



IMPROVING ACCESS TO CAREER
PATHWAYS FOR PHILADELPHIA'S
CHILD WELFARE AND JUVENILE
JUSTICE SYSTEM INVOLVED YOUTH

Juvenile
Law
Center

With Generous Support from The Lenfest Foundation



INTRODUCTION

One in five Philadelphia youth ages 16-24 are neither in school nor working – the biggest proportion in any major city in the northeast.¹ Nationally, the number of 16-19 year-olds in the workforce is at its lowest, having dropped 40% since 2000.² This has led to an increased focus on engaging these “disconnected youth” and supporting them on the path to a stable career.³ But youth in foster care and the juvenile justice system—young people who are among the most vulnerable—are often left out of the conversation. On any given day, over 14,000⁴ youth are involved in Pennsylvania’s child welfare system. Annually, over 25,000⁵ children receive delinquency adjudications. While in these systems and upon exit, these youth encounter additional hurdles to accessing job training programs and supportive services to prepare for employment. Disconnected youth are at a high risk of poor outcomes as adults, including incarceration, poverty, and unmet health needs.⁶ Moreover, our city misses out on the untapped potential these resilient, talented young people could bring to our workforce.

With the generous support of the Lenfest Foundation, Juvenile Law Center wrote this report to facilitate the expansion of access to career pathway supports for system-involved youth in Philadelphia by analyzing the barriers these youth encounter and offering policy recommendations for reform. Our recommendations are informed by an in-depth needs assessment of community stakeholders combined with our decades of experience working with these populations and review of legal context and best practices nationwide. We hope that this report will prompt a cross-disciplinary conversation about local strategies to implement, operationalize, and build upon these recommendations, so that *all* of Philadelphia’s young people can have a path to a meaningful career.

CHALLENGES FACING PHILADELPHIA'S SYSTEM-INVOLVED YOUTH

Frequent Placement Changes

Approximately one-third of Pennsylvania's foster youth have been in two or more placements.⁷ Many youth in the juvenile justice system also experience these disruptive changes – more than 2,700 Philadelphia youth are placed in juvenile facilities each year,⁸ and many more may spend time in residential treatment facilities or other non-secure placements.⁹ Research shows that, as children generally crave stability, disruption in placements can undermine their well-being and feelings of self-worth, leading to negative outcomes for these youth.¹⁰

Stigma of System Involvement

Children in foster care can be viewed as emotionally troubled "problem children," with many people perpetuating the myth that children are placed in care because they've done something wrong.¹¹ The stigma of juvenile justice involvement can be even more severe, with the label of "juvenile delinquents" following them into adulthood. This stigma can make youth hesitant to disclose foster or juvenile justice status unnecessarily.

Limited Access to the Community

When youth are placed in residential facilities, whether for treatment or following adjudication, they are removed from their home communities and lack access to family and other key support networks.

Lack of Supportive Adults

Youth exiting both the child welfare and juvenile justice systems need emotional support as they navigate the transition back to their community and into independent adulthood, yet too often these young people do not have consistent adults in their lives who can provide this support.¹²

High Rates of Disability

Youth with disabilities are overrepresented in both the child welfare and juvenile justice systems. Approximately "two-thirds of children in foster placement have mental and behavioral problems and estimates of developmental disorders range from 20% to 60%."¹³ In the juvenile justice system, "studies have found that 65-70 percent of youth in the justice system meet the criteria for a disability, a rate that is more than three times higher than that of the general population."¹⁴

THE PHILADELPHIA SERVICE LANDSCAPE

There are numerous agencies and organizations in Philadelphia that have the potential to support system-involved youth as they explore career pathways and gain job experience, including workforce development organizations, disability service systems, and secondary and higher education institutions. But the number of entities who touch system-involved youth can itself be a challenge – navigating these multiple systems can be complex, and the “silo effect” caused by lack of coordination among the various organizations involved in a youth’s care and development can lead to frustration and disengagement. Here is a snapshot of some of the many career pathways service providers in Philadelphia:

Stakeholders in the Philadelphia Landscape



ROADMAP FOR IMPROVED ACCESS TO CAREER PATHWAYS

Using the information we learned in our needs assessment, as well as our understanding of the service and legal landscape in Philadelphia, we have developed a set of recommendations to improve access to career pathways for system-involved youth. These recommendations fall within five core strategies, outlined below. We selected each of these strategies because they address areas of particular challenge for system-involved youth, and because they present new or dynamic areas for reform. Our hope is that the ideas and examples we highlight below inspire discussion and concrete action steps that can translate into meaningful change for Philadelphia youth.



ACCESSING VITAL DOCUMENTS AND EDUCATION RECORDS

THE PROBLEM

Vital documents – birth certificate, social security card, or state ID – are a necessary component of the hiring process and can be key to accessing supportive services and to getting work authorization through the school district. Yet for youth in foster care or the juvenile justice system, the simple step of showing an ID, verifying an address, or getting a parent’s signature can be a real barrier. A youth might miss an application window while waiting on her caseworker to track down the necessary documentation or a qualified applicant might fail to get his working papers due to confusion over who can sign the application. The additional hurdle of having to locate a birth certificate or request a state ID also discourages some youth from even beginning the application process.

Youth in care also may not have ready access to their education records, including transcripts, diplomas, and Individualized Education Plans (IEPs). These records demonstrate the prior coursework and experience the youth has; they prevent duplicative intake assessments; and they provide critical insights into the accommodations and specialized instruction youth with disabilities need to succeed. Access to a child’s special education documents and other education records can help service providers craft an individualized program that would better meet the learning needs of the youth, yet providers reported that they seldom receive these documents for youth in care. Poor access to records can lead to repetition or gaps in educational programs, which contributes to student disengagement; youth may become discouraged when their prior efforts don’t translate into academic or vocational progress.

RECOMMENDED SOLUTIONS

Adopt an “Electronic Backpack” to store documents for system-involved youth

One approach that other jurisdictions have taken to address the lack of access to records and vital documents is to design and implement an “electronic backpack” where youth can upload and securely store important life documents.⁴⁵ These cloud-based, electronic storage methods, which include a youth-friendly app or other interface, can allow youth to upload and access a wide range of information, including their employment documentation, social security card, birth certificate, education records, health records, and even personal items like pictures and records of their accomplishments. By allowing youth to take control of their own information and share it with others as appropriate, an electronic backpack can help avoid many of the pitfalls described above and can empower youth to take an active role in planning for their futures.

In some jurisdictions electronic backpack systems are designed to allow different service systems to share information. When information automatically populates into the app, the youth or caseworker can access it without having to find and upload a document. Because the information that is being uploaded is often governed by privacy laws, however, these programs can be more complicated to

My JumpVault is a web-based system for Florida foster youth that is youth driven and controlled. It allows youth, caseworkers, or caregivers to upload vital documents, court documents, health records, and personal information, giving them direct access and control over that information. It is paid for with state funding and was a collaboration between a non-profit organization and a design firm. <http://www.myjumpvault.org/>

HealthShack started as a way for at-risk youth to store personal health records, but it now includes a wide array of records, including birth certificates and school transcripts. It was designed in collaboration with a group of “Youth Ambassadors” who continue to assist with implementation, and it has been widely adopted, serving approximately 850 youth in Sacramento since 2009. <http://www.healthshack.info/>

design and generally require Memoranda of Understanding or other information-sharing agreements between agencies.¹⁶

Ensure that vital records and documents are in each foster youth's case file by age 16

Both federal and state law have existing provisions that prioritize foster youth access to their vital records and documents. Under the federal Preventing Sex Trafficking and Strengthening Families Act of 2014 (SFA), foster youth cannot age out of care without being given an official copy of their vital documents, including their birth certificate, social security card, and driver's license or state ID.¹⁷ This requirement is reinforced by Pennsylvania's dependency court rules and child welfare regulations, which provide that the court cannot terminate supervision of a child at age 18 or older without ensuring that all vital identification documents and records have been provided to the child.¹⁸

But none of these legal provisions specifies whether (and when) the child welfare agency is responsible for requesting and ensuring the presence of those documents in the youth's file, and how youth who are still in care can readily access them. State-level regulatory change could clarify these responsibilities, requiring the county agency to ensure that all relevant records are requested and placed in the youth's file no later than when the child reaches age 16.

Local policy and practice changes can also make a difference. Agencies or providers can amend transition planning protocols or case planning forms to include checklists on obtaining copies of vital records. Written protocols adopted by DHS and the CUAs can dictate how youth can request and access copies of their documents, with the expectation that requests are responded to promptly and with oversight to ensure the rules are followed. Regardless of the specific approach, the process should provide swift access to documents and records so that obtaining that information is not an additional barrier to employment.¹⁹

Provide guidance on how system-involved youth can obtain work permits

The Pennsylvania Child Labor Act requires that minors obtain work permits before starting employment.²⁰ School districts are responsible for issuing work permits, and the application for a work permit requires, among other things, the signature of the child's "parent or legal guardian"²¹ and proof of the child's age.²² Both of these requirements can be a challenge for system-involved youth, who may struggle to get the signature of their legal guardian or a copy of a document that can verify age. The school district, DHS, and the Department of Labor should work together to clarify what is required under the law and provide specific options for how system-involved youth can satisfy the requirements.

MEANINGFUL OPPORTUNITIES FOR CAREER AND TECHNICAL EDUCATION

THE PROBLEM

The Career and Technical Education (CTE) programs offered by the School District of Philadelphia (SDP) are a cornerstone of the career-focused educational opportunities available in Philadelphia. SDP currently offers more than 120 CTE programs in 31 different high schools, covering topics ranging from building and property maintenance to film production. These CTE programs aim to combine rigorous academic content standards with relevant career and technical content, allowing students to earn an industry-recognized credential or certificate in addition to a high school diploma.²³

The Pennsylvania Academic and Career/Technical Training Alliance (PACTT), now housed within the Pennsylvania Department of Human Services, helps juvenile justice facilities incorporate CTE programs and other employability-focused training into their programming.²⁴ The Juvenile Justice Services Center in Philadelphia also recently received a federal grant to offer a short-term CTE program for youth in secure detention, which is expected to serve more than 800 students over three years.²⁵

But there are still many barriers to meaningful access to CTE programs for youth in or returning from institutions:

Credit Transfer

Many students in PACTT-affiliated juvenile justice facilities earned CTE credits, but when the students left the facilities those credits were transferred as elective hours rather than CTE hours, preventing the students from continuing in CTE programs in community schools and earning an industry-recognized credential. Similar credit-transfer issues also exist for youth returning from facilities that are not PACTT affiliates, as well as for dependent youth returning from residential placements.

School Disruption Caused by Placement

Youth in placement not only miss out on CTE opportunities while they are in the facility, but they also struggle to access the programs once they are back in the community. Foster or juvenile justice-involved youth may miss enrollment windows during institutional placements. In some cases, youth may participate in a CTE program in a facility, but then return to a community school that lacks a similar program, resulting in an inability to complete the program. Youth who spend time in placement also often end up “under-credited,” which can prevent them from enrolling in a CTE program at their community school because the CTE program of study would restrict the types of credits they could earn and keep them from meeting graduation requirements.²⁶

Unavailability

Existing CTE programs in facilities reach only a small number of youth in institutional placements. Many juvenile justice facilities are not PACTT affiliates or have not developed CTE programs, and we are not aware of any private residential placements serving *dependent* youth in Philadelphia that offer such programs on-site.

RECOMMENDED SOLUTIONS

Avoid educational placements at on-grounds schools

The best way to ensure that youth residing in institutional placements have access to strong CTE programs is to allow them to attend school in the community. Keeping youth in community school would not limit youth to the CTE programs available in facilities and would avoid changes in school placement that produce credit transfer and other issues.

Foster youth have a number of legal protections to avoid unnecessary placements at on-grounds schools of residential treatment facilities. In addition to the “school stability” provisions of the Every Student Succeeds Act (ESSA) and the Fostering Connections Act,²⁷ which discourage changes in educational placements, state law and policy guidance require that children in residential treatment facilities attend school in the community whenever possible.²⁸ For students receiving special education, these requirements are further strengthened by the Individuals with Disabilities Education Act (IDEA), which mandates that they be educated in the least restrictive environment possible.²⁹

Agencies, providers, and advocates can take steps to ensure that these requirements are meaningful in practice. DHS and the CUAs can include specific language in provider contracts barring the “bundling” of education and other services to ensure youth are not placed in on-grounds schools as a default. Caseworkers and advocates can ensure that educational placements are discussed at each court hearing and that the court is aware whenever a child is attending an on-grounds school, and juvenile defenders can use special education law or educational stability arguments to advocate for alternatives to secure placement. By coordinating these efforts, and by embedding them in organizational policy or practice, stakeholders at every level can help expand youth access to strong career and technical education.

Facilitate CTE credit transfer and streamline school changes for system-involved youth

Despite the legal protections giving students placed in facilities the right to attend public school in the community, many system-involved youth still attend on-grounds schools while in placement. Because on-grounds schools often hold private academic school or approved private school licenses, the public schools to which these students return are not required to recognize the academic credit they earned at the on-campus school.³⁰

A change in the credit-transfer regulations or the adoption of proposed legislation promoting smooth transitions for youth who experience educational disruptions³¹ could greatly help youth who participate in CTE programs benefit from those experiences when they return to the community. But local policies and practices can also make a difference. For example, the school district, the juvenile probation office, and DHS (or PACTT, for facilities that are PACTT-affiliates) could develop a specific reentry protocol that addresses all CTE credit-related issues and connects youth who participated in a CTE program in a facility to a similar program in the community.³² Providers or facilities that offer CTE programs can also work with the local school district to design programs that will allow for credit transfer (for instance, ensuring that any mandatory teacher licensing requirements are satisfied). Even small steps, such as the school district asking about whether the youth participated in a career training program while in the facility, could help identify credit issues and connect a youth to an appropriate program in the community.

Expand CTE offerings within facilities

Through PACTT and the new short-term CTE program offered at the Juvenile Justice Services Center, more system-involved youth have access to CTE courses while they are in a residential

placement. But many youth still do not have these options available to them. By creatively designing CTE programs that are conducive to institutional placements – for instance, permitting youth to complete the program in a shorter period of time – facilities and their partners can offer more young people the chance to gain valuable job skills, exposure to a field, and an industry-recognized credential.

Federal law governing CTE programs encourages the creation of programs to meet the needs of system-involved youth.³³ While federal guidelines in the Perkins Act define how funds to support CTE programs can be used,³⁴ states have substantial latitude over their CTE programs' design and implementation.³⁵ Notably, federal funds can be used on non-traditional spending to assist "special populations" in accessing CTE programs.³⁶ The definition of "special populations" expressly includes foster children, and while justice-involved youth are not specifically mentioned, the statute includes "individuals from economically disadvantaged families," "individuals with disabilities," and "single parents," categories which include many youth in juvenile justice placements.³⁷ If a state designs a program to reduce barriers to CTE for one or more of these populations, it has the option to use Perkins funds for expenses like dependent care, tuition, transportation, or books and supplies, provided those expenditures are part of an approved state plan.³⁸

Other jurisdictions have used Perkins funds to offer CTE courses within juvenile justice facilities, and similar programs could be possible in dependent placements as well.

The **Virginia** Department of Juvenile Justice offers 36-week courses in 26 different trade areas, ranging from marketing to horticulture to barbering, in facilities throughout the state. More than 20% of youth in juvenile correctional centers complete a CTE course during their stay, and a 2013 study by the Virginia Department of Juvenile Justice showed that these youth "were rearrested and reconvicted at significantly lower rates than those who did not complete a CTE course."

SOURCE: Virginia Department of Juvenile Justice, *Recidivism Rates of Juvenile Correctional Center Educational Credential Earners and Career and Technical Education Class Completers* (May 2013) <http://www.djj.virginia.gov/pdf/admin/EducationRecidivism.pdf>; Virginia Department of Juvenile Justice, Data Resource Guide: Fiscal Year 2015, http://www.djj.virginia.gov/pdf/about-djj/DRG/FY2015_DRG.pdf.

Florida offers a broad array of CTE programs, which are tiered to accommodate different needs and lengths of stay. In 2013, almost 5,400 students participated in these programs, and, of those, 1,313 earned industry-recognized credentials.

SOURCE: Florida Department of Juvenile Justice, *Comprehensive Accountability Report: Education Services, 2013-14*, at 3-4, [http://www.djj.state.fl.us/docs/car-reports/\(2013-14-car\)-education-services--final-\(12-16-14\).pdf?sfvrsn=0](http://www.djj.state.fl.us/docs/car-reports/(2013-14-car)-education-services--final-(12-16-14).pdf?sfvrsn=0).

All schools in juvenile placements in **Ohio** offer Career Based Instruction, which includes 2 hours a day of job-related course work followed by a work experience on campus. The programs also include transition services that help youth build on these experiences when they return to the community. Youth can transfer to different facilities to access programs that match their interests.

SOURCE: Will Harrell, et al., *The Ohio Model: A Report on the Transformational Reform of the Ohio Department of Youth Services, 2007-2015* (Dec. 2015), <https://www.justice.gov/opa/file/799466/download>.

CONNECTIONS TO EMPLOYMENT SERVICES FOR YOUTH WITH DISABILITIES

THE PROBLEM

Disability advocates have made great strides in securing services to help people with disabilities prepare for employment, including programs through the Office of Vocational Rehabilitation (OVR) and transition services under the Individuals with Disabilities Education Act (IDEA). But youth in foster care or the juvenile justice system – a disproportionate number of whom have a mental, physical, or developmental disability³⁹ – often struggle to access or benefit from these programs to the same degree as their peers.

Common barriers to accessing OVR services include:

Confusion over which OVR office should serve a youth in placement: OVR services are provided through District Offices, and individuals must apply to the office that serves the county in which they reside. The frequent changes in placement experienced by system-involved youth sometimes create confusion about where they should apply, and youth who successfully access services may lose access when their placement changes.

Unfamiliarity with referral process and service options: OVR services require a referral, and there is often a lack of clarity about who is responsible for referring a youth to OVR, or when the referral should be made. Many child welfare and juvenile justice stakeholders are also simply unfamiliar with OVR and how it might be helpful.

Accessibility to youth in institutions: OVR services may not be available within a juvenile institution or residential treatment facility.

Lack of service coordination: Thoughtful and supportive use of OVR services requires collaboration among the school district, the child welfare agency, the juvenile justice system, and the local OVR office. In practice, however, collaboration among those agencies can be a challenge.

System-involved youth experience similar barriers to meaningful special education transition services. As is discussed in more depth below, students age 14 or older who have an Individualized Education Plan (“IEP”) are entitled under the IDEA to receive “transition services,” including services to meet the student’s employment goals, until they graduate from high school. This entitlement applies to youth in foster care or the juvenile justice system – including youth in institutional placements – but far too often these youth do not receive the robust and individualized services provided for under the law. The barriers to accessing these services include changes in placement (which can disrupt educational continuity in general) and unawareness by youth and system stakeholders about the services possible through an IEP.

RECOMMENDED SOLUTIONS

Facilitate greater access to OVR services – including Pre-Employment Transition Services – for system-involved youth

Now more than ever, OVR services have the potential to benefit youth in the child welfare or juvenile justice systems.⁴⁰ Although OVR services have theoretically always been available to youth, the Workforce Innovation and Opportunity Act (WIOA), passed in 2014,⁴¹ includes new mandates that emphasize the provision of services to youth.⁴² Under WIOA, OVR now must set aside 15% of its

federal funds to provide services to youth.⁴³ More specifically, the agency must use that money to offer a new category of OVR services – “Pre-Employment Transition Services” – to “students with disabilities” who are “eligible or potentially eligible” for OVR services.⁴⁴ By including “potentially eligible” students, the Act broadens not only the types of services offered, but also the population of youth who can receive those services.⁴⁵

Pennsylvania is currently in the process of developing and rolling out the new “pre-employment transition services” required under WIOA. Those services fall in five primary categories required by the statute:

Job exploration counseling (e.g., group classes on in-demand industry sectors, or one-on-one career pathways counseling)

Work-based learning experiences (e.g., informational interviews with employers, work site tours, or even paid internships)

Counseling on post-secondary programs (e.g., academic advising or assistance with college applications or the FAFSA)

Workplace readiness training (e.g., group soft skills trainings or resume building)

Instruction in self-advocacy (e.g., how to request accommodations, or peer mentoring opportunities)⁴⁶

These new services and spending requirements offer tremendous opportunities for system-involved youth, who could greatly benefit from the type of job skill-building and work experience activities included within “pre-employment transition services.”

There are many potential ways that local Philadelphia agencies could partner with OVR to expand access to these services and break down some of the barriers described above. Some possible ideas include:

Creating an inter-agency MOU between DHS and OVR that creates a clear process for identification, referral, and service provision for system-involved youth.

Partnering to offer a pre-employment transition services program specifically for foster or juvenile justice-involved youth, perhaps by working to offer a program within a facility.

Incorporating OVR referrals into DHS’s transition planning and reentry processes, and training staff on the services available and how to access them.

Adopt policies and practices to improve IEP Transition Planning for system-involved youth

Transition services available through the special education system are another underutilized source of employment services. Under the Individuals with Disabilities Education Act (IDEA) and state law, beginning at age 14 a student’s IEP must include an employment goal based upon meaningful, individualized assessment of the student’s strengths and interests.⁴⁷ The school district must then provide “transition services” to help the youth meet that goal as part of the student’s IEP.⁴⁸ These “transition services” can be an extremely valuable resource for system-involved youth, as they can include a diverse array of different activities, such as job shadowing, internship opportunities, referral to OVR, instruction in specific subjects, and much more.⁴⁹ In order to guarantee access to these and other services, the IDEA requires that school districts ensure that children in need of special education have an active engaged parent or other authorized adult to make special education decisions.⁵⁰

DHS, SDP, and other partners could take a number of steps to improve access to strong transition services for foster and juvenile justice-involved youth. Some possible ideas include:

Creating a detailed protocol for ensuring that each youth in DHS care – both foster youth and youth in the juvenile justice system – has an authorized person making decisions regarding the youth’s education.

Aligning child welfare transition planning and juvenile justice reentry planning services with the IEP transition planning process.

Utilizing tools and trainings to help child welfare and juvenile justice stakeholders better understand and advocate strong transition services under the IDEA. (For an example of a possible tool, see the attached toolkit developed by Juvenile Law Center, Education Law Center, and Disability Rights Pennsylvania.)

WORK EXPERIENCES IN INSTITUTIONAL PLACEMENTS

THE PROBLEM

In addition to formal education and training programs, on-the-job experience is a primary avenue to attaining a family-sustaining career.⁵¹ Half of the children entering grade school today will likely end up working in careers that haven't been invented yet.⁵² Therefore, to prepare youth for careers of the future they must gain exposure to multiple industries through actual work experience. Internship programs and paid work opportunities – where youth can learn job skills in a real workplace – help young people learn a trade while receiving necessary support.

Although finding work opportunities can be a challenge for any youth, accessing meaningful job experiences is particularly challenging, yet critical, for youth who have spent time in institutional placements.⁵³ At many placement facilities, employment opportunities are limited to just a few on-site activities, such as working in the cafeteria, performing janitorial tasks, or landscaping. These limited positions may not match a particular youth's strengths or interests, and may not teach meaningful job skills that are transferrable to work outside the facility. Even off-site positions may be substantially limited in scope. Many juvenile detention centers and other residential placements are in rural areas where employment or training opportunities may include only a few local industries. Youth in institutions also encounter barriers to securing off-site work. Youth placed in juvenile justice settings are often restricted from the community entirely, and dependent youth in residential treatment programs may be denied community-based work experiences due to treatment concerns or logistical barriers, such as securing transportation to and from a job.

RECOMMENDED SOLUTIONS

Improve access to work experiences in the community during institutional placements

Work experiences in the community that provide youth a workplace experience in the context of a real job offer the most meaningful career exposure and job skills training. Even when placed in institutional settings, both dependent and delinquent youth can have these opportunities; in fact, the law supports providing access to the community whenever possible. For foster youth, federal child welfare law requires that states have a case review system to ensure that each youth has a "case plan designed to achieve placement in a safe setting that is the least restrictive (most family like) and most appropriate setting available" that is consistent with the youth's best interests and meets the youth's special needs.⁵⁴ A residential treatment facility or other institutional setting, while highly restrictive, is made less so if a youth has regular, meaningful access to the community for work.

For youth in the juvenile justice system, safety concerns often prompt significant restrictions on community access, but there is again legal support for allowing youth in placement to work in the community. One express purpose of the Juvenile Act is "development of competencies to enable children to become responsible and productive members of the community,"⁵⁵ and the state must use "the least restrictive intervention that is consistent with the protection of the community, the imposition of accountability for offenses committed and the rehabilitation, supervision and treatment needs of the child."⁵⁶ As in the child welfare context, a residential placement that permits certain community exposure – particularly for a competency-building activity like employment – is a "less restrictive" alternative that could be appropriate in particular cases.

Juvenile defenders and child advocates can use these laws to advocate for “partial step-downs” from institutional placements for the purpose of employment or job exposure. Other stakeholders can also play a role in expanding these opportunities: probation departments can work with facilities and local industries to identify opportunities; child welfare agencies and health care providers can join forces to ensure that youth with mental health or other disability concerns have the support needed to succeed outside of an institutional setting; and judges can be receptive to and encourage creative notions of what constitutes a “less restrictive alternative.”

Offer internships or paid work experiences to youth on-site in a facility

When community work is unavailable, work experiences on-site in a facility can provide valuable opportunities for youth as well, provided they are meaningful jobs that allow youth to explore their interests and learn transferrable job skills in a supported way. Paid work programs can be particularly valuable, in every sense of the word; they often provide more of a real-world experience for youth, and they allow youth to save money and practice budgeting skills.⁵⁷

There are several different ways that work experiences in facilities can be structured. First, a partnering industry or the facility itself could offer youth paid, part-time positions within the institution. For instance, the facility could hire youth to help with HVAC system maintenance, or a local graphic design business could hire youth to do small design tasks remotely from a computer in the facility. In examples like these, the youth would likely be a paid employee performing job responsibilities for an employer, which means that labor laws under the Fair Labor Standards Act (FLSA) – such as the minimum wage – would apply.⁵⁸

Students at the **New Beginnings Youth Development Center**, a secure residential treatment facility in Washington, D.C., have the opportunity to participate in “Career Institutes,” where they “learn marketable skills, get real work experience, and earn money.” The Center offers the courses with the support of the See Forever Foundation.

<http://www.seeforever.org/career-institutes-a-chance-to-work-earn-and-save/>

Job experience can also be built into training or rehabilitative programs, commonly in the form of internship programs.⁵⁹ Employers, including for-profit employers, can offer such programs without triggering the FLSA’s requirements if they meet the following criteria:

1. The internship is “similar to training which would be given in an educational environment”;
2. The position is for the benefit of the intern;
3. The intern does not displace regular employees;
4. The employer “derives no immediate advantage from the activities of the intern”;
5. The intern is not necessarily entitled to a job at the conclusion of the program; and
6. The employer and the intern understand that the intern is not entitled to wages.⁶⁰

It is possible to offer a stipend or other financial benefit to an intern and still meet these requirements; however, compensation could suggest that the position is not “for the benefit of the intern,” so employers would need to consult with their legal counsel to determine whether it will trigger FLSA’s requirements. One way to offer small financial compensation for job exposure as part of an overall training program is to have a separate organization – not the “employer” – provide the stipend, as it would be clearer in that situation that the opportunity is for the benefit of the intern. Additionally, non-profit organizations can offer unpaid “volunteer” positions, but volunteers expressly cannot be provided compensation beyond “nominal” amounts.⁶¹

FEWER COLLATERAL CONSEQUENCES FOR YOUTH WITH RECORDS

THE PROBLEM

The negative consequences of juvenile records have been well documented around the country,⁶² and our needs assessment showed that Philadelphia is no exception. Indeed, the difficulty securing employment posed by juvenile or criminal records was the single most frequently raised issue by stakeholders and service providers across the city.

Several groups we met with noted that some employers are willing to hire disconnected youth in general, but will not consider youth with records. For example, the Philadelphia International Airport plans to hire many young people for its expansion project, but will not accept applications from those with records. One provider said the similar things about Starbucks – that the coffee chain is willing to hire youth from disadvantaged backgrounds and does not systematically exclude youth with records, but in practice those youth face a much more difficult path.

In addition to the general unwillingness of particular employers to take a chance on a youth with a record, stakeholders reported the following specific barriers posed by a juvenile or criminal record:

SEPTA has an aging workforce and needs a new crop of younger employees, but they require that all of their employees – not just drivers – have a driver's license and a year of clean driving history. Many juvenile adjudications result in a driver's license suspension, which would make a youth ineligible for any SEPTA position.

Health care is a growing field with lots of jobs overall, but the effect of a record in that industry is particularly damaging. Many providers reported advising youth with juvenile or criminal records not to enter training programs in the health care sector because they would be unlikely to obtain employment in that field. The same can be true for child development jobs, and even for customer service positions.

Some unions can be hesitant to admit or work with youth with criminal or juvenile records, which can limit their access to certain fields.

RECOMMENDED SOLUTIONS

Amend state law to increase confidentiality and automatic expungement

To increase confidentiality protections for juvenile records, state legislation can be amended so that no juvenile record is publicly accessible. Records of felony offenses for children age 14 and over are publicly available and certain felony offense records are publicly available when the child is 12 or 13 years old.⁶³ When a record is publicly available, the offense will also appear on a Pennsylvania State Police background check.

For some youth with juvenile records, expungement is a viable option to have their records erased and no longer accessible by potential employers. The vast majority of juvenile offenses are eligible for expungement in Pennsylvania, but they can only be expunged after a youth files a petition; there are no automatic mechanisms in place to expunge juvenile records.⁶⁴ The process to apply for expungement can be costly, especially if the assistance of an attorney is required. State law can be amended to allow for a more automatic process where the youth need not hire an attorney or file a petition seeking expungement. Changes in local practice can also streamline the expungement process by implementing an administrative expungement process by agreement of the district attorneys, public defenders and probation department. If all parties can agree to expungement of certain types of

cases, e.g., dismissed cases, consent decrees, diversions, and other non-adjudications, then the probation department can generate a list of cases to be expunged and the clerk of court can effectuate the expungements.

Amend licensing guidelines to explicitly exempt juvenile records from barring licensure.

Under Pennsylvania law, a delinquency adjudication is not a criminal conviction.⁶⁵ However, records of juvenile offenses are routinely treated the same as adult criminal convictions. A delinquency adjudication “does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.”⁶⁶ Employers, however, are not barred from considering delinquency adjudications. Pennsylvania law states that with respect to adult convictions, records may be considered by an employer to the extent that they relate to qualifications for the position.⁶⁷ Certain licensing requirements for jobs, including cosmetology, home health care, and other professions disqualify individuals with criminal records. As these provisions only reference criminal convictions, records of juvenile adjudications should not disqualify any individual from obtaining licensing or employment in these positions. That said, employers nevertheless hesitate in hiring individuals with records. To address this among certain professions that require professional licensure, licensing guidelines for home health care and other trades can explicitly exempt juvenile adjudications.

Amend the Philadelphia Ban the Box law to explicitly provide that employers should not consider juvenile adjudications in applications

Philadelphia’s Ban the Box law has narrowed employers’ ability to consider criminal convictions. Philadelphia employers are prohibited from asking any questions about criminal records or convictions on job applications. Employers may only run a criminal background check after making a conditional offer of employment and may not reject applicants unless the employer concludes that the person would be an unacceptable risk to the business or to other people. Although this new law provides candidates with criminal records far more opportunity to be hired, it does not directly speak to records of juvenile adjudications. While it may be true that juvenile adjudications are not equivalent to criminal convictions, the language of the Philadelphia law does not specifically prohibit employers from considering juvenile adjudications.

ENDNOTES

- ¹ Malcolm Burnley, *107,000 Teens and Adults with Nothing To Do*, PHILADELPHIA MAGAZINE (Jun. 17, 2015), <http://www.phillymag.com/citified/2015/06/17/youth-employment-youth-enrollment/>.
- ² Patricia Cohen & Ron Leiber, *It's Summer, but Where are the Teenage Workers?*, N.Y. TIMES (Jul. 4, 2015) at B1, available at <http://www.nytimes.com/2015/07/04/your-money/its-summer-but-where-are-the-teenage-workers.html>.
- ³ See, e.g., THE ASPEN INSTITUTE, *What Does it Take to Re-Engage Disconnected Youth* (Oct. 23, 2014), <https://www.aspeninstitute.org/blog-posts/what-does-it-take-to-reengage-disconnected-youth/>; ANNIE E. CASEY FOUNDATION, *KIDS COUNT Indicator Brief: Reducing the Number of Disconnected Youth* (2009), http://www.aecf.org/m/resourcedoc/AECF-KCDisconnected_youth-2009.pdf; Jairus Carter, CORPORATION FOR NATIONAL & COMMUNITY SERVICE, National Service Blog, *Engaging Disconnected Youth: A Relevant Perspective*, <https://www.serve.gov/servegov-blog-article/engaging-disconnected-youth-relevant-perspective>, (last updated Jan. 25, 2017).
- ⁴ ANNIE E. CASEY FOUNDATION, *KIDS COUNT data center* (last updated 2014), <http://datacenter.kidscount.org/data/tables/8561-foster-care--september-30-snapshot-by-age-group?loc=40&loct=2#detailed/2/any/false/573,869,36,868,867/126,387,1510,4571,390,391,182,4572,4573,4574/17264,17265>
- ⁵ ANNIE E. CASEY FOUNDATION, *KIDS COUNT data center* (last updated 2014), <http://datacenter.kidscount.org/data/tables/2781-juvenile-justice--number-of-children-and-youth-having-a-juvenile-court-delinquency-disposition-by-age?loc=40&loct=2#detailed/2/any/false/869,36,868,867,133/214,393,391,182,215/9462>.
- ⁶ ELIZABETH C. HAIR ET AL., *Youth Who Are "Disconnected" and Those Who Then Reconnect: Assessing the Influence of Family, Programs, Peers and Communities*, CHILD TRENDS RESEARCH BRIEF (Jul. 2009), available at <https://www.childtrends.org/wp-content/uploads/2013/04/8.pdf>.
- ⁷ ANNIE E. CASEY FOUNDATION, *KIDS COUNT data center* (last updated 2014), <http://datacenter.kidscount.org/data/tables/8823-children-in-foster-care-with-more-than-two-placements-by-race-and-hispanic-origin?loc=40&loct=2#detailed/2/40/false/573,869,36,868,867/2638,2601,2600,2598,2603,2597,2602,1353/17682,17683>.
- ⁸ ANNIE E. CASEY FOUNDATION, *KIDS COUNT data center* (last updated 2014), <http://datacenter.kidscount.org/data/tables/42-youth-residing-in-juvenile-detention-correctional-and-or-residential-facilities?loc=40&loct=2#detailed/2/40/false/36,867,133,18,17/any/319,17599>.
- ⁹ See SARAH HOCKENBERRY, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, *Juveniles in Residential Placement*, 2013 (May 2016), at 2, 5, available at <https://www.ojjdp.gov/pubs/249507.pdf>.
- ¹⁰ SOCIAL CARE INSTITUTE FOR EXCELLENCE, *Placement Stability*, in SCIE GUIDE 7: FOSTERING (Nov. 2004), available at <http://www.scie.org.uk/publications/guides/guide07/placement/placement/>.
- ¹¹ National Council for Adoption, *Breaking Down the Stigma of Foster Care Adoption*, NATIONAL COUNCIL FOR ADOPTION BLOG, May 5, 2016, <https://www.adoptioncouncil.org/blog/2016/05/breaking-down-the-stigma-of-foster-care-adoption>.
- ¹² YOUTH.GOV, *Youth Briefs: Young Adults Formerly in Foster Care: Challenges & Solutions*, <http://youth.gov/youth-briefs/foster-care-youth-brief/challenges> ("Permanent relationships with positive adults

are a powerful protective factor against negative outcomes and can provide critical support to youth as they transition to adulthood.”).

¹³ Stephanie A. Deutsch, et al., *Mental Health, Behavioral and Developmental Issues for Youth in Foster Care*, 45 CURRENT PROBS. PEDIATRIC ADOLESCENT HEALTH CARE 292, 292-94 (2015).

¹⁴ NATIONAL DISABILITY RIGHTS NETWORK, ORPHANAGES, TRAINING SCHOOLS, REFORM SCHOOLS AND NOW THIS? RECOMMENDATIONS TO PREVENT DISPROPORTIONATE PLACEMENT AND INADEQUATE TREATMENT OF CHILDREN WITH DISABILITIES IN THE JUVENILE JUSTICE SYSTEM 7 (2015), available at http://www.ndrn.org/images/Documents/Issues/Juvenile_Justice/NDRN_-_Juvenile_Justice_Report.pdf.

¹⁵ KOREY CAPOZZA ET. AL, THE CHILDREN’S PARTNERSHIP, ENGAGING FOSTER YOUTH AND FOSTER PARENTS IN ELECTRONIC RECORDS INITIATIVES: LESSONS LEARNED (May 2016), available at http://www.childrenpartnership.org/wp-content/uploads/2016/06/Foster-Youth-and-Parents-E-Records-Lessons-Learned_2016.pdf (providing additional information about the “electronic backpack” concept and tips for successful implementation); see also, ZERO DIVIDE, MOBILE 4 IMPACT SERIES, THE ELECTRONIC BACKPACK SUPPLEMENT (Mar. 2015), available at https://www.sierrahealth.org/assets/PYJI/ZeroDivide_Electronic_Backpack_Guide.pdf (describing examples and application to cross-over youth).

¹⁶ LEGAL CENTER FOR FOSTER CARE AND EDUCATION, EDUCATION RECORDS OF CHILDREN IN FOSTER CARE (Oct. 2013), <http://childwelfareparc.org/education-records-of-children-in-foster-care/> (explaining information-sharing laws governing education records and how they affect youth in foster care); see also CATHERINE FEELEY & JESSICA FEIERMAN, JUVENILE LAW CENTER, UNDERSTANDING FERPA: SHARING EDUCATION RECORDS OF CHILDREN IN THE JUVENILE JUSTICE SYSTEM (2014), available at http://jlc.org/sites/default/files/publication_pdfs/Understanding-FERPA-2-2015-FINAL.pdf.

¹⁷ Pub. L. No. 113-183 § 114, codified at 42 U.S.C. § 675(5)(I).

¹⁸ Pa. Juv. Dependency Ct. Rule 1631(E)(2)(g); 55 Pa. Code § 3130.45 (“Permanent documents, such as birth certificates, immunization and health records, education records and legal documents” shall be provided upon a child’s discharge from the child welfare system).

¹⁹ State and federal law reinforce that child welfare agencies have an obligation to ensure that logistical issues – like access to vital documents – are not barriers to age-appropriate employment opportunities. For instance, both the SFA and Pennsylvania’s Act 75 of 2015 require child welfare agencies to provide children in out-of-home care with opportunities to engage in activities that prepare them for adulthood, including employment opportunities. See Strengthening Families Act (SFA), Pub. L. No. 113-183, § 111; Pa. Pub. L. No. 440 § 6(5); see also JENNIFER POKEMPNER, JUVENILE LAW CENTER, PROMOTING NORMALCY FOR CHILDREN AND YOUTH IN FOSTER CARE (May 2015) available at http://jlc.org/sites/default/files/publication_pdfs/JLC-NormalcyGuide-2015FINAL.pdf. State law also provides that foster youth have the right to “[t]he opportunity to work and develop job skills at an age-appropriate level.” 11 P.S. § 2633 (establishing the rights of children in foster care).

²⁰ SCHOOL DISTRICT OF PHILADELPHIA, OFFICE OF CAREER AND TECHNICAL EDUCATION, OFFICE OF COLLEGE AND CAREER READINESS, <http://webgui.phila.k12.pa.us/offices/c/cte/working-papers/working-papers-faqs> (information on the requirements for working papers).

²¹ 43 P.S. § 40.9(b)(1) (the parent or legal guardian does not need to appear in person before the issuing officer); see PENNSYLVANIA DEPARTMENT OF EDUCATION, CHILD LABOR LAW, <http://www.education.pa.gov/Pages/Codes%20and%20Regulations/Child-Labor-Law.aspx#tab-1>.

If a child is under age 16, the employer must also obtain the parent or legal guardian’s signed acknowledgment of the child’s duties and hours of employment. See PA. DEPT. OF LABOR & INDUSTRY, PARENTAL ACKNOWLEDGEMENT OF MINOR’S DUTIES & HOURS OF EMPLOYMENT, <http://www.dli.pa.gov/Individuals/Labor-Management->

[Relations/llc/Documents/LLC-75.pdf](#). If the parent or guardian is not able to sign the application, then the youth may execute a statement before a notary public attesting to the accuracy of the application. 43 P.S. § 40.9(b)(1)(i)(B). No signature is required if the youth has graduated from high school, although in that circumstance proof of graduation is required. 43 P.S. § 40.9(b)(1)(ii).

²² 43 P.S. § 40.9(b)(1). The law provides several different forms of acceptable proof of age, including a state ID, birth certificate or baptism certificate, a passport, a certified documentary record (other than an education records), or a signed statement from a medical provider. 43 P.S. § 40.9(b)(1)(iii).

²³ Approximately 6,000 students are currently enrolled in CTE programs in Philadelphia. SDP is hoping to double that number, and to improve access to CTE programs for all students, including “English Language Learners, Special Education, and returning, overage and adjudicated students.” For more information on SDP’s strategic plan, see THE SCHOOL DISTRICT OF PHILADELPHIA OFFICE OF THE CHIEF ACADEMIC OFFICER, CAREER AND TECHNICAL EDUCATION FIVE-YEAR STRATEGIC PLAN, SEPT. 2012-JUNE 2017, available at http://webgui.phila.k12.pa.us/uploads/xp/tW/xptWmaeGUuXRQNZL2SwUiw/cte_strategic_plan_adopted_src_2013.pdf. A 2014 evaluation report suggests that students in CTE programs perform as well as their peers on tests and are more likely to graduate. See CAREER AND TECHNICAL EDUCATION PROGRAM EVALUATION REPORT (2014), available at http://webgui.phila.k12.pa.us/uploads/wW/E-/wWE-SnLSP7Oyle-jPmWjKA/CTE_-_Annual_FINAL_Feb_6_2015.pdf. The report also suggests that the “achievement gap” between minority students and white students is significantly less in CTE programs than in the general high school population. For more information on Philadelphia’s CTE programs, see Gillian B. White, *A High School Where College Is Not the Goal*, THE ATLANTIC (Sep. 24, 2015), <https://www.theatlantic.com/business/archive/2015/09/vocational-education-high-school-philadelphia/407212/>.

²⁴ PACTT “affiliates” – the facilities that participate in the PACTT Alliance – work to offer CTE opportunities based on demand for work in the geographic areas where youth will return after placement, and PACTT supports those efforts by setting base requirements for programs and helping facilities partner with other organizations to offer industry-recognized credentials. See MODELS FOR CHANGE: SYSTEMS REFORM IN JUVENILE JUSTICE, BUILDING BRIGHTER FUTURE: TOOLS FOR IMPROVING ACADEMIC AND CAREER/TECHNICAL EDUCATION IN THE JUVENILE JUSTICE SYSTEM: A PENNSYLVANIA EXAMPLE (April 2015), available at http://jlc.org/sites/default/files/publication_pdfs/Building-Better-Future-PACTT-Toolkit-4.2015.pdf. The intent is that these facilities are able to offer high-quality CTE programs and that students are able to use those programs to facilitate successful transitions back to their home communities. For additional background on PACTT, see PACTT Alliance, *About Us*, <http://www.pactt-alliance.org/Pages/About-Us.aspx>.

²⁵ Martha Woodall, *Philly District Wins Grant to Train Youths In Juvenile Facilities*, PHILADELPHIA MAGAZINE (May 5, 2016) http://www.philly.com/philly/education/20160505_Philly_district_wins_federal_grant_to_train_youth_in_juvenile_facilities.html. The program is part of a national initiative called the Juvenile Justice Reentry Education Program: Opening Doors to College and Careers through Career and Technical Education (JJ-REP). See Perkins Collaborative Resource Network, *Juvenile Justice Reentry Education Program*, <http://cte.ed.gov/initiatives/juvenile-justice-reentry-education-program>.

²⁶ Most of SDP’s CTE programs are 3 years long, and they require 1,080 hours of instruction in the specific CTE program of study. These requirements help ensure that the programs are robust and produce industry-recognized credentials, but they also make it challenging for students to complete these requirements and also earn the basic education credits needed to graduate.

²⁷ For an overview of the educational stability provisions of these statutes, see Child Welfare Information Gateway, *Education Stability for Children and Youth in Foster Care*, available at <https://www.childwelfare.gov/topics/systemwide/service-array/education-services/meeting-needs/educational->

[stability/](#). For information about ESSA's juvenile justice provisions, see JUVENILE LAW CENTER, WHAT THE "EVERY STUDENT SUCCEEDS ACT" MEANS FOR YOUTH IN AND RETURNING FROM THE JUVENILE JUSTICE SYSTEM (Jan. 2016), available at http://jlc.org/sites/default/files/ESSAJJ_Factsheet_FinalWebinarVersion_Jan262016.pdf.

²⁸ 24 P.S. § 13-1306; see also Pennsylvania Department of Education, Basic Education Curricular, Educational Programs for Students in 'Non-Educational' Placements (Sep. 1, 1997), available at <http://www.education.pa.gov/Documents/Codes%20and%20Regulations/Basic%20Education%20Circulars/PA%20Code/Educational%20Programs%20for%20Students%20in%20Non-Educational%20Placements.pdf>; Pennsylvania Department of Public Welfare, Bulletin OMHSAS-10-02, Educational Portions of 'Non-Educational' Residential Placement (Jan. 4, 2010), available at http://stoneleighfoundation.org/sites/default/files/DPW%20Bullentin%20Educational%20Portions%20of%20Non-Educational%20Residential%20Placements_o.pdf.

²⁹ See 34 C.F.R. §§ 300.114-300.118 (Children with disabilities must be educated with children who are nondisabled to the maximum extent appropriate).

³⁰ See 22 Pa. Code § 4.74 (Pennsylvania regulations require that all public schools accept academic credits earned at other public schools).

³¹ See House Bill 1828 (2015), available at <http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2015&ind=0&body=H&type=B&BN=1828>.

³² See EDUCATION LAW CENTER PA, EDUCATIONAL AFTERCARE & REINTEGRATION TOOLKIT FOR JUVENILE JUSTICE PROFESSIONALS (2009), available at http://www.elc-pa.org/wp-content/uploads/2013/08/schooltoprison_juvenilejusticetoolkit.pdf. There are several helpful resources addressing broader education reentry issues that already exist and could serve as a model for a more specific CTE protocol. See NATIONAL CENTER FOR JUVENILE JUSTICE, BUILDING PENNSYLVANIA'S COMPREHENSIVE AFTERCARE MODEL: PROBATION CASE MANAGEMENT ESSENTIALS FOR YOUTH IN PLACEMENT (2008), available at <http://www.pccd.pa.gov/Juvenile-Justice/Documents/Probation%20Case%20Management%20Essentials.pdf>. See also JOINT POLICY STATEMENT ON AFTERCARE: COMMONWEALTH OF PENNSYLVANIA (2004), available at <http://www.modelsforchange.net/publications/153>; U.S. DEPT. OF EDUCATION, REENTRY EDUCATION TOOLKIT (2016) <https://lincs.ed.gov/reentryed/>.

³³ CTE programs are made possible by the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, which provides for the creation and funding of CTE programs in high schools and postsecondary programs. Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins Act), Pub. L. No. 109-270, (2006).

³⁴ For instance, program funds cannot be used for instruction in remedial classes, but they can be used for mentoring and support services, including tutoring. Perkins Act §§ 3(31), 135(c)(6).

³⁵ Pennsylvania regulation sets statewide standards for its CTE programs and requires local districts to develop local plans for the use of Perkins Act funding. These standards and requirements include the number of hours of instruction required for CTE programs of different lengths, 22 Pa. Code § 339.22(a)(9), and teacher certification standards, 22 Pa. Code §§ 49.141-49.143.

³⁶ Perkins Act § 3(29).

³⁷ Perkins Act §§ 124(b)(8), 135(c)(4).

³⁸ Perkins Act § 135(C).

³⁹ See *supra* notes 12 & 13.

⁴⁰ Pennsylvania's Office of Vocational Rehabilitation is the federally mandated agency that provides services to help people with disabilities prepare for, obtain and maintain employment. To be eligible for services, an individual must have a disability that impacts the ability to prepare for, get, or keep a job, and must be able to benefit from the services OVR offers. Those services include diagnostic services, vocational evaluation, counseling, training, assistive technology, support services, and much more, and they are provided in accordance with an "individualized plan for employment" developed for each eligible individual. For more information on Pennsylvania OVR, see Pa. Dept. of Labor & Industry, *Vocational Rehabilitation Services*, <http://www.dli.pa.gov/Individuals/Disability-Services/ovr/Pages/default.aspx>.

⁴¹ For an overview of the key provisions of WIOA, see KISHA BIRD, ET AL., *NEW OPPORTUNITIES TO IMPROVE ECONOMIC AND CAREER SUCCESS FOR LOW-INCOME YOUTH AND ADULTS: KEY PROVISIONS OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)* (Sept. 2014), available at <http://www.clasp.org/resources-and-publications/publication-1/KeyProvisionsofWIOA-Final.pdf>.

⁴² The youth-focused provisions of WIOA are not limited to vocational rehabilitation. For a summary of all the youth programs under WIOA, see DEPT. OF LABOR, *THE WORKFORCE INNOVATION AND OPPORTUNITY ACT FACT SHEET: YOUTH PROGRAM*, available at https://www.doleta.gov/wioa/Docs/WIOA_YouthProgram_FactSheet.pdf.

⁴³ Workforce Innovation and Opportunity Act (WIOA), Pub. L. No. 113-128, §§ 110(d), 361.48(a).

⁴⁴ WIOA §§ 113(b), 361.48(a).

⁴⁵ See 81 Fed. Reg. 55,631 (Aug. 19, 2016) (taking "the broadest legally supportable interpretation" of the law).

⁴⁶ WIOA §§ 113(b), 361.48(a). In addition to these activities, OVR is also required to engage in "coordination" activities with other agencies to offer these services, which specifically includes activities like attending a student's IEP meeting or working with local workforce development boards or other entities to develop work opportunities for students with disabilities. *Id.* §§ 113(d), 361.48(a)(3).

⁴⁷ 20 U.S.C. § 1414(d)(1)(A)(i)(VIII); 22 Pa. Code § 14.131.

⁴⁸ 20 U.S.C. § 1414(d)(1)(A)(i)(VIII). Child welfare law parallels these requirements, although it applies only to youth in the child welfare system. The federal Fostering Connections Act requires that, before being discharged from the child welfare system at age 18 or older, a youth must have a transition plan in place that addresses several specific areas, including "work force supports and employment services." 42 U.S.C. § 675(5)(H). That requirement is further defined in Pennsylvania's Juvenile Court Rules, which provide that, before terminating supervision of a youth who is 18 or older, the court must approve a transition plan that includes "the specific plans for pursuing educational and vocational training goals." Pa. Juv. Dependency Ct. Rule 1631(E). Services to prepare for the transition to adulthood must now be offered beginning at age 14. Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 113. To facilitate in providing these services, the court must specifically determine the services needed to help the youth prepare for adulthood, including "the job readiness services that have been provided to the child," at each permanency hearing after a youth turns 16. Pa. Juv. Dependency Ct. Rule 1608(D).

⁴⁹ 34 C.F.R. § 300.43. For more information on different possible transition services, see Center for Parent Information & Resources, *Transition to Adulthood*, June 2016, <http://www.parentcenterhub.org/repository/transitionadult/>.

⁵⁰ See 34 C.F.R. § 300.30(a) (defining a parent under the IDEA); *id.* § 300.519 (regarding surrogate parents under the IDEA); see also LEGAL CENTER ON FOSTER CARE & EDUCATION, *SPECIAL EDUCATION SERIES: IDENTIFYING SPECIAL EDUCATION DECISION MAKERS FOR CHILDREN IN FOSTER CARE: STATE LAW QUESTIONS* (2012), http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_140904_BRE_o.pdf.

⁵¹ GLENDA L. PARTEE & SAMUEL HALPERIN, PREPARING YOUTH FOR CAREERS, LIFELONG LEARNING, AND CIVIC PARTICIPATION: PRINCIPLES AND CHARACTERISTICS OF SIX LEADING UNITED STATES YOUTH DEVELOPMENT PROGRAMS 3, (2006), <http://www.aypf.org/publications/PreparingYouthforCareersLifelongLearningandCivicParticipation.pdf>.

⁵² CATHY N. DAVIDSON, NOW YOU SEE IT: HOW TECHNOLOGY AND BRAIN SCIENCE WILL TRANSFORM SCHOOLS AND BUSINESS FOR THE 21ST CENTURY 18 (2011).

⁵³ NAT'L CONFERENCE OF STATE LEGISLATORS, REENTRY & AFTERCARE: JUVENILE JUSTICE GUIDE BOOK FOR LEGISLATORS 5, (Nov. 10, 2011), <http://www.ncsl.org/documents/cj/jjguidebook-reentry.pdf>.

⁵⁴ 42 U.S.C.A. § 675(5)(A).

⁵⁵ 42 Pa. C.S. § 6301(b)(2).

⁵⁶ 42 Pa. C.S. § 6301(b)(3)(i).

⁵⁷ Richard G. Luecking & Ellen S. Fabian, *Paid Internships and Employment Success for Youth in Transition*, 23(2) CAREER DEVELOPMENT FOR EXCEPTIONAL INDIVIDUALS 205, 206 (2000), available at <http://sites.bu.edu/miccr/files/2015/03/Paid-internships-and-employment-success-for-youth-transition.pdf>.

⁵⁸ The Fair Labor Standards Act of 1938 ("FLSA") governs labor standards in the United States, and it applies whenever there is an "employee-employer" relationship. See 29 U.S.C. § 201 et seq; see also *id.* § 203 (defining "employee" and "employer").

⁵⁹ In addition to the internship exception described here, facilities can incorporate job training into rehabilitative programs without creating an employee-employer relationship under the FLSA. Tasks performed by a hospital patient, school student, or institutional inmate as "a normal part of a program of treatment, rehabilitation, or vocational training" that are "required as part of the correctional program of the institution as a part of the institutional discipline and by reason of their value in providing needed therapy, rehabilitation, or training to help prepare the inmate to become self-sustaining in a lawful occupation after release," will not be considered work requiring the institution conducting the program to be considered an employer for the purposes of the FLSA. U.S. DEPT. LAB. WAGE & HOUR DIV., FIELD OPERATIONS HANDBOOK: CHAPTER 10b03(g), available at https://www.dol.gov/whd/FOH/FOH_Ch10.pdf.

⁶⁰ See U.S. DEPT. LAB. WAGE & HOUR DIV., FACT SHEET # 71: INTERNSHIP PROGRAMS UNDER THE FAIR LABOR STANDARDS ACT (FLSA) (2010), available at <https://www.dol.gov/whd/regs/compliance/whdfs71.htm>; see also 29 C.F.R. § 553.106 (providing further guidance on internship programs).

⁶¹ 29 C.F.R. § 553.106(e) (Public agencies may pay volunteers a "nominal fee" which is not "a substitute for compensation and must not be tied to productivity).)

⁶² For a description of some of these collateral consequences, see pages 9-11 of Juvenile Law Center's report on the long-term consequences of juvenile records, "[Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records.](#)"

⁶³ 42 Pa. C.S. §§ 6307 and 6308.

⁶⁴ 18 Pa.C.S. § 9123.

⁶⁵ 42 Pa. C.S. § 6354(a).

⁶⁶ 42 Pa. C.S. § 6354(a).

⁶⁷ 18 Pa. C.S. § 9125(b).