of placements entirely or allowing confined youth to continue attending their community school — can also significantly ameliorate credit transfer and reentry barriers youth face.

In 2012, New York City began Close to Home (C2H), an initiative that transferred care and cus-

tody of most New York City youth adjudicated delinquent from the state to the city.<sup>95</sup> This moved many youth from upstate New York facilities to nonsecure and limited-secure placements in their community that were part of the New York City Department of Education's (NYCDOE) District 79.<sup>96</sup> Enrolling nearly all youth in Passages Academy, which provides education instruction inside juvenile facilities with NYCDOE-approved curricula, was a key component of C2H.<sup>97</sup>

By enrolling youth in NYCDOE-approved curricula, C2H alleviated the problem of academic credit transfer.<sup>98</sup> Also, expanding Passages to create a uniform NYCDOE transcript for most youth in the C2H program addresses the issue of transcript transfers and determining course equivalencies back at the youth's community schools.<sup>99</sup>

Finally, allowing C2H youth to take citywide exams for promotion to the next grade and New York state's Regents Examination helped them to stay on track.<sup>100</sup> In the 2013-14 school year, youth placed in facilities earned 6.3 credits and 68% of youth passed their courses.<sup>101</sup> After the expansion of Passages in the 2016-17 school year, youth earned an average of 9.3 credits and passed 91% of their courses.<sup>102</sup> Further, 93% of middle school youth were promoted at least one grade level.<sup>103</sup> In the same year, 50% of youth in C2H and 80% of youth with disabilities in C2H passed the New York state Regents Examination.<sup>104</sup>

While many reforms in New York contributed to this improvement,<sup>105</sup> keeping more placed youth under the same school district undeniably helped address New York's credit challenges.

“[H]aving the school district provide an education for these youth while they are in placement makes it so much easier to have credits go on the transcript record in the same system, which is key to keeping kids in school and on the path toward graduation,” said Dawn Yuster, director of the School Justice Project at Advocates for Children of New York.<sup>106</sup>

### **PASS STATE LEGISLATIVE REFORM**

While de-incarceration and “close to home” initiatives are the best way to ensure that youth receive quality education and meaningful academic credit, until such reforms are achieved, significant legislative changes will better ensure youth are adequately credited for coursework and able to graduate. While

state education agencies play an essential role in overseeing local school districts in this process, state legislation would help ensure youth receive the benefit of better planning and supports. Detailed legislative reforms are outlined later in this report.

### RECENT FEDERAL LAWS DEMAND STATE ACTION TO IMPROVE CREDIT TRANSFER

State legislative reforms will position states to comply with recent federal legislation focused on educational outcomes for youth in the juvenile justice system, including:

**The Every Student Succeeds Act (ESSA)**, adopted in December 2015 to reauthorize the Elementary and Secondary Education Act, seeks to improve educational opportunities within juvenile justice facilities and to promote successful reentry for youth who return to their schools and communities after incarceration.

Title I, Part D of ESSA provides federal funding to state and local agencies<sup>107</sup> serving “children and youth who are neglected, delinquent or at risk” with the goals of improving education inside facilities, facilitating the transition from facilities to further school or work, and preventing schools from pushing youth out of school and dropping out.

States that accept funding under Title I, Part D must include certain assurances in the plans they submit to the U.S. Department of Education under ESSA, and must comply with certain reporting obligations. While Title I, Part D is not new to the act, ESSA strengthened Title I, Part D by adding several new requirements that states must fulfill to receive the funding. Specifically, it now requires state education agencies to assure in their state plans that they have established “procedures to ensure the timely re-enrollment of each student who has been placed in the juvenile justice system in secondary school or in a re-entry program that best meets the needs of the student, including the transfer of credits that such student earns during placement.”<sup>108</sup>

Under ESSA, state and local educational agencies (LEAs) receiving funds must evaluate their programs’ effectiveness every three years, including to measure “the program’s impact on the ability of participants ... to accrue school credits that meet State requirements for grade promotion and high school graduation.”<sup>109</sup>

ESSA also includes increased protections to encourage reentry to school, including requiring correctional facilities and LEAs to work together to minimize educational disruption for the youth; requiring correctional facilities to work with LEAs and families to transfer academic records in a timely manner; requiring LEAs to offer programs to facilitate reentry; and requiring state educational agencies to institute procedures to ensure returning youth are re-enrolled in a timely manner and have access to credit-bearing courses in secondary schools, post-secondary institutions, or career and technical institutions.<sup>110</sup> Pursuant to these requirements, several states have implemented new regulations or adopted programs to support youth returning from juvenile justice placements.<sup>111</sup>

**The Juvenile Justice Delinquency and Prevention Act (JJJPA)** was re-authorized by Congress in December 2018, and its requirements went into effect at the beginning of fiscal year 2020. To receive federal funding through the JJJPA, a state must submit to the Administrator of the Office of Juvenile Justice and Delinquency Prevention a plan for how it will achieve its purposes over a three-year period and assurances that it will meet certain criteria.

The new JJJPA includes a short, but powerful, set of requirements related to educational reentry. Specifically, “in order to support educational progress,” the plan must include an assurance that the state agency overseeing juvenile justice has collaborated with the state education agency to develop and implement a plan to ensure: student records — including electronic records — timely transfer from the facility to the returning school; academic credits are transferred; and youth adjudicated delinquent receive full or partial academic credit for work done before and during their time in custody, regardless of what local educational agency (LEA) awarded the credit.<sup>112</sup>

The JJJPA requirements are an important corollary to the ESSA mandates. Requiring educational agencies and juvenile justice agencies to collaborate will lead to better outcomes for youth.

## PROTECTIONS FOR YOUTH IN MILITARY FAMILIES

Military-connected youth face some similar educational challenges to youth in the juvenile justice system. As the Department of Defense has explained: “It is estimated that the average military family moves three times more often than the average non-military family. These frequent moves ... can cause children to miss out on extracurricular activities and to face challenges in meeting graduation requirements.” The way the federal government addresses the challenges facing these youth provides a blueprint for reforms to help youth in the juvenile justice system.

Beginning in 2006, the department worked with the National Center for Interstate Compacts and the Council of State Government to create the Interstate Compact on Educational Opportunity for Military Families (**the Compact**). The Compact, which applies to all 50 states and the District of Columbia, aims to ensure that the “children of military families are afforded the same opportunities for educational success” and are not “penalized or delayed in achieving their educational goals by inflexible administrative and bureaucratic practices.”

The Compact addresses the barriers associated with typical school changes by easing enrollment requirements, allowing military-connected children to participate in extracurricular activities even if the enrollment date has passed, ensuring continuity of course placements and special education services, and waiving certain course requirements and allowing for a student to receive a diploma from a sending school.

The Interstate Compact on Educational Opportunity for Military Children is authorized by the National Defense Authorization Act, section 539 of Public Law 111-84 and governed by 32 C.F.R. § 89.4. Although far from perfectly implemented, the Compact is a significant step toward eliminating barriers for highly mobile, military-connected youth and provides a model for ensuring credit transfer for other mobile populations.

## A FRAMEWORK FOR REFORM

Effective state legislation must include four elements to combat the credit transfer problems identified in this report. First, legislative changes must require schools and juvenile justice facilities to develop the necessary infrastructure and supports to ensure youth have assistance as they move through various juvenile justice placements. This infrastructure and support includes prompt records transfer and coordinators that can assist students with transition and reentry.

Second, legislation must ensure youth have access to credit-bearing coursework that advances their path to graduation. Third, states should create provisions promoting credit transfer and on-time graduation by requiring school districts to award credits — and partial credits — for coursework completed in juvenile justice facilities, providing opportunities for youth to make up credits, and being flexible in awarding credit through alternate means or waiving certain course requirements. Finally, effective legislation should include accountability measures to ensure successful implementation.

Many states — including California, Connecticut, Florida, Iowa and New Mexico — have passed legislation that supports effective reentry planning and help youth earn credit in juvenile facilities toward graduation. We have provided examples from these states' statutes that include provisions encompassing our recommendations. Some states, including Washington and Maine, have enacted legislation regarding credit transfer and reentry supports for youth in the foster care system or limited groups of youth in the juvenile justice system. We have included these statutes as examples but recommend that legislation encompass all youth in the juvenile justice system.

We have also included administrative regulations with relevant language as additional examples. Both legislative and administrative examples are intended to be a starting point to guide and inspire other states to take legislative action and codify supports for all young people in the juvenile justice system. Many of these provisions will benefit other highly mobile

youth such as youth in foster care or those who experience homelessness. Appendix B also contains examples of state statutes and regulations that are particularly comprehensive in addressing this issue or provide helpful replicable language. Additional examples are cited in the corresponding endnotes.<sup>113</sup>

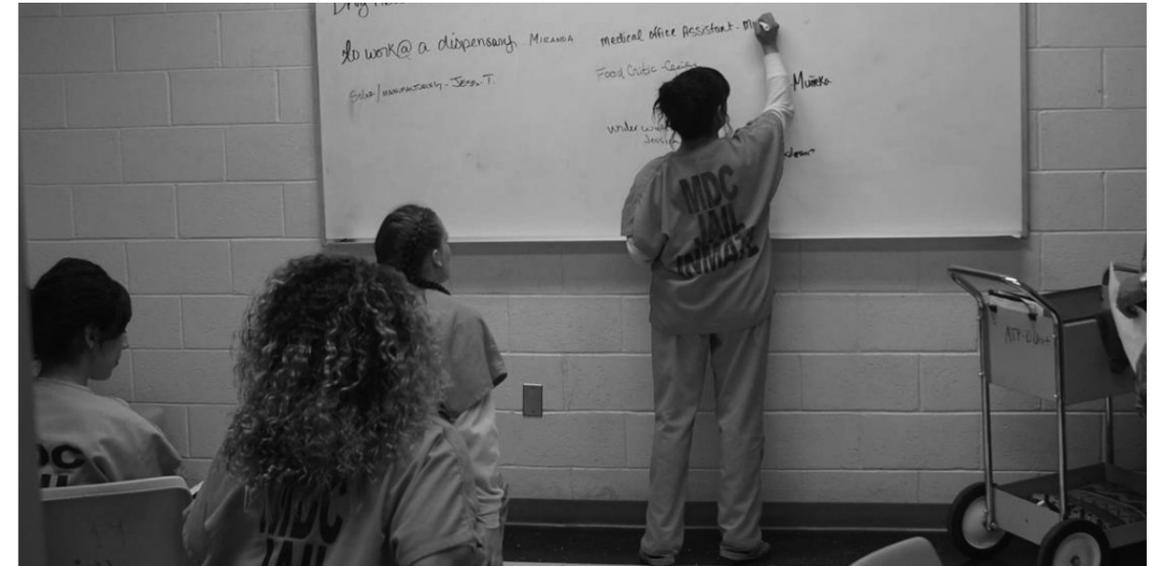
### INFRASTRUCTURE AND STRUCTURAL SUPPORTS

#### REQUIRE REENTRY PLANNING AS SOON AS A YOUTH ENTERS THE FACILITY

Legislation must mandate the fundamental tenet to “think exit at entry.”<sup>114</sup> Juvenile justice facilities, school districts,<sup>115</sup> school officials, juvenile court personnel, social workers and other related personnel must work together with youth and their parents — or other education decision-makers — to develop education transition plans upon a student's arrival at a detention or placement facility.

Early planning can ensure youth are placed in the proper courses while in the juvenile justice system and promote communication with the youth's school district to provide efficient reenrollment and credit transfer. States pursuing reform should also require the facility to provide the home district ample notice of the youth's expected discharge date.

Several states provide examples for such reforms. Florida law specifically notes that transition planning begins “upon a student's placement” in a juvenile justice facility.<sup>116</sup> A student transition plan in Florida must detail what services must be provided to young people during their stay at the juvenile justice facility and upon their release, as well as monitoring responsibilities to ensure the transition plan is being implemented.<sup>117</sup> Florida school districts must consider the individual needs and circumstances of the student and the transition plan recommendations when reenrolling a student



in public school.<sup>118</sup> The statute prohibits the local school district from maintaining a standardized policy for youth returning from the justice system. Instead, returning youths must be placed according to their individual needs and backgrounds.<sup>119</sup>

Oklahoma requires school district officials to review a young person's educational needs within five school days of a youth entering a residential placement to develop an education plan that works toward integrating the student back to the receiving school district.<sup>120</sup> Louisiana does not require immediate reentry planning, but by directing the Department of Public Safety and Corrections to collaborate with the youth to create a “written, individualized, and thorough transitional plan” that addresses educational needs at least six months before the youth is released, the state ensures that transition planning begins well before a young person leaves the facility.<sup>121</sup>

Statutes should also require interdisciplinary teams, made up of representatives from the juvenile justice system, the school district and other agencies that work with young people, to develop individualized transition plans. Florida's transition plans are developed with personnel from the juvenile justice education program, the school district and reentry offices, along with the student, the student's family, and Department of Juvenile Justice personnel for committed youth.<sup>122</sup> Maine's “school work recognition plans,” which outline how youth facing an

education disruption will demonstrate academic progress, are developed by the schools working with youth, parents, guardians, juvenile community corrections officers and community case managers.<sup>123</sup>

A new law in California requires county education personnel to work with probation departments and law enforcement agencies to ensure a youth's records are completely and accurately transferred. It also requires that the youth have access to postsecondary academic and vocational opportunities, that the youth's transition plan is implemented and that the youth is immediately enrolled in an appropriate public school and classes.<sup>124</sup>

#### REQUIRE SCHOOL DISTRICTS AND SCHOOLS TO DESIGNATE A TRANSITION COORDINATOR

Statutes must require school districts and schools to designate transition coordinators, or other point people, to assist young people returning from a juvenile justice detention or placement facility and their families as they navigate the reentry process.<sup>125</sup> Designating school staff at both the district and school level has been effective in other contexts, such as ensuring the prompt provision of services for children experiencing homelessness under the McKinney-Vento Act.<sup>126</sup>

Legislation should detail the responsibilities and training requirements of the district and school transition coordinators. These responsibilities may include

communicating with youth, parents or other authorized education decision-makers, as well as personnel from juvenile justice facilities and schools, and otherwise working to support youth in making a successful transition to their new schools. Coordinators should ensure that a youth's credits are completely accounted for and clearly documented, youth are timely enrolled in the correct courses and connected with extracurricular activities and other supportive programming, student records are transferred in a timely manner, and a plan is in place for timely graduation.

District-level coordinators ensure uniformity in how credits are transferred throughout the schools in a district and assist youth before they may know the school they will attend. In New Mexico, each school district and charter school must designate a person to serve as a point of contact for youth in foster care and youth involved in the juvenile justice system.<sup>127</sup> This person is responsible for working with education staff at the juvenile justice facilities to develop a transition plan, ensure a student is immediately reenrolled in school after exiting the facility, and ensure credits and records transfer.<sup>128</sup>

Similarly, in Connecticut, school districts with at least 6,000 students must designate an employee liaison to assist the school district and the court support services office in ensuring prompt reenrollment, credit and record transfer, and evaluation for special education services.<sup>129</sup> For youth experiencing an educational disruption in Maine, the state requires schools to designate a staff person in the school to ensure all records, grades and credits transfer.<sup>130</sup>

While district-level transition coordinators can provide helpful assistance to young people leaving the juvenile justice facility, having additional transition coordinators at the school will provide youth easier access to these supports. Multiple survey responses and interviews emphasized the need for at least one

**Effective legislation requires agencies and individuals to “think exit at entry.”**

person at the receiving school to take charge of the transition process given the complexities of reentry and reenrollment.

School transition coordinators can not only assist youth as they are reenrolling in their new schools, but also, as Juveniles for Justice recommends in *Operation: Education*, can check with the youths throughout the school year to confirm they are on track for graduation, ensure they are taking courses necessary to meet their post-secondary education goals, and assist with other academic concerns.<sup>131</sup>

#### **REQUIRE SCHOOLS TO PROMPTLY TRANSFER ACCURATE AND COMPLETE RECORDS**

Effective legislation must include provisions requiring schools and juvenile justice facilities to maintain accurate records of a youth's education and transfer those records in a timely manner. Statutory provisions should require that records capture all courses youth take while in the facility and all credits earned — including partial credits as discussed in this report — as well as a summary of credits previously earned in other school settings.

Ideally, because statutes will also require interdisciplinary teams to work with youth to develop a transition plan, juvenile justice facilities should be able to send education records to schools in advance of when youths enroll in their new school. We recommend that legislation require schools in the community and in juvenile justice facilities transfer records within two days of a request from another school to ensure the youth can be enrolled in the correct classes and receive credit as quickly as possible.

A handful of states specify how quickly records should be transferred. For example, New Mexico sets a two-day limit for receiving schools to contact sending schools to request records, and a two-day limit for the sending school to comply.<sup>132</sup> When a young person leaves a juvenile justice facility in

Kentucky, the sending school or facility has two days to prepare an “educational passport,” documenting demographic and academic information about the youth, and send it to the state Department of Juvenile Justice, which has two days to provide it to the receiving school.<sup>133</sup> Iowa requires schools to send educational records within five days of receiving notice that a child is transferring.<sup>134</sup>

In addition to timelines for record transfer, legislation should specify that youth and their parents receive the records directly and that school or juvenile justice facility personnel discuss the records with them to ensure a youth understands what credits have been earned and what is still needed to graduate.

Statutes should also direct administrative agencies to create centralized electronic systems that allow school districts and juvenile justice facilities to maintain and share necessary records in a safe and timely manner while upholding student privacy rights. Recently passed legislation in Connecticut,

for example, requires the Connecticut Department of Education “to develop and implement a plan to incentivize and support school district participation in a statewide information technology platform that allows real-time sharing of educational records among schools and school districts statewide.”<sup>135</sup>

The recommendations in this section are most effective when all three elements — reentry planning while the youth is in the facility, transition coordinators at the receiving school, and swift and comprehensive records transfer — are in place and coordinated across agencies. For instance, regulations in Virginia clearly designate a “Transition Team” of juvenile justice professionals responsible for gathering education records inside the facility, including documentation of a youth's educational and reentry status, partial and full credits earned, goals and department recommendations, a reenrollment team that will assist the student, and procedures and timelines for both transferring records and reenrollment.<sup>136</sup>



## **REFORM TO HELP YOUTH IN THE CHILD WELFARE SYSTEM AND YOUTH EXPERIENCING HOMELESSNESS**

The legislative recommendations in this report, especially those regarding infrastructure and structural supports and encouraging graduation by accepting credits, should also apply to youth facing educational instability due to involvement in the foster care system or homelessness.

Similar to youth in the juvenile justice system, youth in foster care or experiencing homelessness frequently change schools and experience many of the same credit transfer issues. Federal protections under ESSA and the McKinney-Vento Homeless Assistance Act allow these youth to remain in the same school, even if they move to a new district or attendance area, if it is in the student's best interest.

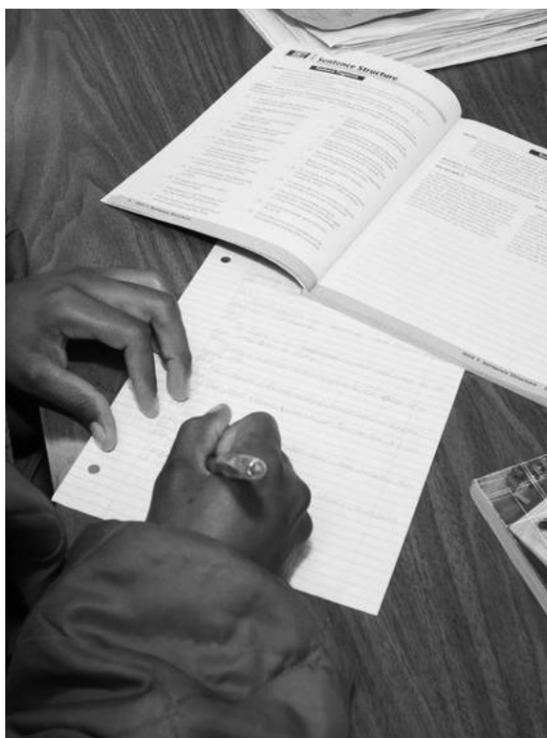
However, many factors (e.g., distance, treatment needs, failure to properly implement these laws) lead these youth to change schools midyear and, like youth in the juvenile justice system, not receive credit for work, repeat classes or grades, sit out school due to reenrollment delays, or not receive necessary special education or other services — issues that only push youth to disengage from school.

As a result of these systemic barriers, the [National Working Group on Foster Care and Education](#) reports only 65% of youth with experience in foster care complete high school by 21, compared to 86% of all youth. Moreover, only **67.5%** of youth who experience homelessness graduate from high school in four years.

## CREDIT-BEARING EDUCATION INSIDE JUVENILE JUSTICE FACILITIES

### REQUIRE CONTINUOUS ENROLLMENT IN THE SCHOOL DISTRICT OF RESIDENCE

Statutes must specify that youth are not disenrolled from their current school when confined in juvenile detention facilities, where a young person might have a very short stay. Disenrolling the student unnecessarily creates reentry hurdles. Detention centers can assist youth who are confined for a short period of time to stay on track with the coursework from their home school — rather than bring them into a new curriculum and system for a short absence from their home program. As a result of Connecticut’s recent reforms, for example, a youth’s school district of residence must maintain continuous enrollment of youth in detention centers for the duration of the detention, unless the youth chooses to terminate enrollment.<sup>137</sup>



### REQUIRE PROMPT ACCESS TO COURSES THAT COUNT TOWARD GRADUATION

Legislation should ensure that youth placed in juvenile justice settings are promptly enrolled in credit-bearing curricula aligned with state graduation requirements and using state course codes — or, if more appropriate, that the courses meet the requirements of the most common sending district. In Florida, for example, statutes specify that school districts must “make provisions for high school level youth to earn credits toward high school graduation while in residential and nonresidential juvenile justice education programs.”<sup>138</sup>

As discussed above, poor quality and lack of course options in juvenile justice facilities strongly contribute to the credit crisis. Young people should not be forced to attend school in a setting where their work will not count toward academic credit and graduation.<sup>139</sup>

## SUPPORTING GRADUATION

### REQUIRE PARTIAL AND FULL CREDITS EARNED IN FACILITIES TO TRANSFER, COUNT TOWARD GRADUATION

Legislation must require school districts to recognize credits, including partial credits, earned in justice settings both inside and outside the state.<sup>140</sup> Such requirements will help prevent the fundamental injustice of youth working hard to complete coursework in facilities, only to learn later that, through no fault of their own, they will not receive credit toward graduation. Schools must award partial credit given the frequency with which youth in the juvenile justice system change schools midterm — almost always due to factors outside of their control.

A recent report from a District of Columbia working group explained that when youth don’t receive partial credit, they must retake multiple classes even if they have earned some portion of the credits for those classes.<sup>141</sup> California<sup>142</sup> has a statutory provision that says: “Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a ... juvenile court school.”<sup>143</sup>

Washington state law also specifies that school districts must consolidate “partial credit, unresolved, or incomplete coursework.”<sup>144</sup>

New Mexico enhanced its credit transfer policy by requiring districts to give credit for work completed — even if the youth changes schools before the end of the grading period.<sup>145</sup> The law also required the state to issue guidance<sup>146</sup> to assist school districts in developing policies to award credit for incomplete courses.<sup>147</sup>

### REQUIRE SCHOOL DISTRICTS TO ENROLL YOUTH IN APPROPRIATE SCHOOLS

School districts should ensure youth returning from juvenile justice education programs are reenrolled in school settings appropriate for them — not automatically placed in alternative settings — where, among other supports, they have access to the credit-bearing courses they need to graduate. In California, youth cannot be denied reenrollment or readmission to a public school simply because they had contact with the juvenile justice system.<sup>148</sup>

Further, reenrolled youth should be given access to the courses they need for graduation. For example, New Mexico gives such youth “priority placement in classes that meet state graduation requirements,” and timely placement in elective classes similar to those they were previously taking.<sup>149</sup> School districts in Florida are required to place youth in educational programs “based on their needs and their performance in the juvenile justice education program.”<sup>150</sup>

### REQUIRE SCHOOL DISTRICTS TO BE FLEXIBLE FOR YOUTH WHO ARE BEHIND

Statutes must authorize schools and districts to waive course requirements if youth have completed similar or higher-level courses, have otherwise demonstrated mastery in a subject area, or for other extenuating circumstances. For example, youth who have passed a higher-level course, like Spanish II or Algebra II, but do not have credit for the lower-level course because of an incomplete transcript, should not have to take a lower-level course in order to achieve that credit. Washington state requires school districts to waive specific courses for graduation for certain eligible youth if similar coursework has been

completed in another school district.<sup>151</sup> If the youth does not receive a waiver, then the school must provide an alternative means to acquire the credit so the youth can graduate on time.<sup>152</sup>

As discussed earlier, youth who change schools frequently or move from one juvenile justice placement to the other are more likely to have completed courses missing on their transcripts, be placed in incorrect courses, or not have the opportunity to take certain courses required by their new school. Waiver allowances enable youth to graduate despite these barriers.

Some states already have statutes in place that require school districts to waive credits to ensure the timely graduation of youth who entered the school district near the end of high school. For example, when youth move to South Carolina in the 12th grade, the South Carolina Board of Education can waive specific courses for graduation if they were not required in the student’s most recent state of residence.<sup>153</sup> The state board will also provide alternative means to acquire credit if a student does not have sufficient credit for a South Carolina diploma.<sup>154</sup> Such waiver requirements could also be put in place for young people returning to school from the juvenile justice system.

Additionally, statutes should include provisions that allow school districts to be creative and flexible when awarding credits to youth with juvenile justice involvement. Districts could consider the youth’s previous experiences that might be credit-worthy as well as offering multiple paths to make up credits, including summer school, after-school programming or computer-based credit recovery programs with adequate teacher support. Youth advocates from Juveniles for Justice suggest letting youth take a test to identify their grade level.<sup>155</sup> When demonstrating content mastery through such testing, youth should receive any accommodations noted in their special education plans.

### REQUIRE VARIOUS PATHWAYS TO A HIGH SCHOOL DIPLOMA

In addition to waiving credit requirements, states should pass legislation to create alternative diploma options to address graduation challenges youth face

## ENSURING ACCOUNTABILITY THROUGH DATA SHARING

State education and juvenile justice leaders must work together to develop effective systems for data sharing and ongoing accountability.

For example, in Indiana, as in other states, K–12 youth are assigned a unique identification number which is used for testing and data collection purposes throughout a student’s schooling.<sup>162</sup> The Indiana Department of Education also has a system in place to track youth who transfer from school to school. As a result, when youth are enrolled in a school in a juvenile justice placement, their unique identification numbers are linked to their juvenile justice placement, allowing both the education and juvenile justice agencies to see where the student has been enrolled.

Both the curricula and requirements for graduation at juvenile justice schools are aligned to the curricula and diploma requirements of traditional public schools. Also, all teachers in juvenile justice placements teaching core academic subjects must be highly qualified. Juvenile justice schools are required to submit all of the same data reports as public schools, using the student identification numbers to track the same measures such as attendance, graduation, special education status and more.

In Massachusetts, the state department of education and the Department of Youth Services have access to a shared software system that manages student educational data which helps designated education and career counselors create individualized student plans and support the transition process.<sup>163</sup>

Such data sharing systems, however, must include clear policies to protect student privacy rights, including policies on what data are collected, how the shared data can be used by state agencies, schools, and juvenile justice facilities, and how long the data will be stored.



## GOALS OF DATA REPORTING

Data reporting by schools and juvenile justice facilities should meet the following goals:

- Juvenile justice placements must offer the same rigorous and relevant curricula and credit-bearing courses as public schools, aligned with state academic and career and technical education standards.
- Juvenile justice facilities must collect and report the same educational outcome data as public schools.
- Juvenile justice facilities must be included in statewide publicly available school profiles and student growth measures, which are updated annually.
- Public school districts must collect and report disaggregated data regarding youth in the juvenile justice system including time to enrollment, credit recognition, participation in career and technical education programs, and graduation rates.

when they move to a new school or leave a juvenile justice facility late in their high school career.

States may award youth with a state diploma if they meet all state graduation requirements, even if they do not meet all the requirements of the school district where they complete their senior year of high school.<sup>156</sup> In Maine, youth who experience a disruption in their education due to homelessness, foster care or multiple school placements may apply for a Maine Department of Education diploma if that student can demonstrate certain state-established content knowledge.<sup>157</sup> New Mexico instructs school districts and other public schools to accept state graduation requirements for youth who experienced a disruption in their education during high school.<sup>158</sup>

Another possibility is allowing youth to receive a diploma from a school district they attended previously, if they meet all the requirements of that school district.<sup>159</sup>

## ACCOUNTABILITY AND IMPLEMENTATION

As with any change in law, the legislative changes recommended here require effective implementation to be meaningful. As a result, the best legislative solutions build accountability measures into the law. The following list includes accountability and implementation measures to encourage the greatest chance of success for such laws.

### ENSURE THAT YOUTH AND FAMILIES HAVE ACCESS TO THEIR EDUCATION RECORDS

It is critical that youth and their parents (or other decision makers) have access to information about the students’ credits to assist with self-advocacy.

Juveniles for Justice recommends youth always be given complete and accurate information about the credits they have, the credits they are earning and the credits they need so they can participate in decisions about their education. While the Family Education Rights and Privacy Act already governs the confidentiality of school records, state legislation can ensure youth and their parents receive a copy

of transcripts along with an explanation of credits earned and credits needed to graduate.

### REQUIRE DATA COLLECTION, INTERNAL REVIEW AND PUBLIC REPORTING

Collecting, reviewing and regularly publishing data is also essential to monitoring educational outcomes. The data collected by the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth is a powerful start and should be done at all facilities, not just those required to report under Title I, Part D of the Every Student Succeeds Act. Additionally, statutes must require data disaggregated by race, disability, English learner status, sexual orientation and gender expression<sup>160</sup> to track and better address disparities and unique educational needs.

Overall, such data can be a powerful resource. In Connecticut, for example, a committee to make recommendations on education in juvenile justice facilities was required by law to include “[a] specialized school profile and performance report, to be produced annually for each school that serves children in justice system custody,” including credit accumulation in the school.<sup>161</sup>

Jurisdictions or facilities should be required to publicly post the following data:

- A juvenile justice facility’s aggregate demographic information, including disability status disaggregated by youth with IEPs and youth with Section 504 plans.
- Educational opportunity profile data, including aggregate attendance rates, hours of instruction, and percentage of youth receiving live instruction from certified teachers, and youth receiving credit recovery only, cyber programming, career and technical education, and GED programming.
- Aggregate student academic performance data, including math levels, reading levels and state test scores.
- Aggregate student academic progress data, including credit attainment and progress based on academic testing.



**“State agencies can take a leadership role in this area and provide clear guidance. It goes a long way with school districts when advocates can explain something is a best practice recommended by the state agency.”**

— Marisa Mascolo Halm, director of the Center for Children's Advocacy TeamChild Youth Justice Project.



### **DEVELOP PROCEDURES FOR MONITORING EDUCATION IN JUVENILE JUSTICE FACILITIES**

Accountability measures also must include effective monitoring of the education within juvenile justice facilities by independent ombudspersons or agencies, as well as state education agency oversight.

Legislation should establish an ombudspersons or child advocate office whose responsibilities include overseeing educational quality in juvenile justice facilities and school reentry. As part of their oversight role, the independent ombudsperson should encourage confidential conversations with youth and families to uncover rights violations inside facilities. A statement from Juveniles for Justice says: “Facilities often don’t give youth safe, secure opportunities to report the sub-standard education youth receive while in placement. When visits or inspections do occur, they do not always capture the whole picture of young people’s educational experiences or the issues youth face at the facility schools.”<sup>164</sup>

Juveniles for Justice recommends randomized inspections and encourages all parties interacting with youth in, and returning from, facilities — including independent third parties — to ask

pointed questions about education.<sup>165</sup> The National Conference of State Legislatures has compiled information on ombudsperson and child advocate offices across the country, which other jurisdictions can consult when creating such an office.<sup>166</sup> States establishing an ombudsperson or child advocate should partner with impacted youth and families to determine how best to structure the position.

State education agencies are also well positioned to help implement such legislative reform by providing guidance, technical assistance and training.

“State agencies can take a leadership role in this area and provide clear guidance,” said Marisa Mascolo Halm, director of the Center for Children’s Advocacy TeamChild Youth Justice Project. “It goes a long way with school districts when advocates can explain something is a best practice recommended by the state agency.”

Legislation should also require the state department of education to monitor, at least on an annual basis, the education programs provided in residential facilities. State oversight should include a robust assessment of the quality of education programs provided to youth and systems for tracking credit attainment, an annual onsite visit to inter-

view staff and youth, and a review of student files to determine whether appropriate supports and services are being provided.

In addition, state departments of education should develop an effective complaint system that is responsive to concerns from parents, attorneys, judges and others regarding the quality of education programs in juvenile justice facilities. Such complaint systems are already required by federal law to address the needs of youth with disabilities.<sup>167</sup> A broader complaint system would significantly aid enforcement for youth in the juvenile justice system. Additionally, state departments charged with the safety and well-being of youth in the juvenile justice system should have a joint responsibility and obligation to ensure youth in licensed facilities have credit assessments and related supports.

### **ESTABLISH A GROUP TO MONITOR IMPLEMENTATION OF NEW LEGAL REQUIREMENTS**

State statutes should also create task forces or other bodies dedicated to assessing and reporting on educational quality and implementation of reentry protections.

In Louisiana, the Legislature created an ad hoc subcommittee to recommend an accountability program for juvenile justice schools in the state.<sup>168</sup> In Maryland, the Coordinating Council for Juvenile Services Educational Programs has the responsibility to review and make recommendations about the ability of youth in the juvenile justice system to acquire qualifying course credits and transition to schools in other settings.<sup>169</sup>

Connecticut also requires the commissioner of education to provide an update to a standing committee of the Legislature and the state’s Juvenile Justice Policy and Oversight Committee on progress implementing certain aspects of new legal requirements.<sup>170</sup>

### **SET CONSEQUENCES FOR LACK OF COMPLIANCE**

There must be accountability when systems fail youth. Statutes should detail meaningful consequences for lack of compliance by schools, such as declining to renew the school’s license or other sanc-

tions. In Nebraska, regulations treat the failure of schools to accept credit from juvenile justice schools or issue diplomas to youth transferring from such schools as a violation of accreditation requirements.<sup>171</sup>

### **AUTHORIZE COURT ENFORCEMENT**

Legislation should include a private right for youth to sue when their education rights regarding credit transfer and reentry supports are denied.

Authorizing court enforcement is not a radical concept. In several areas, state and federal legislators have created a private right to sue when youth are denied their education rights. The federal Individuals with Disabilities Education Act (IDEA), for example, provides youth with disabilities procedural and substantive rights, as well as a mechanism to pursue a complaint in an impartial administrative hearing and then appeal disputes to federal court.<sup>172</sup> Youth who are cited for violating a rule in their school’s code of conduct are entitled to due process before being excluded from school.

Another enforcement example is the federal McKinney-Vento Act, which requires local education agencies to provide access to an adequate administrative dispute resolution process for youth experiencing homelessness and barriers at school.<sup>173</sup>

.....

**“Credits are not the end goal – policies that push credits without actual learning disadvantage youth. ... Stakeholders must remain vigilant that the policy goals have a positive effect in practice.”**

.....

## PRACTICES & POLICIES TO IMPLEMENT LEGISLATION

Even the best legislative solutions to credit transfer and educational reentry problems require well-trained individuals with the proper supports, connections and time to implement the law. For example, the transition coordinators recommended in this report will not be completely effective if their caseloads are too big, if they do not understand the needs of youth in the juvenile justice system, or if they cannot get answers from people in the corresponding system.

One survey respondent lamented the lack of resources of the transition coordinators in that jurisdiction: “The transition coordinators for youth approaching re-entry (as well as in the process of re-entry) are overloaded to the extreme. They travel constantly, their caseloads are extremely high, and I can’t imagine that they are able to do the kind of guidance counseling that our youth truly need. They often know names but not faces. ... [They know] credits towards graduation, yet not aspirations. This is not an equal system to even a typical urban public school. It’s emergency management and triage.”

Effective transition planning requires not just a designated individual but someone with the expertise and time to work through these intricate procedures for every young person. Juveniles for Justice recommends transition coordinators trained in behavioral health and de-escalation techniques.<sup>174</sup> The state education agency should provide policy guidance and regulations that further detail the requirements and responsibilities of transition coordinators, as well as other aspects of legislation passed.

Credits, of course, are not the end goal – policies that push credits without actual learning disadvantage youth. Even with legislation in place, stakeholders must remain vigilant that the policy goals have a positive effect in practice. For example, districts should not funnel youth into virtual programs or alternative “credit recovery” programs without the youth and their parent or other educational decision maker fully understanding the implications of leaving a traditional setting.

Coordinating education across the juvenile justice

and education systems must also be balanced against the young person’s privacy rights, and the potential for negative consequences to arise if schools have information about the youth’s justice involvement.

Moreover, as discussed in this report, Black, Latinx, Native youth, youth with disabilities, LGBTQ+ youth, girls and various other groups are more likely to experience credit barriers. Policy solutions to credit transfer problems should account for the particular needs of youth and the differing causes of their credit transfer problems. Future research should more deeply investigate the ways credit transfer barriers manifest for different youth, and recommend solutions tailored to different groups.

Although this report focuses on legislative solutions, throughout the country, many nonlegislative policies and practices effectively facilitate a smooth return to school after detention or placement. For example, NDTAC’s *Transition Toolkit 3.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System* provides examples of successful local models of transition coordinators and other practices to aid school transitions. It also details the specific activities<sup>175</sup> that support educational transitions for youth moving between home and facilities.

While legislation promotes a unified approach, jurisdiction-specific practices can help support implementation of such legislation as well as help eliminate barriers to success when a state’s legislature has not acted. The interactive website [Blueprint for Change: Education Success for Youth in the Juvenile Justice System](#), a project of Southern Poverty Law Center, Juvenile Law Center, Education Law Center-PA and the American Bar Association Center on Children and the Law, presents 10 goals and corresponding benchmarks that provide a broad framework for promoting education success for young people involved in the juvenile justice system. The Blueprint website also collects and continually updates promising practices that support each of those goals, including smooth transitions between home schools and juvenile justice placements.

## RECOMMENDATIONS

As long as states and local jurisdictions continue to send young people to juvenile justice facilities, it is unconscionable to deprive them of the educational opportunities and academic credits they deserve. The following legislative solutions can help ensure youth receive the credit they are due.

### **States must create infrastructure and structural supports to ensure credit transfer.**

- Require interdisciplinary teams to begin rigorous reentry planning as soon as a youth enters a facility
- Require school districts and schools to designate a transition coordinator to assist youth returning from juvenile justice facilities by ensuring transcripts are complete, timely transfer to the next school, and that the school understands and awards credit for completed work
- Require schools to maintain and promptly transfer accurate and complete records

### **Youth must receive credit-bearing education inside juvenile justice facilities.**

- Require continuous enrollment of youth in the school district of residence
- Require prompt access to credit-bearing courses that count toward graduation

### **Juvenile justice facilities and school districts must enact policies that encourage graduation.**

- Require credits and partial credits earned in facilities to transfer to the receiving school and count toward graduation
- Require school districts to enroll youth in appropriate schools and provide access to credit-bearing courses upon reentry
- Provide youth with options to recover or make up credits they have not yet earned. Require school districts to be flexible, award credit through alternative means and waive course requirements for youth who are behind
- Require states and school districts to provide youth with various pathways to a high school diploma

### **Legislation must include accountability and enforcement measures to support meaningful implementation.**

- Ensure that youth and families have access to their own education information
- Require data collection, internal review and public reporting
- Develop procedures for effective monitoring of education in juvenile justice facilities
- Establish a task force or working groups dedicated to monitoring implementation
- Create consequences for lack of compliance
- Authorize court enforcement of legislative reforms

## APPENDIX A: SURVEY METHODOLOGY

**To complement the other research for this report, researchers at the Drexel University Psychology Department (Naomi Goldstein, Ph.D., and Stephanie Burke, M.S.) conducted a survey of legal and educational professionals working with youth in the juvenile justice system.**

### **PARTICIPANTS**

Survey respondents were 208 individuals — 63 educators or administrators in juvenile justice settings, 55 attorneys for youth, 23 educators or administrators in school settings, 15 social service providers, eight other advocates, five probation officers and one judge. Thirty-five participants did not identify with one of the above categories (including nine individuals who do grant, research or other policy work; four individuals with an education-related role such as education specialist; four clinicians; four individuals with a juvenile justice-related role such as transition coordinator; two parents; and one attorney for adult clients.

Respondents ranged in age from 22 to 75 with a mean age of 46.3 and a standard deviation of 11.5 years. Nearly half (44%) of respondents identified as female and 19% identified as male, with 36% of respondents choosing not to answer the question. Participants identified as white (50%), Black or African American (12%), and American Indian or Alaskan Native (1%). One percent of participants chose to self-describe (as American, Hispanic and Puerto Rican, respectively) and 39% chose not to answer the question.<sup>176</sup> Additionally, 46% of respondents identified as not Hispanic or Latino, 4% identified as Hispanic or Latino, 3% chose to self-describe their ethnicity and the remainder (47%) chose not to answer this question. Participants reported working in at least 134 distinct counties across 34 states and the District of Columbia.

### **PROCEDURES**

Participants were recruited via professional listservs, social media and word of mouth. They were provided with information about the survey and given a link to the study if they were interested in participating. After providing informed consent, participants were asked to complete an anonymous,

online survey that takes approximately 10 minutes to complete. Data were collected using Qualtrics, an encrypted data collection tool.

Respondents were asked to provide information about their roles and the jurisdiction(s) in which they work. They were then asked questions about the frequency with which youth earn academic credit for schoolwork completed in both pre-adjudication (e.g., detention) and post-adjudication (e.g., placement) facilities in their respective jurisdiction(s). Respondents were asked to indicate all potential reasons youth do not earn full academic credit for graduation while in juvenile justice facilities. Additionally, they were asked the frequency with which youth experience a variety of negative consequences — such as re-taking a course or repeating a grade level — as a result of not earning full academic credit.

Respondents were also asked to provide information on the extent to which historically impacted groups (e.g., LGBTQ+ youth) and youth in the adult criminal justice system experience credit transfer difficulties. Moreover, participants were asked to share anything they believed their jurisdiction is doing well in regard to credit transfer and to share citations or links to relevant laws and policies in their jurisdiction. Finally, participants were asked demographic questions.

### **ANALYSIS METHOD**

Because the survey was exploratory in nature, only descriptive data are presented. The purpose of the survey was to collect preliminary information about how frequently youth in the juvenile justice system experience difficulties transferring academic credits earned while in detention or placement facilities to their home schools, the reasons for these difficulties and the impact credit transfer difficulties have on youth involved in the juvenile justice system.

This survey was done to supplement the statutory research and other analysis provided by the authors. Given the limited sample size and the approach to participant recruitment, as well as the varying policies and impacts across counties, the descriptive data cannot provide a complete picture of any jurisdiction, but rather the perspectives of people working in the juvenile justice system.

## APPENDIX B: STATUTORY EXAMPLES

The following states have multiple provisions in their statutes that support credit transfer and graduation success for youth in the juvenile justice system. These statutes are provided as examples so the reader can better understand statutory language modeling the recommendation of the report and how the provisions might work together in legislation. Each statute and regulation is annotated to describe relevant provisions and the corresponding recommendations of the report. Each statute, however, does not necessarily include all the provisions recommended in the report.

We have denoted with asterisks any omitted portions of the statutes that do not specifically focus on credit accrual, credit transfer or educational reentry. We have included statutes from Washington that do not as written apply to all youth in the juvenile justice system, but recommend that they be adapted to do so. We also included sample administrative regulations from Virginia, although, as discussed in the report, we recommend codifying reforms in state legislation.

### CALIFORNIA

#### *Cal. Educ. Code Ann. § 48645.5*

(a) Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools may issue the diploma.

(b) A pupil shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to:

- (1) Arrest.
- (2) Adjudication by a juvenile court.
- (3) Formal or informal supervision by a probation officer.
- (4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school.

(c) Pursuant to subparagraph (B) of paragraph (8) of subdivision (f) of Section 48853.5, a pupil who has had contact with the juvenile justice system shall be immediately enrolled in a public school.

(d) If a pupil completes the statewide coursework requirements for graduation specified in Section 51225.3 while attending a juvenile court school, the county office of education shall issue to the pupil a diploma of graduation and shall not require the pupil to complete coursework or other requirements that are in addition to the statewide coursework requirements.

#### *Cal. Educ. Code Ann. § 48647 [New Provisions from 2019 Cal. Legis. Serv. Ch. 756 (A.B. 1354)]*

(a) Local educational agencies are strongly encouraged to enter into memoranda of understanding and create joint policies, systems, including data sharing systems, transition centers, and other joint structures that will allow for the immediate transfer of educational records, create uniform systems for calculating and awarding course credit, and allow for the immediate enrollment of pupils transferring from juvenile court schools.

### RECOMMENDATIONS

- Full or partial credit transferred
- Standard state transcript
- Flexible diploma provisions

Diploma after completing state graduation requirements

- Coordination among agencies to ensure:
- Reentry
  - Records transfer
  - Credit transfer
  - Transition planning

(b) As part of their existing responsibilities for coordinating education and services for youth in the juvenile justice system, the county office of education and county probation department shall have a joint transition planning policy that includes collaboration with relevant local educational agencies to improve communication regarding dates of release and the educational needs of pupils who have had contact with the juvenile justice system, to coordinate immediate school placement and enrollment, and to ensure that probation officers in the community have the information they need to support the return of pupils who are being transferred from juvenile court schools to public schools in their communities.

(c) As part of the joint transition planning policy required under subdivision (b), the county office of education shall assign transition oversight responsibilities to existing county office of education personnel who will work in collaboration with the county probation department, as needed, and relevant local educational agencies to ensure all of the following:

- (1) The transfer of complete and accurate education records, including the pupil's individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and the pupil's plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)), if applicable, within 72 hours of the pupil's release from the juvenile detention facility.
- (2) Access to information about postsecondary academic and vocational opportunities, including college financial aid programs.
- (3) The implementation of the pupil's transition plan, if one exists.

(d) As part of the joint transition planning policy required under subdivision (b), the county office of education personnel assigned transition oversight responsibilities shall work in collaboration with the county probation department, as needed, and relevant local educational agencies to facilitate all of the following:

- (1) The immediate enrollment in an appropriate public school in their community when a pupil is transferred from the juvenile court school.
- (2) The acceptance, upon enrollment by the pupil in a public school, of course credits, including partial credits, for coursework completed in the juvenile court school, pursuant to subdivision (b) of Section 51225.2 [discussing award of partial credit].
- (3) The immediate placement in appropriate courses, based on coursework completed by the pupil, pursuant to subdivision (d) of Section 51225.2.
- (4) The transfer of complete and accurate education records, including the pupil's individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and the pupil's plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)), if applicable, when a pupil enters the juvenile court school.

(e) Each pupil detained for more than 20 consecutive schooldays shall have an individualized transition plan developed by the county office of education in collaboration with the county probation department, as needed. The individualized transition plan shall be developed before the pupil's release and reviewed and revised as needed, and shall address, but not be limited to, both of the following:

- (1) The academic, behavioral, social-emotional, and career needs of the pupil.
- (2) The identification and engagement of programs, including higher education programs, services, and individuals to support a pupil's successful

Coordination among agencies to ensure:

- Reentry
- Records transfer
- Credit transfer
- Transition planning

Interdisciplinary team collaborates to ensure:

- Records transfer
- Implementation of transition plan
- Enrollment assistance

- Immediate enrollment in public school and placement in appropriate classes
- Records transfer
- Awarding of credit and partial credit

Elements of transition plan

- transition into and out of the juvenile detention facility.
- (f) Each pupil detained for more than 20 consecutive schooldays shall have all of the following accessible to the holder of the educational rights for that pupil upon the pupil's release from the juvenile detention facility:
- (1) School transcripts.
  - (2) The pupil's individualized learning plan, if applicable. For purposes of this section, an individualized learning plan is a plan developed collaboratively by a pupil and school personnel that identifies academic and career goals and how the pupil will progress toward meeting those goals.
  - (3) The pupil's individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), if applicable.
  - (4) The pupil's plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)), if applicable.
  - (5) Any academic and vocational assessments.
  - (6) An analysis of credits completed and needed.
  - (7) Any certificates or diplomas earned by the pupil.
- (g) For each pupil detained for 20 consecutive schooldays or fewer, a copy of the pupil's individualized learning plan, if one exists, shall be made available by the county office of education to the pupil upon the pupil's release, if possible.
- (h) The county office of education, in collaboration, as needed, with the county probation department, shall establish procedures for the timely, accurate, complete, and confidential transfer of educational records in compliance with state and federal law.
- (i) Notwithstanding any other law, this section applies to juvenile court schools that are operated by, or as, charter schools. As used in this section, "county office of education" includes a charter school that serves juvenile court school pupils.

**Cal. Educ. Code Ann. § 48853.5**

- (a) This section applies to a foster child. "Foster child" means a child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 [establishing juvenile court jurisdiction] of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.
- (c) Each local educational agency shall designate a staff person as the educational liaison for foster children. In a school district that operates a foster children services program pursuant to Chapter 11.3 (commencing with Section 42920) of Part 24 of Division 3, the educational liaison shall be affiliated with the local foster children services program. The educational liaison shall do both of the following:
- (1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children.
  - (2) Assist foster children when transferring from one school to another school or from one school district to another school district in ensuring proper transfer of credits, records, and grades.
- (d) If so designated by the superintendent of the local educational agency, the educational liaison shall notify a foster child's attorney and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act, pending proceedings to

Elements of transition plan

Definition of "foster child" includes youth in the juvenile justice system

Education liaison designated to assist youth

Education liaison responsibilities

extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act, and, if the foster child is an individual with exceptional needs, pending manifestation determinations pursuant to Section 1415(k) of Title 20 of the United States Code if the local educational agency has proposed a change in placement due to an act for which the decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools.

(e) This section does not grant authority to the educational liaison that supersedes the authority granted under state and federal law to a parent or legal guardian retaining educational rights, a responsible adult appointed by the court to represent the child pursuant to Section 361 or 726 of the Welfare and Institutions Code, a surrogate parent, or a foster parent exercising the authority granted under Section 56055. The role of the educational liaison is advisory with respect to placement decisions and determination of the school of origin.

 **CONNECTICUT**

**Conn. Gen. Stat. Ann. § 10-253**

(g) (1) For purposes of this subsection, "juvenile detention facility" means a juvenile detention facility operated by, or under contract with, the Judicial Department.

\*\*\*

(6) Notwithstanding any provision of the general statutes, a child who is enrolled in a school district at the time of placement in a juvenile detention facility shall remain enrolled in that same school district for the duration of his or her detention, unless the child voluntarily terminates enrollment, and shall have the right to return to such school district immediately upon discharge from detention into the community.

(7) When a child is not enrolled in a school at the time of placement in a juvenile detention facility:

(A) The child shall be enrolled in the school district where the child would otherwise be attending school not later than three business days after notification is given pursuant to subdivision (4) of this subsection.

(B) If no such district can be identified, the child shall be enrolled in the school district in which the juvenile detention facility is located not later than three business days after the determination is made that no such district can be identified.

(8) Upon learning that a child is to be discharged from a juvenile detention facility, the educational services provider for the juvenile detention facility shall immediately notify the jurisdiction in which the child will continue his or her education after discharge.

(9) Prior to the child's discharge from the juvenile detention facility, the local or regional board of education responsible for the provision of educational services to children in the juvenile detention facility shall conduct an assessment of the school work completed by the child to determine an assignment of academic credit for the work completed. Credit assigned shall be the credit of the local or regional board of education responsible for the provision of the educational services. Credit assigned for work completed by the child shall be accepted in transfer by the local or regional

Education liaison responsibilities

Continuous enrollment during detention in same school district

Credits earned in juvenile detention facility are accepted by local school district

board of education for the school district in which the child continues his or her education after discharge from the juvenile detention facility.

(h) (1) On or before August 1, 2018, each eligible school district shall designate and maintain at least one employee as a liaison to facilitate transitions between the school district and the juvenile and criminal justice systems.

(2) The designation required under subdivision (1) of this subsection shall be made by providing the Court Support Services Division of the Judicial Branch with written notice, on or before August first annually, of the name and professional title of and the contact information for such liaison.

(3) In each district, the liaison shall assist the school district, the Court Support Services Division of the Judicial Branch and any relevant educational service providers in ensuring that:

(A) All persons under twenty-two years of age in justice system custody are promptly evaluated for eligibility for special education services, pursuant to section 17a-65 and any other applicable law;

(B) Students in justice system custody and returning to the community from justice system custody are promptly enrolled in school pursuant to this section and section 10-186;

(C) Students in justice system custody and returning to the community from justice system custody receive appropriate credit for school work completed in custody, pursuant to this section or section 10-220h;

(D) All relevant school records for students who enter justice system custody and who return to the community from justice system custody are promptly transferred to the appropriate school district or educational service provider, pursuant to section 10-220h.

**Conn. Pub. Act No. 18-31 (2009)**

**Section 6**

(a) Not later than January 1, 2020, the Department of Education shall develop and implement a plan to incentivize and support school district participation in a statewide information technology platform that allows real-time sharing of educational records among schools and school districts state wide.

(b) Not later than February 1, 2019, the Commissioner of Education shall provide information on progress made towards the development and implementation of the plan required under subsection (a) of this section to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a of the general statutes, and to the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n of the general statutes, as amended by this act.

**Section 7**

\*\*\*

(q) Not later than July 1, 2018, the committee shall convene a subcommittee to develop a detailed plan concerning the overall coordination, oversight, supervision, and direction of all vocational and academic education services and programs for children in justice system custody, and the provision of education-related transitional support services for children returning to the community from justice system custody...

(A) The plan developed pursuant to this subsection shall include, but need not be limited to:

District liaison designated to assist youth with transitions between school and justice system

Responsibilities of liaison

Electronic system to share education records

Report from Commissioner of Education to legislature on progress of legal requirements

Committee establishes accountability system that includes reviewing credit accumulation

(v) Specifications for a state-wide accountability and quality control system for schools that serve children in justice system custody. The accountability and quality control system shall include, but need not be limited to: (I) A specialized school profile and performance report, to be produced annually for each school that serves children in justice system custody. The profiles and performance reports shall be consistent with other accountability systems required by law and shall include criteria and metrics tailored to measuring the quality of schools that serve children in justice system custody. Such metrics shall include, but need not be limited to: Student growth in reading and math; credit accumulation...

Committee establishes accountability system that includes reviewing credit accumulation

 **FLORIDA**

**Fla. Stat. Ann. § 1003.52**

\*\*\*

(4) Educational services shall be provided at times of the day most appropriate for the juvenile justice program. School programming in juvenile justice detention, prevention, day treatment, and residential programs shall be made available by the local school district during the juvenile justice school year, as provided in §1003.01(11) [providing definitions]. In addition, students in juvenile justice education programs shall have access to courses offered pursuant to §§. 1002.37, 1002.45, and 1003.498 [all regarding virtual schools]. The Department of Education and the school districts shall adopt policies necessary to provide such access.

(5) The educational program shall provide instruction based on each student's individualized transition plan, assessed educational needs, and the education programs available in the school district in which the student will return. Depending on the student's needs, educational programming may consist of remedial courses, academic courses required for grade advancement, CAPE courses, high school equivalency examination preparation, or exceptional student education curricula and related services which support the transition goals and reentry and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent. Prevention and day treatment juvenile justice education programs, at a minimum, shall provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services. Residential juvenile justice education programs with a contracted minimum length of stay of 9 months shall provide CAPE courses that lead to preapprentice certifications and industry certifications. Programs with contracted lengths of stay of less than 9 months may provide career education courses that lead to preapprentice certifications and CAPE industry certifications. If the duration of a program is less than 40 days, the educational component may be limited to tutorial remediation activities, career employability skills instruction, education counseling, and transition services that prepare students for a return to school, the community, and their home settings based on the students' needs.

(7) An individualized progress monitoring plan shall be developed for all students not classified as exceptional education students upon entry in a juvenile justice education program and upon reentry in the school district. These plans shall address academic, literacy, and career and technical skills and shall include provisions for intensive remedial instruction in the areas of weakness.

- Programming based on individualized transition plan
- Individualized progress monitoring plan

(8) Each district school board shall maintain an academic record for each student enrolled in a juvenile justice education program as prescribed by § 1003.51 [regarding other public educational services]. Such record shall delineate each course completed by the student according to procedures in the State Course Code Directory. The district school board shall include a copy of a student's academic record in the discharge packet when the student exits the program.

(9) Each district school board shall make provisions for high school level students to earn credits toward high school graduation while in residential and nonresidential juvenile justice education programs. Provisions must be made for the transfer of credits and partial credits earned.

(10) School districts and juvenile justice education providers shall develop individualized transition plans during the course of a student's stay in a juvenile justice education program to coordinate academic, career and technical, and secondary and postsecondary services that assist the student in successful community reintegration upon release. Development of the transition plan shall be a collaboration of the personnel in the juvenile justice education program, reentry personnel, personnel from the school district where the student will return, the student, the student's family, and Department of Juvenile Justice personnel for committed students.

(a) Transition planning must begin upon a student's placement in the program. The transition plan must include, at a minimum:

1. Services and interventions that address the student's assessed educational needs and postrelease education plans.
2. Services to be provided during the program stay and services to be implemented upon release, including, but not limited to, continuing education in secondary school, CAPE programs, postsecondary education, or employment, based on the student's needs.
3. Specific monitoring responsibilities to determine whether the individualized transition plan is being implemented and the student is provided access to support services that will sustain the student's success by individuals who are responsible for the reintegration and coordination of these activities.

(b) For the purpose of transition planning and reentry services, representatives from the school district and the one-stop center where the student will return shall participate as members of the local Department of Juvenile Justice reentry teams. The school district, upon return of a student from a juvenile justice education program, must consider the individual needs and circumstances of the student and the transition plan recommendations when reenrolling a student in a public school. A local school district may not maintain a standardized policy for all students returning from a juvenile justice program but place students based on their needs and their performance in the juvenile justice education program, including any virtual education options.

(c) The Department of Education and the Department of Juvenile Justice shall provide oversight and guidance to school districts, education providers, and reentry personnel on how to implement effective educational transition planning and services.

Record-keeping requirements

Opportunities to earn credits towards high school graduation and transfer full and partial credit

Personnel involved in developing transition plan

Information to be provided in transition plan

Reentry teams

## NEW MEXICO

### *N.M. Stat. Ann. § 22-12A-14*

For purposes of this section, "a student who has experienced a disruption in the student's education" means a student who experiences one or more changes in public school or school district enrollment during a single school year as the result of:

- (1) homelessness as defined in the federal McKinney-Vento Homeless Assistance Act and as determined by the public school or school district;
- (2) adjudication:
  - (a) as an abused or neglected child as determined by the children, youth and families department pursuant to the Abuse and Neglect Act;
  - (b) as part of a family in need of court-ordered services voluntary placement pursuant to the Family Services Act; or
  - (c) as a delinquent if the parent wishes to disclose the adjudication of delinquency; or
- (3) placement in a mental health treatment facility or habilitation program for developmental disabilities pursuant to the Children's Mental Health and Developmental Disabilities Act or placement in treatment foster care.

B. When a student who has experienced a disruption in the student's education transfers to a new public school or school district, the receiving public school or school district shall communicate with the sending public school or school district within two days of the student's enrollment. The sending public school or school district shall provide the receiving public school or school district with any requested records within two days of having received the receiving public school's or school district's communication.

C. A student who has experienced a disruption in the student's education because of transferring to a new public school as the result of circumstances set forth in this section shall have:

- (1) priority placement in classes that meet state graduation requirements; and
- (2) timely placement in elective classes that are comparable to those in which the student was enrolled at the student's previous public school or schools as soon as the public school or school district receives verification from the student's records.

D. For a student who has experienced a disruption in the student's education at any time during the student's high school enrollment, a school district and public schools shall ensure:

- (1) acceptance of the student's state graduation requirements for a diploma of excellence pursuant to the Public School Code;
- (2) equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;
- (3) timely assistance and advice from counselors to improve the student's college or career readiness; and
- (4) that the student receives all special education services to which the student is entitled.

E. Students who transfer between public schools in different school districts or between public schools within the same school district shall receive credit for any work completed prior to the transfer, regardless of whether the transfer occurred at the end of a grading period. School districts, with guidance from the department,

A broad definition of a student experiencing educational disruption

Record transfer between sending and receiving school

Provisions promoting credit transfer and graduation

Creation of policies to award credit for partially completed courses.

(This example was added in 2019 by N.M. S.B. 341.)

shall create policies to determine how credit shall be awarded for courses that are partially completed.

**N.M. Stat. Ann. § 22-13-33**

A. As used in this section:

- (1) “foster care” means twenty-four-hour substitute care for a student placed away from the student’s parents or guardians and for whom the children, youth and families department has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, treatment foster homes, residential facilities, child care institutions and preadoptive homes. For the purposes of this section, a student is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the student, whether adoption subsidy payments are being made prior to the finalization of an adoption or whether there is federal matching of any payments that are made; and
- (2) “involved in the juvenile justice system” means a student who has been referred to the children, youth and families department due to allegations that the student has committed a delinquent offense and voluntary or involuntary conditions have been imposed on the student, including a student who is participating in a diversion program, is under a consent decree or time waiver, is currently supervised by the children, youth and families department, has recently entered or left a juvenile or criminal justice placement or is on supervised release or parole.

B. Each school district and charter school authorized by the department shall designate an individual to serve as a point of contact for students in foster care and students involved in the juvenile justice system. Charter schools authorized by school districts shall use the district’s point of contact. Multiple school districts or charter schools authorized by the department may share a single designated point of contact with approval from the department and from the children, youth and families department.

C. For students transferring into the school district or charter school authorized by the department, the point of contact person shall be responsible for:

- (1) ensuring that a student is immediately enrolled regardless of whether the records normally required for enrollment are produced by the last school the student attended or by the student;
- (2) ensuring that the enrolling school communicates with the last school attended by a transferring student to obtain relevant academic and other records within two business days of the student’s enrollment;
- (3) ensuring that the enrolling school performs a timely transfer of credits that the student earned in the last school attended; and
- (4) collaborating with the education program staff in a juvenile or criminal justice placement and the educational decision maker appointed by the children’s court to create and implement a plan for assisting the transition of a student to the school district or charter school authorized by the department to minimize disruption to the student’s education.

D. For students transferring out of the school district or charter school authorized by the department, the point of contact person shall be responsible for

providing all records to the new school within two business days of receiving a request from the receiving school.

E. For students in foster care, the point of contact person shall be responsible for:

- (1) complying with state policies and developing school district or charter school policies in collaboration with the children, youth and families department for:
  - (a) best interest determinations about whether the student will remain in the school of origin;
  - (b) transportation policies to ensure that students receive transportation to their school of origin if it is in their best interest to remain in the school of origin; and
  - (c) dispute resolution;
- (2) convening or participating in best interest determination meetings in collaboration with the children, youth and families department pursuant to state policies and the school district’s or charter school authorized by the department’s policies; and
- (3) ensuring that transportation occurs to the student’s school of origin pursuant to the school district’s or charter school authorized by the department’s policies and in compliance with state policies.

F. For students in foster care and students involved in the juvenile justice system, the point of contact person shall be responsible for:

- (1) ensuring that a student has equal opportunity to participate in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;
- (2) ensuring that a student in high school receives timely and ongoing assistance and advice from counselors to improve the student’s college and career readiness;
- (3) ensuring that a student receives all special education services and accommodations to which the student is entitled under state and federal law;
- (4) identifying school staff at each school site who can ensure that students are appropriately supported throughout their enrollment;
- (5) supporting communication among the school; the children, youth and families department; the student; the student’s educational decision maker appointed by the children’s court; caregivers; and other supportive individuals that the student identifies to ensure that the responsibilities listed in this subsection are implemented; and
- (6) ensuring that other school staff and teachers have access to training and resources about the educational challenges and needs of system-involved youth, including trauma-informed practices and the impact of trauma on learning.

G. The children, youth and families department shall notify a school when a student in the school enters foster care or a student in foster care enrolls in a school.

H. The student or the student’s educational decision maker may notify a school that the student is involved in the juvenile justice system to obtain support and services from the point of contact.

Point of contact designated to assist youth in juvenile justice and foster care systems

Point of contact responsibilities

Additional point of contact responsibilities toward youth in the juvenile justice system

## WASHINGTON

### *Wash. Rev. Code Ann. § 28A.320.192(3)*

(1) In order to eliminate barriers and facilitate the on-time grade level progression and graduation of students who are homeless as described in RCW 28A.300.542 [regarding students experiencing homelessness], dependent pursuant to chapter 13.34 RCW, or at-risk youth or children in need of services pursuant to chapter 13.32A RCW, school districts must incorporate the procedures in this section.

(2) School districts must waive specific courses required for graduation if similar coursework has been satisfactorily completed in another school district or must provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school district, the receiving school district must provide an alternative means of acquiring required coursework so that graduation may occur on time.

(3) School districts must consolidate partial credit, unresolved, or incomplete coursework and provide opportunities for credit accrual in a manner that eliminates academic and nonacademic barriers for the student.

(4) For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, school districts must grant partial credit for coursework completed before the date of withdrawal or transfer and the receiving school must accept those credits, apply them to the student's academic progress or graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the receiving school.

(5) Should a student who is transferring at the beginning or during the student's junior or senior year be ineligible to graduate from the receiving school district after all alternatives have been considered, the sending and receiving districts must ensure the receipt of a diploma from the sending district if the student meets the graduation requirements of the sending district.

(6) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural obligations of school districts to implement these provisions.

(7) Should a student have enrolled in three or more school districts as a high school student and have met state requirements but be ineligible to graduate from the receiving school district after all alternatives have been considered, the receiving school district must waive its local requirements and ensure the receipt of a diploma.

Waiving courses

Awarding and consolidating partial credit

Flexible graduation options

4. Educational and reentry goals for the student developed in coordination with the student's IEP team, if applicable;
5. Other student supports needed to promote the student's successful reentry to public school, such as counseling services;
6. Anticipated dates and timelines for scheduled release to the receiving school division or for court review of the case, and for reenrollment;
7. Establishment of school placement upon release; and
8. Contact information for representatives of detention homes/centers, if applicable, the Department of Juvenile Justice, the Department of Correctional Education, and the reenrollment coordinator of the school division.

### *8 Va. Admin. Code 20-660-30*

A. Notification and convening of teams.

1. The Department of Juvenile Justice, through the Juvenile Correctional Center's counselor, shall provide written notification to the Department of Correctional Education principal, detention home/center educational program principal or designated educational authority at least 30 calendar days prior to the scheduled release of a student or a scheduled case review in court.

2. Upon notification, the transition team shall prepare and assemble the documents and scholastic record that support the development of the reenrollment plan. Also upon notification, the Department of Correctional Education or detention home/center superintendent will provide a letter of pending release and an informative outline of the reenrollment process within five business days to the reenrollment coordinator for the receiving school division and the student's parent(s) or guardian(s). The school division shall confirm receipt of notification with the Department of Correctional Education or detention home/center within five business days.

3. At least 25 calendar days prior to the court review or pending release of a student, and after review with the student, the Department of Correctional Education or detention home educational program shall forward the student's scholastic record and a preliminary reenrollment plan developed in consultation with the student to the school division reenrollment coordinator.

4. Within 10 business days of receipt of the materials, the reenrollment coordinator shall convene the reenrollment team to review the preliminary reenrollment plan and develop the final plan. The student's parent(s) or legal guardian(s) shall be invited by the reenrollment coordinator to attend a meeting where the final reenrollment plan will be developed. The parent(s) or legal guardian(s) may designate a member of the transition team, or someone else, to represent him at the meeting. The student shall be consulted in the development of the plan.

5. Notice of the scheduled meeting to develop the reenrollment plan will be given to all potential participants by the receiving school division a minimum of one week prior to the meeting.

6. Other individuals who have knowledge or expertise regarding the student may participate, at the discretion of the members of the reenrollment team or parent(s) or legal guardian(s), or if the student is of majority age and eligible for special education services, at the discretion of the student.

B. Development of final reenrollment plan.

1. The reenrollment team shall develop a final reenrollment plan that clearly states:
  - a. The educational placement of the student and timeframe for placement,

Elements of transition plan

Transition team and transition plan

## VIRGINIA

### *8 Va. Admin. Code 20-660-20*

Reenrollment plans shall include but not be limited to:

1. Educational status and recommendations prior to commitment;
2. Educational status and recommendations of the Department of Correctional Education during the student's stay at the Reception and Diagnostic Center;
3. Educational status and recommendations while in the custody of the Department of Juvenile Justice;

Elements of transition plan

- b. The names of persons with responsibility and authority for prompt enrollment and their contact information,
- c. The student’s scheduled academic program and other supportive activities or services as appropriate,
- d. The names and contact information of the members of transition and reenrollment teams, and
- e. Any other required components including an approved IEP if the student is enrolled in special education.

2. Copies of the final plan shall be provided to the student, parent(s) or legal guardian(s), and to all transition and reenrollment plan members no later than 10 calendar days prior to release.

#### C. Reenrollment.

- 1. The reenrollment plan shall make it possible for the student to enroll and receive instruction in the receiving school district within two school days of release.
- 2. After the Department of Juvenile Justice gives notice of a student’s scheduled release, the student may not be suspended or expelled from school programs for the offenses for which he was committed.
- 3. Placement of students in alternative education programs shall be in accordance with § 22.1-277.2 of the Code of Virginia.
- 4. Upon reenrollment the student shall received weekly counseling for a determined period of time.
- 5. The receiving school division shall protect the confidentiality of the student’s juvenile justice record according to applicable federal and state laws and regulations.

#### 8 VAC 20-660-40. Maintenance and transfer of the scholastic record.

A. Within two business days of the court’s order of commitment to the Department of Juvenile Justice, the student’s probation/parole officer will request the scholastic record from the school division where the student was last enrolled.

B. The reenrollment coordinator for that school division will provide the record, including information concerning special education eligibility and services, and any other requested information to the Reception and Diagnostic Center or detention home/center to the attention of the Department of Correctional Education or detention home education program within five business days of receipt of the probation officer’s request.

C. The school division where the student was last enrolled (sending school division) will maintain the student’s scholastic record during the period that the student is in the custody of the Department of Juvenile Justice. The Department of Correctional Education or detention home education program will provide copies of year-end transcripts to the reenrollment coordinator of the sending school division at the same time the transcripts are sent to parents or legal guardians.

D. The transfer and management of scholastic records between educational programs shall be in accordance with the Code of Virginia and the Family Educational Rights and Privacy Act.

E. School divisions shall provide current contact information for reenrollment coordinators to the Departments of Education and Correctional Education that shall be made available to the public.

### Transition team and transition plan

### Timely reenrollment

### Accurate record transfer

## ENDNOTES

- 1 Available survey results are included throughout. For survey methodology, please See Appendix A. Because of the exploratory nature of the survey, the great variation in practices across counties, and the sample size, the results do not present a complete picture of credit transfer practices in any one state or even county. Instead, we present the results generally across the broader United States.
- 2 Sarah Hockenberry & Charles Puzanchara, Trends And Characteristics of Youth in Residential Placement, 2017, Office of Juvenile Justice and Delinquency Prevention (2019), [http://www.ncjj.org/pdf/Data%20snapshots%202016/DataSnapshot\\_CJRP2017.pdf](http://www.ncjj.org/pdf/Data%20snapshots%202016/DataSnapshot_CJRP2017.pdf)
- 3 See, e.g., Percent of Residents Remaining in Placement by Placement Status 2017, Office of Juvenile Justice and Delinquency Prevention (April 23, 2019), <https://www.ojjdp.gov/ojstatbb/corrections/qa08401.asp?qaDate=2017&text=yes>
- 4 Juvenile Law Center, Recommendations to Improve Correctional and Reentry Education for Young People 4 (2013), [https://jlc.org/sites/default/files/publication\\_pdfs/Final%20Recs%20Correctional%20and%20Reentry%20Ed%204%2026%2013.pdf](https://jlc.org/sites/default/files/publication_pdfs/Final%20Recs%20Correctional%20and%20Reentry%20Ed%204%2026%2013.pdf)
- 5 See, e.g., Students in the Care of the District of Columbia, Working Group Recommendations 24 (2018), [https://static1.squarespace.com/static/528921fce4b089ab61d013d3/t/5b4f93a7aa4a990c172f8320/1531941800839/07182018+Students+in+the+Care+of+DC+Report\\_FINAL.pdf](https://static1.squarespace.com/static/528921fce4b089ab61d013d3/t/5b4f93a7aa4a990c172f8320/1531941800839/07182018+Students+in+the+Care+of+DC+Report_FINAL.pdf); Youth Law Center, Educational Injustice: Barriers to Achievement and Higher Education for Youth in California Juvenile Court Schools, Executive Summary (2016), <https://ylc.org/wp-content/uploads/2019/05/EDUCATIONAL-INJUSTICE.pdf>
- 6 Also referred to as The Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent or At Risk, this program is authorized under the Elementary and Secondary Education Act (ESEA). What is Title I, Part D?, NDTAC, <https://neglected-delinquent.ed.gov/what-title-i-part-d> (last visited Oct. 18, 2019).
- 7 Id.
- 8 Definitions of the reporting facility types appear at Fast Facts, NDTAC, <https://neglected-delinquent.ed.gov/fast-facts/united-states> (last visited Oct. 25, 2019).
- 9 Data received from Simon Gonsoulin, Director, NDTAC, and Principal Researcher, American Institutes for Research (AIR) & Jake Sokolsky, Researcher, NDTAC and AIR (Feb. 11, 2019) (on file with author). See also Fast Facts, NDTAC, <https://neglected-delinquent.ed.gov/fast-facts/united-states> (last visited Oct. 25, 2019), for data applicable to students in all Title I, Part D programs—in contrast to the data specifically on juvenile detention or juvenile placements highlighted here.
- 10 Gonsoulin & Sopolsky, supra note 9.
- 11 Id.
- 12 Id.
- 13 Juveniles for Justice, Youth Fostering Change & Juvenile Law Center, Operation: Education: An Action Kit to Achieve Positive Educational Outcomes for Youth in the child Welfare and Juvenile Justice Systems 14 (2019), <https://jlc.org/sites/default/files/attachments/2019-06/Operation-Education-FINAL-DIGITAL-FULL.pdf>
- 14 Telephone Interview by Kate Burdick with Claire Blumenson, Executive Director and Co-Founder, School Justice Project (July 23, 2018).
- 15 See Peter Leone & Lois Weinberg, Addressing the Unmet Educational Needs of Children and Youth in the Child Welfare and Juvenile Justice System 1 (2012), [https://cjr.georgetown.edu/wp-content/uploads/2015/03/EducationalNeedsOfChildrenandYouth\\_May2010.pdf](https://cjr.georgetown.edu/wp-content/uploads/2015/03/EducationalNeedsOfChildrenandYouth_May2010.pdf)
- 16 Andrea J. Sedlak & Carol Bruce, National Criminal Justice Reference Service, Survey of Youth in Residential Placement: Youth Characteristics and Backgrounds, 22 (2017), <https://www.ncjrs.gov/pdffiles1/ojjdp/grants/250753.pdf>
- 17 U.S. Gov’t Accountability Off., GAO-18-258, K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities 12-13 (2018), <https://www.gao.gov/assets/700/690827.pdf>
- 18 U.S. Gov’t Accountability Off., Highlights of GAO-18-258, K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities 12-13 (2018), <https://www.gao.gov/assets/700/690827.pdf>
- 19 Id.; See also Ajmel Quereshi & Jason Okonofua, NAACP Legal Defense Fund, Locked out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline 6 (2017); [https://www.naacpldf.org/files/about-us/Bias\\_Reportv2017\\_30\\_11\\_FINAL.pdf?\\_ga=2.146575219.690297856.1569258229-337071548.1569258229](https://www.naacpldf.org/files/about-us/Bias_Reportv2017_30_11_FINAL.pdf?_ga=2.146575219.690297856.1569258229-337071548.1569258229) (explaining that Black boys and girls are disproportionately disciplined in the classroom, particularly for discretionary offenses with vague descriptions that give school officials wide discretion on whether they should discipline a child); Daniel J. Losen, Disabling Punishment: The Need for Remedies to the Disparate Loss of Instruction Experienced by Black Students with Disabilities 2 (2018), <https://today.law.harvard.edu/wp-content/uploads/2018/04/disabling-punishment-report-.pdf> (indicating that Black students with disabilities also face exclusionary school disciplines, such as suspensions, more than white students with disabilities and noting that in the 2014-2015 and 2015-2016 school years, “Black students with disabilities in grades K-12 lost 77 more days of instruction on average than white students with disabilities.”).
- 20 See, e.g., Russell J. Skiba et al., Race Is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline, 40 Sch. Psychol. Rev. 85, 86-87 (2011), <http://www.indiana.edu/~atlantic/wp-content/uploads/2011/12/Skiba-et-al.-Race-is-not-neutral.pdf>
- 21 See U.S. Gov’t Accountability Off., supra note 17 at 26.
- 22 American Youth Policy Forum, Supporting Pathways to Long-Term Success for Systems-Involved Youth: Lessons Learned 2 (2017), <http://www.aypf.org/wp-content/uploads/2017/09/Brief-Supporting-Pathways-to-Long-Term-Success.pdf>
- 23 Southern Education Foundation, Just Learning: The Imperative to Transform Juvenile Justice Systems Into Effective Educational Systems—A Study of Juvenile Justice Schools in the South and the Nation 14 (2014), <https://www.southerneducation.org/wp-content/uploads/2019/02/Just-Learning-Final.pdf> (indicating that two-thirds of juveniles in the nation entering state institutions and 44% of

- juveniles entering local juvenile justice facilities were below were below grade level in math and reading).
- 24 Andrea J. Sedlak & Karla McPherson, SYRP Report, Survey of Youth in Residential Placement: Youth’s Needs and Services 34 (2010), <https://www.ncjrs.gov/pdffiles1/ojjdp/grants/227660.pdf>; Advocates for Children & Youth, Issue Brief, School Suspension and Juvenile Justice Involvement: Groundbreaking Study Substantiates Calls for Reform 2 (2011), <http://acy.org/wp-content/uploads/2014/01/Texas-Suspension-Study-Issue-Brief1.pdf>
- 25 Telephone Interview by Katherine Burdick with Leon Smith, former Director of the Racial Justice Project at the Center for Children’s Advocacy (Aug. 8, 2018).
- 26 Brandi Holten & Sarah Frazelle, Improving Educational Outcomes for Oregon’s Incarcerated Youth, Educ. Northwest (Oct. 20, 2016), <https://educationnorthwest.org/northwest-matters/improving-educational-outcomes-oregon-s-incarcerated-youth>. See also Or. Rev. Stat. Ann. § 326.575 (1) (West 2019).
- 27 See Students in the Care of the District of Columbia, supra note 5, at 24 (noting students can earn partial credits in D.C. juvenile justice facilities, but public and charter schools do not accept them in Washington, D.C.); See also NDTAC, Transition and Prevention Programs: Washoe County, Nevada (2013), [https://neglected-delinquent.ed.gov/sites/default/files/docs/NDTAC\\_1-pager-Washoe\\_508.pdf](https://neglected-delinquent.ed.gov/sites/default/files/docs/NDTAC_1-pager-Washoe_508.pdf) (“Washoe County juvenile justice facilities had a history of awarding quarter credits for the work youth completed during their confinement, yet Washoe County schools did not accept these credits because their policies permitted them to only accept half or full credits.”).
- 28 See Students in the Care of the District of Columbia, supra note 5, at 24.
- 29 Telephone interview by Kate Burdick with Diane Smith Howard, Managing Attorney for Criminal and Juvenile Justice, National Disability Rights Network (Oct. 5, 2018).
- 30 U.S. Dep’t Educ., Off. for Civ. Rts., Protecting the Civil Rights of Students in the Juvenile Justice System 1 (2016), <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-juvenile-justice.pdf>
- 31 Nat’l Ctr. for Educ. Stat., Schools & Staffing Survey, Public School Data File 2007-08, [https://nces.ed.gov/surveys/sass/tables/sass0708\\_035\\_s1s.asp](https://nces.ed.gov/surveys/sass/tables/sass0708_035_s1s.asp) (last visited Oct. 18, 2019).
- 32 U.S. Dep’t Educ, Off. for Civ. Rts., supra note 30.
- 33 The Council of State Gov’ts Just. Ctr., Locked Out: Improving Educational and Vocational Outcomes for Incarcerated Youth 3 (2015), [https://csjusticecenter.org/wp-content/uploads/2015/11/LOCKED\\_OUT\\_Improving\\_Educational\\_and\\_Vocational\\_Outcomes\\_for\\_Incarcerated\\_Youth.pdf](https://csjusticecenter.org/wp-content/uploads/2015/11/LOCKED_OUT_Improving_Educational_and_Vocational_Outcomes_for_Incarcerated_Youth.pdf)
- 34 Hailly T.N. Korman et al., Patterns and Trends in Educational Opportunity for Students in Juvenile Justice Schools: Updates and New Insights 9 (2019), [https://bellwethereducation.org/sites/default/files/Patterns%20and%20Trends%20in%20Educational%20Opportunity%20for%20Students%20in%20Juvenile%20Justice%20Schools\\_Bellwether.pdf](https://bellwethereducation.org/sites/default/files/Patterns%20and%20Trends%20in%20Educational%20Opportunity%20for%20Students%20in%20Juvenile%20Justice%20Schools_Bellwether.pdf)
- 35 Individualized Education Program (IEP), developed to ensure that a child with an identified disability who is attending an elementary or secondary educational institution receives specialized instruction and related services, as required by federal law. 20 U.S.C. § 1414(d)(1)(A)(i).
- 36 Telephone Interview by Kate Burdick with Diane Smith Howard, Managing Attorney for Criminal and Juvenile Justice, National Disability Rights Network (Oct. 5, 2018).
- 37 See Juveniles for Justice & Youth Fostering Change, supra note 13, at 20.
- 38 Peter Leone & Lois Weinberg, supra note 15, at 17.
- 39 See infra note 157.
- 40 Telephone interview by Kate Burdick with Raúl Arroyo-Mendoza, Reentry Fellow, Contra Costa Public Defender’s Office (Aug. 8, 2018).
- 41 Telephone Interview by Kate Burdick with Marisa Halm, Director, TeamChild Youth Justice Project, Center for Children’s Advocacy (Aug. 9, 2018).
- 42 Telephone Interview by Kate Burdick with Raúl Arroyo Mendoza, Reentry Fellow Contra Costa Office of the Public Defender (Aug. 8, 2018).
- 43 Telephone Interview by Kate Burdick with Claire Blumenson, Executive Director and Co-Founder, School Justice Project (July 23, 2018).
- 44 Gonsoulin & Sopolsky, supra note 9.
- 45 Telephone interview by Kate Burdick with Julia Souza, Supervising Attorney at Legal Advocates for Children & Youth (LACY), Law Foundation of Silicon Valley (Aug. 9, 2018).
- 46 Barbara Fedders, Schooling at Risk, 103 Iowa L. Rev. 871, 874 (2018) available at <https://ilr.law.uiowa.edu/print/volume-103-issue-3/schooling-at-risk/>.
- 47 Id. (emphasis in original).
- 48 See, e.g., Pennsylvania (24 Pa. Stat. Ann. § 19-1902-C (permitting alternative education programs to modify state requirements in regard to the number of days or hours of instruction required)), Georgia (Ga. Comp. R. & Regs. 160-4-8-.12) (granting exceptions to state mandated minimum instruction hours).
- 49 See, e.g., ACLU, Missing the Mark: Alternative Schools in the State of Mississippi 40 (2009), [https://www.aclu.org/files/pdfs/racialjustice/missingthemark\\_report.pdf](https://www.aclu.org/files/pdfs/racialjustice/missingthemark_report.pdf)
- 50 Id. at 42-43.
- 51 Joshua Rovner, Racial Disparities in Youth Commitments and Arrests, The Sentencing Project (April 2016), <https://www.sentencingproject.org/publications/racial-disparities-in-youth-commitments-and-arrests/>.
- 52 Id.
- 53 Reforming Juvenile Justice: A Developmental Approach (Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers eds., 2013).
- 54 Office of Juvenile Justice and Delinquent Programs, Juveniles in Corrections, Statistical Briefing Book, U.S. Dep’t. of Justice Office of Justice Programs, <https://www.ojjdp.gov/ojstatbb/corrections/qa08203.asp?qaDate=2015&text=no&maplink=link1> (last visited Oct. 2, 2018).
- 55 Office of Juvenile Justice and Delinquent Programs, supra note 54.

56 The Sentencing Project, Native Disparities in Youth Incarceration, The Sentencing Project, Oct. 2018), <https://www.sentencingproject.org/publications/native-disparities-youth-incarceration/>.

57 Hailly T.N. Korman et al, supra note 34 at 33, 35-37.

58 For example, students who enter a facility with an IEP may receive inadequate instruction from subpar teachers and/or fail to receive the services and specially designed instruction specified in their IEPs. U.S. Dep’t Educ, Off. for Civ. Rts., supra note 30, at 3 (describing an investigation by the Office of Civil Rights into San Bernardino County Office of Education which found the country “unlawfully discriminated against students with disabilities in alternative and juvenile court schools”). Though a majority (88%) of residential placements report evaluating all youth for education needs, 5% evaluate only some youth, and 7% do not evaluate any youth at all. Statistical Briefing Book: Juveniles in Corrections, Facility Practices and Services, Office of Juvenile Justice and Delinquency Prevention, <https://www.ojjdp.gov/ojstabb/corrections/qa08530.asp?qaDate=2016> (last visited Oct 24, 2018).

59 Mary Magee Quinn et al., Youth with Disabilities in Juvenile Corrections: A National Survey, 71 Exceptional Child. 339, 342 (2005). In 2017–18, the number of students ages 3–21 who received special education services under the Individuals with Disabilities Education Act (IDEA) was 7 million, or 14 percent of all public school students. See Children and Youth with Disabilities, The Condition on Education — A Letter from the Commissioner, National Center for Education Statistics, [https://nces.ed.gov/programs/coe/indicator\\_cgg.asp](https://nces.ed.gov/programs/coe/indicator_cgg.asp) (last updated May 2019).

60 Quinn et al., supra note 59, at 342 (“Prevalence rates by state ranged from 9.1% to 77.5%, with a median of 33%”).

61 Students in the Care of the District of Columbia, supra note 5, at 20.

62 Quinn et al., supra note 59, at 20.

63 Telephone Interview by Kate Burdick with Leon Smith, former Director of the Racial Justice Project at the Center for Children’s Advocacy (Aug. 8, 2018).

64 Telephone interview by Kate Burdick with Diane Smith Howard, Managing Attorney for Criminal and Juvenile Justice, National Disability Rights Network (Oct. 5, 2018).

65 Deborah Smith, Women and Girls in the Justice System, Trends in State Courts, National Center for State Courts (2017), <https://www.ncsc.org/sitecore/content/microsites/trends/home/Monthly-Trends-Articles/2017/Women-and-Girls-in-the-Justice-System.aspx>.

66 Girls Serve Significantly Longer Sentences than Boys in the Juvenile Justice System, Study Shows, UT News, Sep. 22, 2015, <https://news.utexas.edu/2015/09/22/girls-serve-longer-sentences-than-boys-in-justice-system/>.

67 Monique W. Morris, Pushout: The Criminalization of Black Girls in Schools 150-52, 155, 156-57, 160 (2016).

68 Id. at 152.

69 Shannon Wilber, A Guide to Juvenile Detention Reform, Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System, Annie E. Casey Foundation 11 (2015), <https://www.aecf.org/m/resource/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>

70 Id. at 11.

71 Id. at 9.

72 Id. at 10.

73 Shannon Wilber & Angie Junck, A Guide to Juvenile Detention Reform: Noncitizen Youth in the Juvenile Justice System 6, Annie E. Casey Foundation (2014), <http://youthjusticeinc.org/download/juvenile-justice/disparities/Noncitizen%20Youth%20in%20the%20Juvenile%20Justice%20System%20.pdf>

74 Kept Out: Barriers to Meaningful Education in the School-to-Prison Pipeline, Georgetown Law Human Rights Institute 34-35 (2012).

75 See Telephone Interview by Kate Burdick with Julie Souza, Supervising Attorney at Legal Advocates for Children & Youth (August 9, 2018).

76 See Telephone interview by Kate Burdick with Jasmina Nogo, Staff Attorney, and Olivia McLaughlin, Juvenile Reentry Project Social Worker, Advocates for Children’s Services (Legal Aid of North Carolina) (Oct. 2, 2018).

77 As further discussed in this report, youth experiencing homelessness also face credit transfer challenges when they change schools frequently and then do not receive credit for work completed.

78 Juveniles for Justice & Youth Fostering Change, supra note 13 at 14.

79 David R. Giles, School Related Problems Confronting New Jersey Youth Returning to Local Communities and Schools from Juvenile Detention Facilities and Juvenile Justice Commission Programs (2003), [https://d3n8a8pro7vnmx.cloudfront.net/njsj/pages/164/attachments/original/1458585792/giles\\_report.pdf?1458585792](https://d3n8a8pro7vnmx.cloudfront.net/njsj/pages/164/attachments/original/1458585792/giles_report.pdf?1458585792)

80 Students in the Care of the District of Columbia, supra note 5, at 28.

81 20 U.S.C. 1412(a)(1)(B)(i); 34 C.F.R. § 102(a)(1).

82 Students in the Care of the District of Columbia, supra note 5, at 28.

83 Trends in U.S. Corrections, The Sentencing Project 6 (2015), <http://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf>.

84 See, e.g., Destined to Fail: How Florida Jails Deprive Children of Schooling, Southern Poverty Law Center (2018), [https://www.splcenter.org/sites/default/files/cr\\_ctaa\\_report\\_2018\\_web\\_final.pdf](https://www.splcenter.org/sites/default/files/cr_ctaa_report_2018_web_final.pdf)

85 Telephone Interview by Kate Burdick with Marisa Halm, Director, TeamChild Youth Justice Project, Center for Children’s Advocacy (Aug. 9, 2018).

86 See, e.g., Children in Adult Prisons, Equal Justice Initiative, <https://eji.org/children-prison/children-adult-prisons> (last visited Oct. 31, 2019).

87 20 U.S.C. 1412(a)(1)(B)(ii).

88 Telephone Interview by Kate Burdick with Marisa Halm, Director, TeamChild Youth Justice Project, Center for Children’s Advocacy (Aug. 9, 2018).

89 Removing young people from home and placing them in a facility disrupts attachment with a consistent, nurturing adult — attachment that is key to helping youth develop positive social-emotional skills, including relationship-building skills, appropriate risk-taking, and instilling a sense of security and self-worth. See What Are the Outcomes for Youth Placed in Congregate Care Setting?, Casey Family Programs 2 (Feb. 5, 2018), <https://www.casey.org/what-are-the-outcomes-for-youth-placed-in-congregate-care->

settings; Reducing Congregate Care: Worth the Fight, The Annie E. Casey Foundation (Apr. 4, 2012), Richard P. Barth, Institutions vs. Foster Homes: The Empirical Base for a Century of Action, 13 (2002).

90 See, e.g., Jessica Feirman, Karen U. Lindell & Natane Eaddy, Unlocking Youth: Legal Strategies to End Solitary Confinement in Juvenile Facilities, Juvenile Law Center (2017), [https://jlc.org/sites/default/files/publication\\_pdfs/JLC\\_Solitary\\_Report-FINAL.pdf](https://jlc.org/sites/default/files/publication_pdfs/JLC_Solitary_Report-FINAL.pdf)

91 Broken Bridges: How Juveniles Placements Cut Off Youth from Communities and Successful Futures, Juvenile Law Center 11 (2018), [https://jlc.org/sites/default/files/attachments/2018-12/2018BrokenBridges-FINAL-WEB\\_0.pdf](https://jlc.org/sites/default/files/attachments/2018-12/2018BrokenBridges-FINAL-WEB_0.pdf)

92 Richard A. Mendel, No Place for Kids: The Case for Reducing Juvenile Incarceration 5 (2011), <https://www.aecf.org/m/resource/aecef-NoPlaceForKidsFullReport-2011.pdf>; See also Lisa Gartner, Beaten, then Silenced, Philadelphia Inquirer (Feb. 20, 2019), <https://www.inquirer.com/crime/a/glen-mills-schools-pa-abuse-juvenile-investigation-20190220.html>.

93 Mendel, supra note 92 at 11-13.

94 See, e.g., Shaena M. Fazal, Safely Home 2, 4, 7, 8, 27, 44 (2014), <http://safelyhomecampaign.com/Portals/0/Documents/Safely%20Home%20Preview/safelyhome.pdf?ver=2.0> (describing initiatives in Alabama and elsewhere); Center for Children’s Law and Policy, Implementation of New York’s Close to Home Initiative: A New Model for Youth Justice 9 (2018), <http://www.cclp.org/wp-content/uploads/2018/02/Close-to-Home-Implementation-Report-Final.pdf> (2018) generally and at 8-9 (analyzing New York’s effort and describing national efforts to shrink the number of youth in confinement, including in Massachusetts, Missouri, Michigan, Ohio, and Illinois); Antoinette Davis, Angela Irvine, and Jason Ziedenberg, Stakeholders’ Views on the Movement to Reduce Youth Incarceration 3 (2014), [http://www.nccdglobal.org/sites/default/files/publication\\_pdf/deincarceration-summary-report.pdf](http://www.nccdglobal.org/sites/default/files/publication_pdf/deincarceration-summary-report.pdf); Florida’s Redirection Initiative: Using Evidence-Based Practices to Improve Juvenile Outcomes and Save Taxpayers Money, Evidence-Based Associates, <https://www.evidencebasedassociates.com/wp-content/uploads/2017/04/Florida-Redirection-NCJA.pdf>

95 Marsha Weissman, Vidhya Ananthakrishnan & Vincent Schiraldi, Moving Beyond Youth Prison: Lessons from New York City’s Implementation of Close to Home, Columbia University Justice Lab 2 (Feb. 2019). Youth placed in secure juvenile placements are still sent to upstate New York facilities run by the Office of Children and Family Services (OCFS). These youth continue to need transcripts reviewed to assess credits.

96 Ctr. for Children’s Law and Policy, Implementation of New York’s Close to Home Initiative: A New Model for Youth Justice, 21 (2018), <http://www.cclp.org/wp-content/uploads/2018/02/Close-to-Home-Implementation-Report-Final.pdf>

97 Id. at 21.

98 Id.

99 Advocates for Children of New York, AFC’s Guide for Court-Involved Students: Understanding the Education Rights of New York City Students in & Coming out of the Juvenile or Criminal Justice System, 7 (2018), [https://www.advocatesforchildren.org/sites/default/files/library/court\\_involved\\_youth\\_guide.pdf?pt=1](https://www.advocatesforchildren.org/sites/default/files/library/court_involved_youth_guide.pdf?pt=1) Interestingly

100 Id.

101 Ctr. for Children’s Law and Policy, supra note 96.

102 Id.

103 Id.

104 N.Y.C. Admin. for Children’s Servs., Close to Home Annual Report 2016-2017 3, <https://www1.nyc.gov/assets/acs/pdf/testimony/2018/closetohome.pdf> (last visited Sept. 7, 2019).

105 See J.G. v. Mills, Advocs. for Child. of N.Y.C., [https://www.advocatesforchildren.org/litigation/class\\_actions/jg\\_vs\\_mills](https://www.advocatesforchildren.org/litigation/class_actions/jg_vs_mills) (last visited Dec. 1, 2019).

See 8 NYCRR § 100.5.

106 Telephone Interview by Kate Burdick with Dawn Yuster, Director, School Justice Project, Advocates for Children of New York (October 10, 2018).

107 State educational agencies (SEAs) receive Title I, Part D money through Subpart 1 of the Act, and subgrant those funds to state agencies serving children and youth who are neglected or delinquent. Through Subpart 2 of the Act, SEAs subgrant funds to local educational agencies that house large number or percentages of youth in locally operated juvenile facilities. See What is Title I, Part D?, supra note 6.

108 20 U.S.C. § 6434(a)(2)(E)(i).

109 20 U.S.C. § 6471(a), (a)(2) (2015).

110 20 U.S.C. §§ 6434(a)-(c), 6453 (2015); See Revised State Template for State Plan, available at <https://www2.ed.gov/admins/lead/account/stateplan17/utconsolidatedstateplanfinal.pdf>

111 For example, Utah’s regulations require LEAs to accept credits earned in accredited programs at face value in all Utah public schools and coordinate educational services with custody programs to enable youth to continue their education following discharge from custody. Juvenile programs must admit youth in custody to classes within five school days of arrival at a new residential placement and must bring all available school records up to date and forward them to the receiving school. Utah Admin. Code, R. 277-709-3 (2019). Rhode Island made available an “Advanced Course Network” to students attending the Rhode Island Training School, the state’s largest juvenile justice facility. This network allows students to begin courses while incarcerated and continue those courses once they are back in their school of origin, thus ensuring continuation of high-quality academic coursework, and improved chances at earning high school credit during transition. See Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk, R.I. Dep’t of Educ. 60, <https://www.ride.ri.gov/Portals/0/Uploads/Documents/Information-and-Accountability-User-Friendly-Data/ESSA/StatePlan/RI-ESSA-TitlePartDQ1-2.pdf>

112 34 U.S.C. §§ 11133 (a)(32) (A)-(C) (2019).

113 The statutes and regulations are presented as examples of our recommendations but are not intended to be an exhaustive list of all state statutes or regulations that include such provisions.

114 See Reentry, youth.gov, <https://youth.gov/youth-topics/juvenile-justice/reentry> (last visited Oct. 30, 2019).

115 While this report refers to school districts, the legislation should cover other school entities including charter schools.

116 Fla. Stat. Ann. § 1003.52 (10)(a) (2019).

117 Id.

118 § 1003.52 (10)(b).

119 Id.

120 Okla. Admin. Code § 210-10-1-13 (2019).

121 La. Child. Code Ann. art. 908(C) (2016).

122 Fla. Sta. Ann. 1003.52 (West)

123 Me. Rev. Stat. Tit. 20-A, 5161 and 5163. See also Ms. Stat. § 43-21-321(13) (requiring a transition team consisting of personnel from school districts, youth court, and youth’s parents or guardians); NJ ADC 13-393-11.4(h) (requiring an individual program plan be developed to ensure a continuum of program offerings for students who were enrolled in an educational program that includes input from juvenile’s home district or other applicable educational program). Okla. Admin. Code. 210:10-1-13 (requiring professional team that creates education plan to include a teacher or qualified education representative under the direction of the school district and that there is a procedure in place to allow education plan team members to communicate recommendations and other information to facility staff on a regular basis.).

124 2019 Cal. Legis. Serv. Ch. 756 (A.B. 1354) (West).

125 Transition services must be provided in a way that is accessible to students and families, including accommodations for disabilities and language needs.

126 See, e.g., Wash. Rev. Code Ann. §§ 28A.300.542 28A.320.142, (West 2019).

127 N.M. Stat. Ann. § 22-13-33 (West 2017).

128 Id.

129 Conn. Gen. Stat. Ann. § 10-253(h) (West 2019). See also Ark. Code Ann. § 9-28-113 (West 2019) (requiring each school district to identify a liaison for youth in the foster care system to assist with timely enrollment and credit, record, and grade transfer); Iowa Code Ann. § 280.29(1)(a) (West 2014) (requiring school districts to work with area education agency child welfare liaison to develop systems to ease the enrollment transition of a child adjudicated in the juvenile justice system or receiving foster care services).

130 Me. Rev. Stat. Ann. tit. 20-A, § 5163 (5) (2014). Maine law applies to youth experiencing homelessness, students with experience in foster care, youth returning from interim placements or youth with three or more educational placements in a year. Other jurisdictions enacting similar protections should extend them to all youth experiencing an educational disruption due to juvenile justice involvement.

131 See Juveniles for Justice & Youth Fostering Change, supra note 13, at 20.

132 N.M. Stat. Ann. § 22-12A-14 (West 2019).

133 Ky. Rev. Stat. Ann. § 158.137(1)-(2) (West 2005).

134 Iowa Code Ann. § 280.29 (West 2014). See also N.H. Code Admin. R. Ed 1117.07 (West 2019) (requiring school districts to immediately provide a copy of all educational records including IEP evaluations when a court order results in a change of an educational placement); Or. Rev. Stat. Ann. § 420A.122 (West 2009) (requiring Department of Education to provide youth records to the school where student enrolls within seven days of student’s release from youth correctional facility).

135 2019 Conn. Pub. Acts No. 18-31, sec. 6(a).

136 See 8 Va. Admin. Code §§ 20-660-10 to 20-660-40 (2019).

137 2019 Conn. Pub. Acts No. 18-31.

138 Fla. Stat. Ann. § 1003.52 (West 2017). See also Ala. Admin. Code r. 950-1-6-.07 (11)(c) (2018) (requiring facilities that are part of Alabama’s Residential Facilities Program to only enroll students in educational programs whose credits are transferable following release); Md. Code Regs. 13A.05.11.03 (2019) (requiring Maryland Department of Education to provide comprehensive education to youth in juvenile justice residential facilities to meet public school standards); 37 Tex. Admin. Code § 380.9141 (2019) (requiring high restriction facilities to offer all credits necessary to meet high school graduation requirements following the state curriculum and state assessments required for graduation).

139 While the full array of strategies needed to ensure quality education inside facilities is beyond the scope of this report, reforms must address the poor quality of education and lack of course options within facilities.

140 In states where a local district or other educational entity is the local educational agency—rather than a state juvenile justice agency acting as LEA—transcripts should name the responsible school district or other local educational agency as providing credit—not the facility—to reduce stigma.

141 Students in the Care of the District of Columbia, supra note 5, at 24.

142 For a detailed review of a model policy developed to implement the corollary partial credit requirement in California related to youth with experience in foster care, See Cal. Sch. Bd. Ass’n, Cal. Dep’t of Soc. Servs., & Child Welfare Council, California’s Partial Credit Model Policy: Improving the Educational Outcomes of Foster Youth (2013), [http://kids-alliance.org/wp-content/uploads/2013/12/PCM\\_WEB\\_April2014.pdf](http://kids-alliance.org/wp-content/uploads/2013/12/PCM_WEB_April2014.pdf)

143 Cal. Educ. Code § 48645.5(a) (West 2017). See also 2019 Conn. Pub. Acts No. 18-31 (requiring local board of education to assign credits to students for work completed in juvenile detention facilities and requiring school district to accept the assigned credit); N.Y. Comp. Codes R. & Regs. tit. 8, § 100.5 (2019) (requiring principals to award transfer credit to any student for credit awarded while a student attended an educational program administered by a state agency upon attestation of the chief administrator that the coursework meets state requirements).

144 Wash. Rev. Code Ann. § 28A.320.192(3) (West 2017).

145 An Act Relating to Public Schools; Requiring that Students who Complete Course Work Prior to Transferring to Another Public School Receive Credit for that Course Work even if a Grading Period has not Occurred, Laws 2017, ch. 53, sec. 1, ch. 85, sec. 1 (N.M. S.B. 341) (2019).

146 Id. See Memorandum from Katarina Sandoval, Deputy Sec’y & Gwen Perea-Warniment, Deputy Sec’y, State of N.M. Pub. Educ. Dep’t, Partial Credit for High School Courses for Students who Experience Disruption (Jul. 1, 2019) <https://webnew.ped.state.nm.us/wp-content/uploads/2019/06/Partial-Credit-for-High-School-Courses-for-Students-Who-Experience-Disruption.pdf>, for the resulting guidance.

147 An Act Relating to Public Schools, Laws 2017, ch. 53, sec. 1, ch. 85, sec. 1.

148 Cal. Educ. Code § 48645.5(b) (West 2017).

149 N.M. Stat. Ann. § 22-12A-14 (C) (West 2019).

150 Fla. Stat. Ann. § 1003.52 (West 2017).

151 Wash. Rev. Code Ann. § 28A.320.192(2) (West 2017).

152 Id. § 28A.320.192(2).

153 S.C. Code Ann. § 59-5-160 (A)(1) (2010). See also DC Code Ann. §38-781.02 (West 2014) (allowing principals to promote students even if they do not meet promotion requirements if they submit a written explanation justifying the decision); Ind. Code Ann. § 20-32-4-7 (West 2018) (allowing students to be exempted from Core 40 graduation requirements with permission from student’s parents if they would achieve greater educational benefit from a different curriculum); Va. Code Ann. §22.1-253.13:4 (West 2019) (allowing Board of Education to waive certain graduation requirements for good cause on a case-by-case basis).

154 S.C. Code Ann. § 59-5-160 (A)(1) (2010).

155 Juveniles for Justice & Youth Fostering Change, supra note 13, at 24.

156 This recommendation does not Seek to curtail the choice of students who would prefer to stay in high school longer to complete all district graduation requirements. If they are still eligible, some students may choose to remain in high school even upon completing minimum state graduation requirements to continue their education to the maximum age allowed by state or federal law and to participate in typical high school activities like sports or prom.

157 Me. Rev. Stat. Ann. tit. 20-A, §257-A (2014); See also Me. Rev. Stat. Ann. tit. 20-A, § 5164 (2014).

158 N.M. Stat. Ann. § 22-12A-14 (West 2019). See also Cal. Educ. Code. §48645.5 (West 2017) (authorizing diploma for student who completes statewide course requirements for graduation while attending a juvenile court school); N.J. Stat. Ann. § 18A:7C-4 (West 2019) (providing for state endorsed diplomas for those meeting state and local graduation requirements); 24 Pa. Stat. and Cons. Stat. Ann. §16-1613(d) (West 2001) (allowing Department of Education to issue a Commonwealth diploma to an individual in a State-operated juvenile or adult correctional facility if they have completed required curriculum); Tenn. Code Ann. §49-6-6001(j) (West 2018) (prohibiting local education agencies from requiring a student who transferred schools in the 11th or 12th grade to complete more than minimum state graduation requirements).

159 See, e.g., Wash. Rev. Code Ann. § 28A.320.192(5) (West 2017) (allowing students who transfers to a new school their junior or senior year to receive a diploma from the school they came from if they meet all the requirements of that school).

160 Data should be collected by individuals trained to respectfully ask questions about sexual orientation and gender identity, and that confidentiality is respected. The data should be aggregated anonymously and updated regularly. See Recommended Practices: To promote the safety and well-being of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth and youth at risk of or living with HIV in child welfare settings, Child Welfare League of America (2012).

161 2019 Conn. Pub. Acts No. 18-31.

162 See Ind. Dep’t of Educ., Transfer Report: Frequently Asked Questions (Updated January 31, 2018), <https://www.doe.in.gov/sites/default/files/accountability/transfer-report-faqs.pdf>; See also Data Exchange, Ind. Dep’t of Educ., <https://www.doe.in.gov/link/data-exchange> (last updated Nov. 19, 2019).

163 The Council of State Gov’ts Just. Ctr., supra note 33, at 13.

164 Juveniles for Justice & Youth Fostering Change, supra note 13, at 26.

165 Id.

166 Children’s Ombudsman Offices, Office of the Child Advocate, Nat’l Conf. of State Legis., <http://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx>.

167 See 34 C.F.R. §§ 300.151-300.153 (relating to adoption of State complaint procedures, minimum State complaint procedures, and filing a complaint).

168 La. Stat. Ann. § 17:10.9 (2016).

169 MD Code Ann., Educ. §§ 22-305 to 22-306 (West 2016).

170 2019 Conn. Pub. Acts No. 18-31, sec. 6(b) (“Not later than February 1, 2019, the Commissioner of Education shall provide information on progress made towards the development and implementation of the plan required under subsection (a) of this section to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a of the general statutes, and to the Juvenile Justice Policy and Oversight Committee established pursuant to section 46b-121n of the general statutes, as amended by this act.”).

171 92 Neb. Admin. Code, Ch. 18, § 008.

172 20 U.S.C.A. § 1415 (West 2005).

173 20 U.S.C.A. § 11432 (West 2016).

174 Juveniles for Justice & Youth Fostering Change, supra note 13 at 20–22.

175 Heather Griller Clark et al., NDTAC, Transition Toolkit 3.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System 14–22 (3rd ed. 2016), <https://neglected-delinquent.ed.gov/sites/default/files/NDTAC-TransitionToolkit30FINAL.pdf>

176 Participants were allowed to identify as more than one race; consequently, categories are not mutually exclusive.

# CREDITS & ACKNOWLEDGMENTS

.....  
**This report was written by:** Nadia Mozaffar and Kate Burdick, Juvenile Law Center; Maura McInerney and Kristina Moon, Education Law Center-PA; Katherine Dunn, Southern Poverty Law Center; and Stephanie C. Burke and Dr. Naomi E. Goldstein, Drexel University.

**Editorial direction was provided by:** Drexel University, Education Law Center-PA and Juvenile Law Center

**Editors:** Jamie Kizzire and Karl Kahler

**Designer:** Claudia Whitaker

.....

Thanks to the following:

The authors would first like to thank the Youth Advocates from Juveniles for Justice and Youth Fostering Change for sharing their stories and expertise on this issue. We are so grateful for your tenacity and the nuance and insight you have brought to these recommendations. Thanks, too, to Juvenile Law Center’s youth advocacy program managers Marcia Hopkins, Cathy Moffa, social work interns Raina Satija and Alicia Doorey, and Youth Advocate Fellow Shyara Hill, for their support and guidance.

Special thanks to Jake Sokolsky and Simon Gonsoulin of American Institutes for Research for providing National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth data disaggregated by detention and juvenile correctional settings, including critical technical assistance in understanding the data. You went above and beyond in providing technical assistance with this information.

Thank you to all the stakeholders who completed the survey, distributed the survey, and who spoke to the authors about their observations and recommendations. Thank you, Raúl Arroyo-Mendoza, Claire Blumenson, Woody Clift, David Domenici, Simon Gonsoulin, Marisa Mascolo Halm, Olivia McLaughlin, Jasmina Nogo, Kathleen Sande, Leon Smith, Diane Smith Howard, David Smokler, Julia Souza and Marlies Spanjaard for lending your expertise. Particular thanks go to Dawn Yuster for additional help with understanding New York City’s model.

The authors also express extreme gratitude to the staff and interns at Juvenile Law Center who assisted with the research, writing and editing of this report, including Jessica Feierman, Tiffany Faith, Katy Otto, Chelsea Lewis, Chloe Alvarado, Ariana Brill, Allen Heaston and Tilyn Bell, and former Education Law Center Policy Director Reynelle Brown Staley and interns Alex Bondy, Araesia King and Cary Zhang.

Many thanks also go to the law firm of Cooley LLP for providing essential pro bono statutory research.

This publication was made possible by a partnership grant from the Southern Poverty Law Center (SPLC) in support of the Legal Center for Youth Justice and Education — a national collaboration of the SPLC, Juvenile Law Center, Education Law Center-PA, and the American Bar Association Center on Children and the Law. Special thanks to Zoe Savitsky, Bacardi Jackson, Kathleen McNaught, Sneha Barve, Emily Peeler, and Kristin Kelly. The authors are humbled and grateful for this continuing support and partnership.

