Child Advocacy Program
Art of Social Change:
Child Welfare, Education, & Juvenile Justice

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ASSIGNMENT PACKET for Session #11
November 29, 2012

The School of Second Chances:
Model Schools in Juvenile Facilities

Edward Dolan, Commissioner,
Massachusetts Department of Youth Services

David Domenici, Director, Center for Educational Excellence in
Alternative Settings, and Co-Founder, Maya Angelou Academy

Jason Szanyi, Staff Attorney,
Center for Children’s Law and Policy
Session #11  
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Assignment  

Speaker Biographies  

Session Description  

Readings:

Ed Dolan:
- The Massachusetts Department of Youth Services, Educational Services: Comprehensive Education Partnership: Vision, Mission, and Guiding Principles

David Domenici:

- Rock Center Television Segment  
  - View this NBC Rock Center with Brian Williams television report by Chelsea Clinton on Maya Angelou Academy, the school located within the District of Columbia’s long-term youth correctional facility, which aired July 2012:  
    - [http://www.msnbc.msn.com/id/21134540/vp/48085402#48085402](http://www.msnbc.msn.com/id/21134540/vp/48085402#48085402)  
    - (6 min, 5 sec)

- Center for Educational Excellence in Alternative Settings Website  
  - Please visit the website for CEEAS, which David Domenici founded, and read about its mission, projects, and strategies being employed to accomplish change: [http://ceeas.org/](http://ceeas.org/).

Jason Szanyi:
- *Education and Youth in the Juvenile Justice System*, Campaign for Youth Justice, Fact Sheet (2011)
• *Investigation of the Leflore County Juvenile Detention Center Findings Letter*, U.S. Department of Justice Civil Rights Division (2011) 35-44

Edward Dolan was appointed Commissioner for the Department of Youth Services (DYS) in May 2012 after serving as its Deputy Commissioner for 14 years. Commissioner Dolan began at DYS as the Director of Classification. During his tenure at DYS, Mr. Dolan’s leadership and commitment has been critical to shaping the direction of the Department to a focus on positive youth development. A strong advocate for implementing reform practices that reshape and strengthen the juvenile justice system, Commissioner Dolan has more than 30 years experience in criminal and juvenile justice issues and an extensive background in public administration, finance, social policy and urban planning.

Prior to joining DYS, Commissioner Dolan was Chief Operating Officer for Massachusetts Half Way Houses, Inc. He also previously managed two areas of the Division of Forensic Mental Health, supervised mental health clinicians and provided oversight to contracted forensic services in district, juvenile and superior court clinics for the Massachusetts Department of Mental Health.

In 1985, Commissioner Dolan served with the Massachusetts Parole Board as its Director of Research, Planning and Systems Development. In 1990, he was promoted to Executive Director - a leadership position he held for an additional five years. As a court planner in the Office of the Chief Administrative Justice of the Trial Court, he played an integral role in managing operations across seven trial court departments during the early days of court reform.

As a consultant for the National Institute of Corrections, Crime and Justice Foundation and various states and local jurisdictions, Commissioner Dolan frequently lends his expertise on juvenile justice, parole and adult and juvenile correctional issues. Mr. Dolan holds a Master of Public Administration from the Maxwell School of Citizenship and Public Affairs at Syracuse University and an undergraduate degree in Government from the University of Massachusetts, Amherst.

David Domenici is the Director of the Center for Educational Excellence in Alternative Settings at the University of Maryland. David started the Center in the fall of 2011. The Center’s mission is to radically improve the quality of education provided to our nation’s most at-risk and underserved students: low-income, minority teenagers and young adults who are attending schools in alternative settings, including youth and adult correctional facilities.

David has been working with at-risk and court-involved youth for 15 years. In 1997, he quit his job as a corporate lawyer, and along with a colleague, started the Maya
Angelou Public Charter School—a school designed for court-involved teens. Over the next 10 years David served as the organization’s Executive Director, while also serving as the Principal of its initial campus. In 2007, Maya Angelou was asked to take over the school at Oak Hill, Washington, DC’s long-term juvenile correctional facility—long considered one of the worst juvenile prisons in the nation. David designed the school program, hired all the staff, and became the founding Principal of the school, called the Maya Angelou Academy. David left the Maya Angelou Academy in the fall of 2011 to start the Center for Educational Excellence in Alternative Settings.

Jason Szanyi is a staff attorney at the Center for Children’s Law and Policy, where he advocates for safer and more humane conditions for youth in juvenile facilities and promotes policies and practices that reduce racial and ethnic disparities in the juvenile justice system. Jason’s current projects include partnering with Connecticut officials on strategies to create a more equitable and effective juvenile justice system for youth of color in Hartford and Bridgeport, as well as working with the District of Columbia’s Department of Youth Rehabilitation Services on ways of supporting juvenile justice-involved youth in community-based settings. Jason is also helping juvenile justice agencies comply with the Justice Department’s new standards for the prevention, detection, and response to sexual misconduct as part of the Prison Rape Elimination Act.

Jason joined CCLP in 2009 upon receiving a Skadden Fellowship, which funds two years of legal advocacy to improve the lives of the poor and those deprived of their civil and human rights. As a Skadden Fellow, he worked at CCLP and at the District of Columbia Public Defender Service’s Juvenile Services Program, representing detained and incarcerated youth in a variety of legal proceedings and engaging in policy advocacy for children in the juvenile justice system. Jason has also served on the Skadden Fellowship Foundation’s Board of Trustees. Prior to joining CCLP, Jason attended Harvard Law School, where he worked with the Government of India on reforms to its juvenile justice system as part of the law school’s Child Advocacy Program. He earned his BA in psychology from Northwestern University in 2006.
What if children who needed the most got the best? This is what David Domenici and his co-founder set out to accomplish when they opened a school inside a prison. The Maya Angelou Academy, a school for youth incarcerated at New Beginnings Youth Development Center (formerly Oak Hill Youth Detention Center) in DC, has been lauded by some experts as the best program in any confinement facility in the nation.

The Academy has dramatically improved the educational experience of its students and helped transform the culture more generally of the juvenile facility in which it is housed. This is particularly striking in light of the surrounding history. The former Oak Hill Youth Detention Center for juveniles convicted of delinquency offenses in DC was notorious, considered among the worst in the nation, with pervasive violence among detainees, abuse by guards, overcrowding, filth, and shameful lack of services for children. Even after the 1985 filing of a receivership by the court, there were documented reports of: smuggling of illicit drugs (with youth testing negative for drugs before entering the facility and positive while there), rats and cockroaches biting youth while asleep, escapes by youth, and all too frequent murders of youth after leaving the facility and re-entering the community.

Decades after the original lawsuit was filed, the Oak Hill facility finally closed in 2009 with New Beginnings replacing it. The Academy (which initially opened in 2007 at Oak Hill) moved into the New Beginnings facility. Domenici, the Academy’s first school principal, had the challenging tasks of recruiting and training high quality teachers, creating a culture of trust and high expectations, and developing a curriculum that is relevant to its students. Domenici will describe the unique complexities around operating a school inside a correctional facility. As school principal, he had to: navigate tricky relations with the correctional staff; deal with a transient student population (some youth are only incarcerated for a few weeks, others for years) and educate students of all different ages and abilities; prepare youth to transition from the school into the community; and determine how to measure success. The new Academy is easily distinguishable from the former school in Oak Hill. Rather than calling youth offenders, they are called scholars; instead of drab school walls, student art work is posted; rather than a focus on punishment, there are frequent awards ceremonies to recognize outstanding student accomplishments; rather than one ill-prepared teacher, each scholar is provided an individualized team (e.g., student advocate, career institute instructor, transition center staff, guidance counselor, special education expert). Domenici’s most recent endeavor is even more ambitious. After creating one good school inside a single facility, Domenici is now trying to support the creation of dozens of schools in facilities across the nation.
Newly appointed Commissioner Edward Dolan will describe the Massachusetts Department of Youth Services’ (DYS’s) educational system for incarcerated youth. He will compare and contrast the Massachusetts model with the DC model, commenting on which, if any, features might be adopted here. He will discuss how to create, grow, and sustain change in a statewide system. DYS has 180 classrooms in 56 separate facilities across Massachusetts.

Jason Szanyi has represented youth inside DC juvenile justice facilities and will provide an insider’s perspective into how the Academy has shaped the larger culture at New Beginnings. Furthermore, he will offer a comparative perspective. As an attorney at the Center for Children’s Law and Policy, Szanyi has toured, investigated, and interviewed youth at juvenile facilities across the country. He will explain how unique the Academy is relative to other educational programs inside facilities. Finally, he will explain the importance of a good school in terms of overall conditions of confinement for youth. An alumnus of our Child Advocacy Program, Szanyi will outline his path to his current position.
The Massachusetts Department of Youth Services, Educational Services: Comprehensive Education Partnership

The Massachusetts Department of Youth Services (DYS) has led a ten year, far-reaching comprehensive reform of the education and workforce development system for all young people that are placed in DYS custody by the juvenile courts. DYS has orchestrated this reform effort through a contract, referred to as the Comprehensive Education Partnership, with Commonwealth Corporation (the state’s quasi-public workforce agency) and the Collaborative for Educational Services (a statewide education agency). The goal of this partnership is to create a continuum of options and opportunities—high-quality education and training, vocational and employability programs, and other services—that will give DYS clients the knowledge, skills, and confidence they need to build a better future.

The Partnership is guided by a vision, mission and guiding principles for this work that includes:

Vision:
The Comprehensive Education Partnership will provide quality education and workforce skills training combined with a positive youth development approach that enables youth, in partnership with caring adults, to be active participants in all aspects of their life planning. Youth will attain knowledge and skills and access to resources that enable them to engage in positive pathways that will lead to a successful transition into the community.

Mission:
Through a range of coordinated education and employability strategies, program activities and efforts, the Comprehensive Education Partnership will develop youths’:

- proficiency in literacy and numeracy
- social and emotional skills
- job readiness, vocational training, work ethics and employment
- thinking skills for lifelong learning

Guiding Principles:
Youth will participate in classroom and extended learning experiences that have been shaped by the Comprehensive Education Partnership that include a focus on:

Positive Youth Development: A strong focus on three aspects of positive youth development will provide effective guidance for the goals and plans for each youth’s successful re-entry into the community. These include a focus on each youth’s strengths and personal assets, providing opportunities for youth empowerment and leadership, and cultivating community partnerships and supports that assist youth in moving successfully through the continuum of care.

Integrated Services and Supports throughout the Continuum of Care: A continuum of care for youth placed under DYS supervision will provide integration of services and supports from the time they enter the DYS system until they age out.

Quality Teaching and Learning: An emphasis on high quality, research-based teaching and learning will support the whole child and build on students’ experiences.

Research-Based: Educational initiatives will be aligned with current research and evidence-based practices that have been shown to be successful with youth in juvenile justice settings.

Data and Outcome-Driven: A data and outcome-driven approach will support use of data to guide student learning and the ability to track long-term outcomes for youth in the DYS system.

Systems Design: The deliberate integration of DYS institutional and community-based systems, services, and opportunities will yield the greatest outcomes for the youth we serve and their communities.
Some of the key areas of services delivery for the Partnership include:

**Effective Workforce Development Strategies for Youth (CommCorp):**
- *Bridging the Opportunity Gap (BOG) Initiative*: Implementation of vocational and employability programming that provide career readiness, work-based learning opportunities and connections to employment
  [http://64.78.33.48/areas/program.cfm?ID=173&p=48](http://64.78.33.48/areas/program.cfm?ID=173&p=48)
- *Empower Your Future Career* readiness quality curriculum
- *Community Reentry Initiative*: Improved transition efforts for students returning to their home communities, including arts and culture programming, GED and adult basic education services services and pilot programs that support career readiness and employment.
- The AIM Mentoring initiative, funded through federal funds, that connects youth with caring adults with the ability to expose youth to education and employment options

**Positive Youth Development Approach to Programming and Reform Framework (CommCorp/CES):**
- Promotion of research and “best practices” that support an asset-based approach to working with youth
- Professional development, workshops and training on culturally responsive teaching and learning strategies
- Collaboration with community partners who are motivated and engaged about working with youth from a range of cultural, ethnic, racial and socio-economic backgrounds
  → DYS CEP Positive Youth Development Framework
  → DYS PYD and Culturally Responsive Practice “Roadmap”
  → Culturally Responsive Practice in DYS Education Settings
  [http://64.78.33.48/resources/detail.cfm?ID=704](http://64.78.33.48/resources/detail.cfm?ID=704)

**Program Assessment and Improvement of DYS Programs and Infrastructure (CommCorp):**
- Education Quality Assurance Initiative, to support an assessment and improvement process to ensure quality educational programming in DYS facilities
- Teacher Evaluation
  [http://www.collaborative.org/partnerships/partnerships/ces-tes](http://www.collaborative.org/partnerships/partnerships/ces-tes)

**Quality Curriculum and Instruction for DYS Youth (CES):**
- Creation and continuous improvement of an infrastructure to support the delivery of educational services to youth in care
- Direct educational services (including Title 1) provided by quality teachers with Massachusetts teaching certifications
- Standardized delivery of academic content in residential programs
- Substantial increases of education resources in classrooms, including text books, materials, technology, and content manuals (English Language Arts, Math, Social Studies and Science).
  → English Language Arts
  → Mathematics
  → US History I
• Credit recovery for coursework completed while in DYS residential, educational programs through the use of a universal transcript for students returning to public schools
• Provision of consistent and quality professional development – built on a research based education foundation, for teachers, including five professional development days and the deployment of instructional coaching by qualified staff
• Development and implementation of student progress monitoring systems
• Development and implementation of a teacher evaluation and development system that mirrors the standards and indicators of effective teaching promoted by the Massachusetts Department of Elementary and Secondary Education
• Arts, physical education and vocational pathways in DYS educational programming
• Special Education services integrated into DYS general education programs
• Competitive salaries for teachers working in residential programs

For more information on the DYS CEP Initiative contact:

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What It Takes to Transform a School Inside a Juvenile Facility: The Story of the Maya Angelou Academy

In Justice for Kids: Keeping Kids Out of the Juvenile Justice System (Nancy Dowd, ed., NYU Press 2011)

David Domenici\(^1\) and James Forman, Jr.\(^2\)

“Do you want to apply to run the school inside Oak Hill?” The question came from Vincent Schiraldi, the new head of Washington D.C.’s juvenile justice agency, in November 2006. He wasn’t making any promises—there would be a formal Request for Proposals before any decisions were made—but he wanted to gauge our interest.

Schiraldi was not a typical juvenile justice administrator. He was a former social worker who had spent the bulk of his career as a critic of how our nation treats incarcerated youth. Schiraldi understood education’s transformative potential, and one of his first priorities was to improve the school at Oak Hill, the city’s facility for juveniles who had been adjudicated delinquent.

Incarcerated teens suffer tremendous educational deficits: they disproportionately have attended failing schools, typically read and do math at the elementary school level, and often have dropped out or been kicked out of school before being arrested. (Sedlak 2010; Balfanz 2003). In theory, commitment to a state facility offers them an opportunity to receive an education. In practice, however, most schools in correctional facilities are woefully inadequate. (Dohrn 2002). In a typical facility, academic expectations are low, the curriculum is not rigorous,

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special education services are wanting, and the teaching staff is under-skilled and demoralized. What Franklin Zimring said almost thirty years ago is still largely the case: “the training school neither trains much nor schools effectively.” (Zimring 1982, 72).

Oak Hill was no exception. The all-male facility had long been a horror show—assaults were commonplace and drugs and weapons were easy to find. The Washington Post warned that it had become “little more than a warehouse that rehabilitates no one.” (Washington Post 1988). The school within Oak Hill—then called the Oak Hill Academy—was little better. Everything about the place told the young men incarcerated in Oak Hill that education was not a priority: guards sat in classrooms with walkie-talkies blaring, students came, went, or slept without interruption, and fights were routine.

Schiraldi was determined to change this. In an innovative move, he solicited proposals from successful educators to run the Oak Hill Academy, which until then had been part of the D.C. Public Schools (DCPS). Schiraldi called us because since the late 1990s we had run two charter high schools that worked with some of the city’s most underserved kids. Our schools—both named after the poet Maya Angelou—are open to any who apply, but we actively recruit teens who have dropped out or been expelled, have truancy issues, or have been arrested. We also serve a higher than average number of special education students.

Despite our background, we had serious doubts about taking on the challenge of running the school at Oak Hill. After all, we had never operated a school inside a prison. The list of possible pitfalls was long: Would qualified teachers apply to work in a juvenile facility? How would we manage discipline? Could we create a school that felt special and welcoming, or was it naïve to think we could establish such an atmosphere within the confines of a jail? Considering
how far behind the students would be academically, could we help them make significant progress when we would only work with them for about nine months?

We eventually overcame these doubts, submitted a proposal, and were chosen to run the school, which we renamed the Maya Angelou Academy. We launched our program in the original Oak Hill compound, but after two years it was relocated to the New Beginnings Youth Development Center, a brand-new facility which replaced Oak Hill. Three years after it opened, the Maya Angelou Academy is far from perfect, but outside evaluators have been impressed with the speed and extent of the turnaround. In July 2010, the monitor overseeing the court-ordered reform of Washington D.C.’s juvenile justice agency called the school an “extraordinary educational program” (Special Arbiter 2010). The educational expert the monitor hired reached a similar conclusion:

The Maya Angelou Academy at the New Beginnings Youth Development Center is one of the best education programs in a confinement facility I have had the opportunity to observe. Scholars in the model units are receiving an excellent education. The strength of the leadership and the staff, the people and material resources available to them, and the processes and program design all contribute to the overall effectiveness of the program (Exhibit 6A 2010).

After decades of documenting the school’s failures, The Washington Post finally had good news—citing the monitor’s report, it noted that the school had been transformed “from one of the nation’s worst programs to one of its finest” (Editorial 2010).
Drawing on the lessons of our collaboration with Schiraldi and D.C.’s Department of Youth Rehabilitation Services (DYRS), we have written this chapter in the hope of fostering similar transformations elsewhere. We call on juvenile justice administrators, reform activists, and policy analysts to do whatever is in their power to bring high-quality schools to youth correctional facilities. Similarly, we call on education reformers to do more to create such schools in facilities across the country. Though our focus here is on education inside juvenile facilities, we also believe there has to be a larger commitment to educating these same young people before they enter and after they are released—themes to which we will return at the end of the chapter.

At first blush, such an appeal might seem unnecessary. After all, most people know that education is critical to a young person’s future, and most people assume—even if they do not know for sure—that schools in juvenile facilities are not very good. Despite this, however, we have found that the education and juvenile justice communities largely inhabit parallel universes. The two groups rarely talk to each other—when we attend a conference of educators, members of the juvenile justice community are rarely present, and educators do not typically attend juvenile justice gatherings. (At the conference that led to this book, for example, there were only a handful of educators present, and no other charter school operators.)

There are many reasons these two groups do not collaborate, most of them understandable. Apart from a few visionary leaders like Schiraldi, juvenile justice administrators have not thought to establish educational partnerships with high-quality charter school providers (or other unconventional school operators). Juvenile justice reformers, for their part, have been largely concerned with reducing the number of young people who are incarcerated (including reducing the number tried as adults), not with developing quality schools for those who remain
behind bars. More radical reformers are reluctant to invest in improving schools inside juvenile prisons because they believe that doing so reinforces a system they would like to abolish. Finally, many juvenile justice advocates are lawyers (as are we), and law schools train students to think about pre-trial rights (such as right to counsel and the right against illegal searches and seizures); by contrast, few criminal procedure classes or juvenile rights classes focus on what happens after a young offender is convicted and sent to a facility.

It is equally understandable that education reformers have not focused on juvenile facilities. Many wonder—as we did—whether the techniques they have developed running schools in the community will work in a correctional setting. Others are just starting their schools, or expanding, and do not have the capacity to take on an additional—and somewhat different—challenge. More than a few would prefer to work with the same group of kids for multiple years, rather than the nine months to a year that juvenile offenders typically spend in a facility. And some wonder if this is the best way to spend their own limited resources. Given that there are so many law-abiding young people who need better schools, these educators opt to work with them.

We do not seek to rebut these considerations here. Indeed, we would not want to—we endorse efforts by juvenile justice reformers to reduce the number of incarcerated youth, and we are thrilled that so many education reformers are creating high-quality schools outside of juvenile facilities. We view these efforts as of a piece with our own. On the other hand, we hope that our story can motivate some juvenile justice and education reformers to work together to improve other schools for incarcerated youth. By focusing on the nitty-gritty details of running such a school, we hope to suggest concrete practices that can strengthen their efforts.
We have divided our account of the Maya Angelou Academy's development into the following sections: People, Culture, Curriculum, Instruction, and Transition. After describing the school, we discuss our results. We conclude by examining the policy implications of our experience and asking what the education and juvenile justice communities could do differently to achieve the central aim of this book—keeping kids out of the juvenile system.

People

It is now widely believed that improving teacher quality is the single most important thing a school can do to influence academic achievement (Gordon 2006; Jordan 2007). As Chris Barbic, founder of the high-performing YES Prep charter school network, is fond of saying, “We bet the farm on people.”

Yet teacher quality in schools in juvenile facilities is notoriously low. This does not surprise many people. We wondered ourselves whether we would be able to recruit dedicated, high-performing teachers. But we saw one ray of hope. Even though many teachers would shudder at the thought of entering a juvenile facility every day, we also suspected that there was a subset of teachers who would be drawn to our social justice mission. Those behind bars have few allies, to be sure, but there are some in our nation—including some educators—who are appalled that we have the world’s largest prison system and that we lock up so many juveniles in such terrible conditions. Those were the people we needed to find.

To get them, we had to send the message that the Maya Angelou Academy was going to be a high-quality school, even though it was in a juvenile facility. So every time we opened our mouths, wrote a flyer, or sent an e-mail, our message remained the same: We were going to
create the best school in the country for kids who are locked up. We were not sure this would end up being true, but we figured if we did not believe it, nobody would.

Everything about our recruitment process emphasized our mission. Our outreach materials stressed the school’s uniqueness. Our job postings declared that we would “provide these students with the best education they have ever had,” and that we sought only those who had “an unyielding belief that with the appropriate supports, coupled with high expectations, all students can significantly improve their academic skills.”

During interviews we probed candidates about high expectations in various ways. While some of our questions were tailored specifically to our school, we modeled much of our hiring process on what we have learned from organizations like New Leaders for New Schools, and from presentations by high-performing schools at conferences sponsored by the New Schools Venture Fund. We asked candidates to provide examples of how they created a classroom culture of high expectations even in the face of obstacles. We asked how they would approach working with teenagers who could barely read, students who had been labeled as needing special education throughout their school lives, students with little understanding of what it meant to be successful in school. We also asked each teacher candidate to respond to a writing prompt and to teach a sample lesson.

Our selection process served multiple ends. Most directly, it helped us identify talent. But it also served as a recruitment tool. We were trying to signal to candidates that this would be a rigorous school, with high standards for students and teachers alike. Having a rigorous selection process was essential to that message.

The process also gave us some insight into the quality of the teaching staff at the existing school. Our contract gave us complete hiring and firing authority. Existing teachers at the Oak
Hill Academy—all of whom were DCPS employees——were not guaranteed jobs at the Maya Angelou Academy. They could apply to work for us, and we promised to interview all who applied. If they chose not to apply, or if they applied but were not hired, they would be reassigned within DCPS.

About ten of the existing teachers applied for jobs, and the interviews were dispiriting. One candidate proudly stated that “crossword puzzles and word-finds keep students motivated.” Another told us that because most of the students could not read, he focused his efforts on the handful that could, and let the rest sleep.

We did not hire any of these ten teachers. Looking back we realized that—although we had not set this as a goal—we had not ended up hiring any teachers with experience in a correctional setting. In hindsight, we think this was mostly a good thing, because no one came into the job dragged down by the low expectations of most correctional schools. Make no mistake: Finding the right teachers has not been easy. But through aggressive recruiting, we have found a number of highly experienced, talented teachers who, as we thought, wanted to make a difference by working with our students.

It is worth emphasizing the "reach" of our informal recruiting network. Many of the people we hired had heard of our program through friends and colleagues, not advertisements. Our inaugural faculty included a former Teach for America (TFA) corps member who had been teaching social studies at one of D.C.’s highest-performing public charter schools. She heard about us through the Children’s Defense Fund. On our current math team, we have a teacher with many years of experience at a public school in the Bronx and a special education teacher who worked in alternative settings outside of Boston. Both were attracted to our mission, and after visiting the school, they felt that we had created a place where they could be successful. And our
Academic Dean came to us with a stellar resume—she began her teaching career as a TFA corps member, then became a TFA trainer, was a teacher at one of our schools, and spent a year coaching teachers at DCPS under Chancellor Michelle Rhee. These were the kind of people we needed if we were to build the type of school culture we wanted.

Culture

High-achieving schools are places where a culture of trust dominates. They are safe and nonviolent. Students work hard and respect the building and learning environment. Unfortunately, schools in correctional settings typically have weak, or negative, cultures. Like the old Oak Hill Academy, they are often dominated by low expectations, a culture of violence, and negative behavior by students (and too often by staff).

Fixing this was our first priority. We started with the physical environment. When we walked through the Oak Hill Academy before taking over, we were greeted by drab walls, out-of-date posters, and classrooms cluttered with unused texts and papers from students who had long ago left the school. The divider in the auditorium was nailed shut, and an inside wall was blackened and dark from a recent fire. As a result, what could have been an ideal setting for school ceremonies and performances had become a fire hazard and a place for teachers to hide. Some of the physical obstacles seemed almost gratuitous. For example, although the school was located inside a large, prison-like facility surrounded by 30-foot-high razor wire, the school itself was surrounded by an additional 10-foot fence, as if to say to the students, “You are not welcome here” or “This school is a prison within a prison.”

Soon after we took over the school, the hallways were decorated with student art and other work, awards and plaques hung on the walls, and classrooms were tidy. The small, never-
used auditorium was open, painted, and ready for our first awards ceremony. And the fence that separated the school from the rest of the grounds was bulldozed over and thrown away.

Words—especially the ones you use to refer to people—matter, too. At Maya Angelou, we call the students “scholars.” This practice began during our first summer, when we partnered with the Children’s Defense Fund and established a CDF Freedom School (the first ever inside a youth correctional facility). In the Freedom School model, all participants are called scholars. We adopted the term that summer and decided to stick with it. We believe that it reminds everyone—teachers, visitors, and the scholars themselves—how we view the young men in our school.

We also believe in celebrating student success. We host an awards ceremony nine times a year, at the end of each curricular unit. Teachers give awards to outstanding scholars in each class, recognizing excellence in such categories as academic performance, leadership, creativity, advocacy, and greatest improvement. Students star in these ceremonies, serving as the emcees, reading poems or essays, and performing songs or dances.

Awards ceremonies are important at all schools, but they are especially important for our scholars. Most of them have failed repeatedly in school, have been suspended multiple times, and became known to school administrators and the larger school community only when they did something wrong. For such students, being rewarded and acknowledged for working hard helps them develop a sense that school can be a place where they can shine.

Awards ceremonies have other benefits as well. At our facility, as in most youth correctional settings, students are rarely allowed to mingle together freely. Instead, they spend most of the day interacting only with other members of their residential unit. A school-wide ceremony helps to change the culture by establishing that students can come together in one
place and behave appropriately.

In addition to celebrating their success, we help our students imagine a future for themselves. Good schools serving low-income populations work relentlessly to get their students to believe that their future includes college. Such schools hang college banners in hallways and classrooms, organize college trips, and invite guest speakers to campus. Schools in correctional settings must take similar steps. Accordingly, we sponsor college trips for students who are nearing their release date. We also host college fairs in the facility, and have a “How to Apply to College” bulletin board prominently displayed in the school.

Even as we look to the long term, we know that building a strong school climate also requires attending to day-to-day behavioral norms. Accordingly, we teach and reward the behaviors and attitudes we want to see in the school through a range of incentive-based programs. These programs help students develop the social/behavioral habits that are expected in school or at work.

We use a modified version of the Positive Behavioral Incentive Program (PBIS) to encourage students to demonstrate our school values: Respect, Responsibility, Integrity, Safety, Self-determination, and Empathy (R²IS²E). School and DYRS staff give out stars to students when they exhibit one of the values; the stars are displayed on the school walls and tallied daily in our student information system. The scholars who accumulate the most stars during each curricular unit are acknowledged at our awards ceremonies, earning a Nelson Mandela leadership certificate.

In addition, all teachers provide a daily score for students based on student participation and respect in each class (PR points). Students earn weekly stipends based on their PR points, which are totaled up along with their R²IS²E stars in an easy-to-read report. Each Friday,
scholars meet with a small team of school staff to review their progress from the past week and set goals for the upcoming week.

In all these ways, we act on our belief that a good school inside a juvenile facility shares many characteristics with good schools on the outside. But we also recognize that a school inside a facility faces some distinct issues. While we believe these are matters of tactics, rather than philosophy, they are nonetheless important. In correctional settings, for example, staff includes both school staff and “correctional” or “secure” staff. These two groups—educators and security—often clash. The tension was magnified in our case because the school staff were our employees while the secure staff worked for DYRS. When we first came to Oak Hill, the chasm between school and DYRS front-line staff was wide. Many of the DYRS staff were wary and unsupportive of us. Some believed we were naive; others doubted our sincerity; plenty felt we would not last long.

Today, we have largely closed the gap between the two staffs. We were able to do this because 1) we had the support of DYRS leadership, 2) we were relentless, and 3) we were optimistic. The first point is simple but overwhelmingly important. Although many front-line DYRS staff had their doubts about our new school, Schiraldi and his entire leadership team believed passionately in our educational mission. The school would not have opened or survived without them. The lesson we draw for other educators is that this work can only be done with the support of the juvenile justice agency.

Second, we were relentless. We sat down with DYRS leadership and explained what we needed front-line staff to do in order for the school to succeed. The list was basic, but in this setting, our expectations represented a major culture shift: all kids come to school, on time; students receiving medication on a regular basis take it in the morning, before coming to school,
instead of disrupting class later by making trips to the nurse; walkie-talkies are turned down in the classroom; DYRS staff and students are in classrooms during school hours, not chatting in the hallways. Making the list of priorities is only the first step; school leadership must enforce the new practices. We estimate that nearly 30% of the principal’s time during the first two years was spent walking the hallways to make sure these changes were implemented consistently.

Third, we were optimistic. We believed that if we started to turn the tide and if the school started to function like a *school*, most front-line staff would adapt to and eventually prefer the new routine. We believed that most would eventually embrace the notion that from 8:00 am until 3:30 pm all adults in the building have one primary objective—to help our students develop the skills they need to succeed when they leave. After all, most of the DYRS staff were good people who had spent years—sometimes decades—stuck in a dysfunctional system. A few were beyond reform (we were optimists, not fools), but the majority, we believed, would like their jobs better if they could spend the day supporting students who were engaged in the learning process, rather than punishing students who were bored, irritated, and restless. Our optimism (supported by DYRS leadership’s willingness to hold staff accountable for their performance in the school) has paid dividends. Although disagreements remain between the school and secure staff, the two groups now generally work closely in support of students in the school.

We recognized from the outset that if we did not get school culture right, nothing else about the school would work. A strong culture does not guarantee success (we have seen schools with strong cultures but inconsistent instructional quality, for example). But a negative school culture guarantees failure. Accordingly, each of the practices we have described—adorning hallways and classrooms with student work and inspirational messages, holding awards ceremonies, offering incentives and rewards for positive behavior, exposing students to high-
quality programs and colleges before they leave—were all focused on building up a culture where learning and academic achievement can flourish.

Curriculum

In designing the curriculum at the Maya Angelou Academy, we were guided by two well-established educational principles: rigor and relevance. First, a rigorous, challenging high school curriculum is a critical determinant of post-secondary success (Adelman 2006). Second, especially for students who have struggled in school, the curriculum must be relevant to their lives (National Research Council 2003). We also knew that core classes would have to be aligned with DCPS curriculum standards if our students were to earn credits that would count when they returned to school in the community. (In many states, schools in juvenile facilities do not use a curriculum aligned to the state standards—a source of great frustration for students who leave only to find that they have not made any progress toward graduation.)

Although we were committed to these general principles, we quickly realized that our status as a school in a juvenile facility would influence curricular decisions. Because our students come and go throughout the year, a curriculum composed of semester-long units would not work. If a student arrives in November and the next semester starts in January, it is unreasonable to tell him to study for six weeks if he knows he will not earn credit for the effort.

For this reason, we structured our curriculum as a series of eight modular units, each of which takes just over a month to complete (this schedule is supplemented by an eight-week summer program). For the past two years, the unit themes have been Relationships, Systems, Change, Choice, Power, Justice, Ethics, and Dreams. Breaking up the school year into short, manageable units serves multiple goals. Even students who have been disengaged from school
can quickly delve into the curriculum. And students who are with us for only a few weeks or months can complete whole units of study—and earn transferable credits—before leaving.

Here is an example of a unit in action. In the fall of 2008, the Systems unit focused on the presidential election. In social studies, students learned about the electoral process, the history of voting rights, and governmental systems. In math, they learned data analysis by studying the electoral college system, conducting polls inside the school, and reviewing the correlation between demographic groups and voting trends. In English, students focused on messaging, marketing, and public speaking while reading Barack Obama’s memoir, Dreams from My Father. The unit culminated with mock presidential and local elections, while the few students who were eighteen registered and voted in the actual election.

In addition to our core curriculum, we offer a GED program for selected students. GED programs have a bad name; they are often dumping grounds for kids whose schools have given up on them. And it is easy to offer poor GED instruction—we know, because our GED program floundered during our first year. But we have since developed a rigorous, engaging program that is on an upward trajectory. We think that getting it right requires remembering two key points.

First, a school must be thoughtful about the entry requirements for its GED program. The GED program should be reserved for those students who are unlikely to graduate from high school (because of their age and accumulated credits) and who have a real chance of passing the test. The test is not easy, and students who lack the basic skills necessary for a GED prep class probably need a more intensive focus on literacy and numeracy, and should not be fooled into thinking they are ready for the GED. Accordingly, we limit enrollment in our GED program to students who are at least seventeen years old, have less than a year of high school credits, have been at New Beginnings for a minimum of four months, have developed the behavioral skills
necessary to function in a class comprised of students from multiple housing units, and who—based on their performance at the Academy and on standardized tests—we believe can pass the GED with three to four months of intensive work.

Second, a GED program should not be linked, as it too often is, with vocational education, or “earning a trade.” There is nothing wrong (and a lot that is right) with high-quality vocational education. Indeed, we have students who have earned their GED and gone on to construction-related job training programs. But that should not be the only way a school talks to students about a GED. We talk about a GED as a gateway to college, and each of the last two years we have sent students who passed the GED while with us directly on to college. None of these young men had seen college as a remote possibility when they first came to New Beginnings.

To understand how we approach students who arrive performing at higher academic levels, consider Jeremy, a 17-year-old who arrived at New Beginnings in August 2009. Jeremy performed at a higher level than our average student, having scored at the eighth grade level in math and the ninth grade level in English. He entered our GED program in December 2009 and passed the test in April 2010. At this point, however, Jeremy didn’t stop working to improve his academic skills (as, admittedly, some of our students do). Instead, he studied for and took the SAT. He also took a mock Philosophy 101 class that we created for a classmate and him during their last month at New Beginnings. The class structure and expectations were modeled on those of an entry-level college class, and although he did not receive any credit, Jeremy worked hard. At this writing, Jeremy leaves for college in just a few weeks, interested in pursuing a degree in architecture (which he learned about in our carpentry class).
Although Jeremy is better prepared academically and socio-emotionally than many of our students, he faces a tough road. His SAT scores are lower than those of most of his college peers, and he has major gaps in his education. Nonetheless, we believe that Jeremy deserves the chance to pursue a college degree. And through our GED program, he obtained a credential that will give him that opportunity.

Instruction

Jeremy is not our typical student, of course. The average student enters the Academy just under the age of seventeen, with less than a year’s worth of high school credits, and functioning at between the fifth and sixth grade level in reading and math. Just under 50 percent are identified as special education students. But these averages are just that—they hide great variation among our students, including the staggering fact that nearly 20 percent of our students test at or below the third grade level in reading at entry.

A further complication is that students attend school grouped by their residential units, not by their academic proficiency. As a result, classes are mixed in terms of age, skill level, and educational history. A single class may include both 19-year-olds and 14-year-olds; students who function at the high school level and students who struggle to read; students who had been attending school regularly prior to their involvement in the juvenile justice system and students who have not been to school in years.

One of our first challenges was to build and implement consistent classroom norms and systems. We use a variety of tactics, some of them versions of the practices Doug Lemov describes in *Teach Like a Champion* (Lemov 2010). All classes start the same way (students enter, get their subject binders, and turn to the warm-up section), and all classes finish with an
exit ticket (usually a short question or problem that helps to wrap up the class), after which students return their binders to the shelf.

In addition, students learn that at the Academy we provide immense supports but don’t allow distracting behaviors or interruptions to slow us down. Each class activity is timed: A typical class begins with five minutes for the warm-up, and a clock on the SMART board pops up and starts ticking. After five minutes, the clock goes off, the warm-up ends, and the class moves to the next part of the lesson. Then the clock is reset. Fifteen minutes later, the clock chimes, and the class moves to the next activity. When we opened our first school almost fifteen years ago, this process would have been anathema to us; we would have rejected it as too rigid and controlling. But we have changed our thinking. Now we believe that paying close attention to time in this way both maximizes learning time and reinforces the sense of urgency about the educational process that we want all students to feel.

Given our population, teachers must differentiate extensively within the classroom. For example, when teachers assign a newspaper or magazine article, they will typically create multiple versions, paraphrasing complex ideas or using substitute vocabulary where necessary. This enables all students to read and discuss the same article, while ensuring that the reading level is appropriate for each student. Teachers also differentiate final assessments—each version is aligned to the core content and skills taught during the unit, but the assessments vary in their level of complexity, the degree of guidance provided, and the expectations for the writing section. In addition, some students take the assessments one-on-one with special education staff and may receive additional time and support.

Differentiation is closely connected to individualization. In all classes, but particularly in English and math, we have systems in place to support the development of individual students'
skills within the class structure. In math, all students take a diagnostic assessment when they
arrive. Using this assessment, students and teachers prioritize basic skills that students need to
work on. After the class warm-up, all students refer to their Skills Log, and for 10-15 minutes
work on math fundamentals. Once a student believes he has mastered a skill, he takes a short
assessment. Students only move to the next skill if they receive a grade of 80 percent or higher.
Each day, once the “skills” part of the class is over, the full class moves together to the day’s
objective. Using this balanced approach, students have the time and support they need to tackle
long-neglected math skills, while also gaining exposure to higher-level concepts in Algebra and
Geometry—subjects rarely offered to students in correctional settings.

As this discussion indicates, many of our classes are structured in such a way that special
education is woven into the fabric of the school. We do provide pull-out classes for some
students, but the vast majority of our special education instruction takes place within our
standard class rotations.

Keith’s story provides a good example of how we work with students who are far behind
academically. Keith was placed at New Beginnings in the middle of the 2009-2010 school year.
He tested at the third grade level in reading, and a little higher in math. His background included
middle school years at a special education school, and a failed ninth grade year at a large public
high school. After completing his intake assessments, Keith told our director of special education
that he wanted to improve his reading more than anything. He pointed to the “2.8” next to his
reading fluency score and told her he was going to make that number go up, because he didn’t
want to read like a second grader anymore.

When asked about his struggles with reading, Keith broke down and cried, admitting that
he started having problems in second grade. His teachers knew it, he said, but they didn’t help
him—not in elementary school, not in the special education middle school, and not at the big high school where he got into trouble. He wasn’t accusatory, just sad—and, it seemed, a little embarrassed.

For the next six months, Keith worked with one of our reading coaches each day instead of going to science class, using a variety of reading improvement strategies and programs, including the Wilson Reading System. In English, he set weekly goals for learning new vocabulary words, which he would take back to his unit in the evening. During the Structured Reading Program (SRP)—a 20- to 30-minute session built into our English classes, inspired by the Teachers College Reading and Writing Project—he read and responded to books he had chosen from a list of titles at his reading level. Over the next six months, he read four books in the SRP and three others in English class, often taking his books back to the unit at night. He won recognition at our awards ceremonies as a member of our “Bookworm Club”—students who complete books or improve their reading levels during a curricular unit—and became a favorite with his English teachers.

Now, just six months later, as he prepares for his release, Keith’s reading fluency score is just shy of the fifth grade level. Keith will be heading to the tenth grade in the fall. Age-wise, he’ll only be one year behind his peers (he is still 16). Academically, he is much further behind but doing his best to catch up. We are working with him to find a school where he can keep getting the intensive reading support he needs. But his family just moved to Prince George’s County, Maryland, and options beyond his large, low-performing neighborhood high school are limited.
**Transition**

Planning for a juvenile offender’s transition back to the community must begin the moment he arrives at a correctional facility. This has become something of a cliché in the world of juvenile justice. But the principle is sound and a commitment to it is essential, even if it is hard to implement consistently.

Our transition specialists have the title “Advocates,” and their job begins with welcoming each student into the Academy and helping him to adjust. They also serve as the school’s primary liaison with the DYRS staff in charge of the student’s living unit. Finally, they help plan and support the student’s transition to school or job training in the community. By assuming all these roles, Advocates develop a strong relationship with the student—a relationship of critical importance once he leaves us and re-enters a world full of challenges and temptations.

In addition to building a relationship from the start, our Advocates locate accurate and up-to-date school records (including special education records where appropriate). This can be difficult and is often done poorly in juvenile facilities (Balfanz 2003). But such records are tremendously helpful for developing an academic plan. In addition, the very act of working tirelessly to obtain the records signals to students that—contrary to what previous bad experiences with juvenile officials might have taught them—we care about them and want to support them.

As students move to within a few months of release, the Advocates work closely with them, their parents, aftercare workers, and our director of special education as appropriate, to support their transition. Advocates help students develop a portfolio of their work, awards they have received, progress reports, and a resume. With the support of DYRS, Advocates set up and accompany students on interviews with prospective schools or training programs. Advocates
ensure that all students have copies of the basic documents they need for work and school (social security card, non-driver ID, etc.).

In addition, all students participate in mock interviews as part of their transition process. Advocates help students prepare for these interviews, and friends of the school—from business, nonprofits, and government agencies—come out to New Beginnings to conduct them. The panels score each interview by using a rubric and talk with students afterwards about their performance.

Once students leave New Beginnings, Advocates provide ongoing support for 90 days (this is not enough time, but it is all that our funding currently allows). Advocates often accompany students on their first day of school, and they visit students at school or in their homes or group homes once a week. Throughout this time, Advocates stay in touch with DYRS aftercare workers, school officials, and family members.

We believe that our Advocates succeed because of their force of will and personalities, but also because our process allows them to bond with students and provide uninterrupted care. Students at the Academy rightfully see the Advocate as their closest ally and a source of consistent support—from day one to release and beyond.

Advocates must listen carefully to what a student wants, but they also must be honest with the student about creating a plan that is likely to succeed. For example, sometimes a student wants to go to his neighborhood school to be with friends, even though the friends are part of his problems. Others want to go to a school where they can compete for a football scholarship to college, even though they’ve never played football. Others want to enroll in a job-training program with academic entry requirements they cannot meet.

Trevon’s story illustrates the role that Advocates play in helping our students succeed in their transition. Trevon arrived at New Beginnings in the early fall of 2009. He had just turned 25.
17, and had about a year’s worth of high school credits. Trevon scored at the seventh grade level in reading and the fifth grade level in math. He was quiet, unassuming, and eager to learn.

Trevon did well at the Academy. He played on our flag football team, then on our basketball team (where he earned all-league honors), and passed all his classes with a B+ average. Trevon especially liked his art and English classes. His scores went up at an annualized rate of more than three grade levels in reading and 1.3 grade levels in math. As spring approached, Trevon’s Advocate started talking to him about his options once he was released. He didn’t want to return to his neighborhood, where he said he knew he would get into trouble; he was open to going to a small school and said he didn’t mind enrolling in eleventh grade, even though he would soon turn 18. These were all indications that Trevon was a good candidate for one of our Maya Angelou charter schools.

In Trevon’s case, his Advocate created a transition plan that appealed to his interests, reduced the risk of his getting into trouble over the summer before school started, and placed him in a school where we thought he could succeed. This plan included (a) getting Trevon signed up for D.C.’s Summer Youth Employment Program (SYEP) and arranging a week-long “tryout” at a summer basketball camp, the deal being that if he did well he could work at the camp for a month and get paid through SYEP; (b) researching our data bank of pre-college summer programs and encouraging him to apply to a three-week program at Pace University, where he would live on campus and take an arts-focused curriculum; and (c) working with one of our charter schools to get his application in for the fall.

Trevon “passed” his tryout week and spent a month working at one of the city’s top basketball camps. He completed the program at Pace (not without some struggles), and he has been accepted at Maya Angelou Public Charter School in the fall, where he will be a junior.
Ensuring that each piece of this plan came to fruition exemplifies the sort of hard, detailed work our Advocates undertake. In Trevon’s case, the Pace experience required convincing the director of the program to admit Trevon, taking him to the train station, buying a set of summer clothes, arranging a cell phone with restricted minutes, figuring out a ride from the train station in New York City to the Pace campus (the Advocate’s mother, who lives in New York, was called in to pick him up at the train station and get him to Pace on his first day), calling him daily, and having lots of “I know you can do it” conversations with him. This level of support, planning, and willingness to attend to the individual needs of students in transition is what sets our Advocates apart.

Results

With all of these programs and strategies in place, what has the Maya Angelou Academy achieved? Our internal data indicate success in some important areas. First, consider credit accumulation. Students in juvenile facilities are often frustrated by their inability to earn credits towards graduation while they are locked up. If the school does not use a standards-based curriculum that allows credit accumulation, many students feel that their time is being wasted—and in an important respect, they are right. At the Maya Angelou Academy, however, students accumulate credits more than three times as quickly as they did before coming to us. Our average student earns just over six high school credits for every nine months of school with us. These same students averaged just over 3 credits during their prior two years of school, or about 1.5 credits a year.

In addition to accumulating credits at a faster rate, our students are improving their reading and math skills. During the 2009-2010 school year, students on average advanced 1.4
years in reading and 1.3 years in math. These numbers are especially powerful given our students’ previous rate of improvement. Remember that on average our students are reading and doing math at between the fifth and sixth grade level, although most of them are old enough to be in the eleventh grade. This means that before coming to the Academy, our students on average advanced half a year in reading and math for every year they were in school. At the Academy, these students have advanced at nearly three times that rate in both reading and math.

Most of our students have experienced significant school failure prior to coming to New Beginnings. They typically do not like school, do not think of themselves as successful students, and do not trust teachers and other educators. We think that changing these attitudes is as important as anything else we do.

We measure students’ attitudes in several areas, both at enrollment and then again when they leave. At enrollment, more than 80 percent of our students tell us they did not like school and did not think they were successful students. At departure, however, more than 75 percent of our students say they enjoyed learning and felt successful at the Maya Angelou Academy. Our students are also much more trusting of teachers when they depart. When we ask them upon arrival if they trusted the staff at their prior school to work in their best interest, more than 70 percent say they did not. But upon departure, nearly 90 percent say they trust Maya Angelou Academy staff to work in their best interest.

We also track whether students remain in school after leaving us. This is a massively important measure, although it is one that we have less control over than some others. Our results here are improving rapidly, though they are not where we would like them to be. In the first nine months we were running the school, approximately 70 students completed our program. Of those, 35 percent were still attending school or job training programs on a regular basis 90 days
after release. The retention numbers have gone up since then. Of the last 70 students who completed the program (as of April 2010), 49 percent were still attending school or job training programs on a regular basis 90 days after release.

**Implications: Reforming Education Outside of Juvenile Facilities**

While we are gratified when students say, “This is the best school I’ve ever been to,” we are often saddened as well. Shouldn’t our kids have had many great schools before this? And shouldn’t another great school await them when they leave? Volumes have been written about improving our education system, and we do not propose to join that debate here. Our aim is narrower—we want to talk about education policy as it relates to the kids we see at the Maya Angelou Academy, those who have been the most profoundly underserved, who are the furthest behind, and who are at the greatest risk of ending up at the margins of our society unless we (and they) make different choices.

As we noted above, nearly 20 percent of our students enter the school functioning at or below the third grade level. Even if these students improve their reading two grade levels while they are with us, they nonetheless return to the community years behind academically, functioning well below the level necessary to succeed in a traditional high school, an adult education center, or a GED program. Yet there are almost no programs in the District of Columbia designed and resourced appropriately for them. So they quit.

Why don’t these students have more, and better, options? We have already identified one reason—we do not think that either the juvenile justice or education community has paid enough attention to developing meaningful educational options for this group of young people. But that’s
only part of the story. In effect, national and local education policies conspire against these students.

When people ask us about the feasibility of starting a school like the Maya Angelou Public Charter Schools—community schools serving the kids who are most in need—we are encouraging, but also honest. We remind them that under the federal No Child Left Behind law (which we believe has done some good things), schools must test their students in reading and math and that the world will judge their school based on the percentage of students who meet the state’s definition of proficiency. In some states (and in Washington, D.C.), the last tests are given in tenth grade. So although people may set out to provide a second-chance school for older students, they will face tremendous pressure to avoid accepting any students in the tenth grade (after all, if they do, they will only have a few months to prepare them for the tests). Similarly, it will be in their interest to avoid accepting too many ninth graders who are far behind. In order to have greater numbers of students who are proficient, they will do well to start with a younger group. If they truly want to serve the kids who are coming out of places like the Maya Angelou Academy, we tell them, they will be forced to explain their low test scores and face criticism from people who think they are just making excuses.

But state tests and No Child Left Behind are not the only problem they will face. There is also tremendous funding pressure. Students like those we serve at the Maya Angelou Academy cost more to educate properly than students who are on grade level. They even cost more to educate than the average low-income student. They have particular needs that a good school will try to meet. But where will the money come from?

Consider Anton, a fairly typical Maya Angelou Academy student. Anton was sixteen when he arrived. He tested just below the fourth grade level in reading and just above it in math.
He had not earned any high school credits, and had not attended school with any consistency since he completed the eighth grade. He had committed a crime, but like many of our students, he had also been a victim—he had been shot the year before. His father passed away earlier this year, while Anton was at New Beginnings. Anton does not have any diagnosed learning or emotional disabilities and is not a special education student.

He is doing quite well at the Academy. Anton attends classes with 10 other students, and in each class there are two members of our instructional staff and two DYRS staff. He receives counseling and behavioral health support on a regular basis, has adults who ensure that he gets up and comes to school each day, and often stays after school to receive additional tutoring. He attends a school with a total of 60 student.

Anton will return to the community with better academic skills, a transition plan, more resilience, and some strategies to cope with the trauma that he has experienced. But there is a good chance that whatever school accepts Anton will lack the resources to truly help him. Anton is involved in the juvenile justice system, will be returning from nearly a year of confinement, is five to six years behind in school, and has experienced major trauma. Once released, he needs a community school that will provide what proved successful at the Academy, including tutoring, small classes, intensive support with his reading and writing, and consistent mental health counseling. If Anton were a special education student, he would have a chance of finding such a school. But for non-special education students who have his needs, the options are few. Schools that provide such services are almost non-existent, because we as a society don’t provide the funding to develop and operate them.

In most states there is one more obstacle to creating high-quality schools for students like those leaving the Maya Angelou Academy. In Washington, D.C., and the vast majority of states,
the only way to earn a high school diploma is to accumulate the requisite number of Carnegie units. And the only way to earn a unit is to pass a class that meets the District’s seat-time requirement (literally, this means that a student must spend a specified number of hours in class—i.e., in his or her “seat”).

Thus, students who come to us at age 17 with three high school credits, work hard, and leave us at age 18 with nine to eleven credits will nonetheless return to their communities needing two more years of high school. For students like these, whose one real success in school was at the Academy and who will probably be returning to a large, underperforming public high school, this is too long, and the diploma too far away.

There is a better way. A number of states—including California, Illinois, Indiana, Maryland, New York, Oregon, and Rhode Island—offer more robust alternatives for earning a high school diploma; these include options for competency-based credit, workplace-based credit, and dual high school-community college enrollments. If our society is to provide a pathway for students such as those who leave the Maya Angelou Academy, then Washington, D.C. and other states must follow their lead.

Conclusion

This volume is dedicated to showing how we might keep our young people out of the juvenile justice system. This includes making sure that kids who enter the system do not return. In this chapter, we have argued that the juvenile justice community should do more to demand quality schools for youth in the system, and that education reformers should do more to create such schools. The story of the Maya Angelou Academy at New Beginnings is one example of how to build such a school inside a juvenile facility.
At the same time, what happens outside the walls matters just as much as what happens inside. Ensuring that young people do not return to the juvenile system will require that equally good schools are available to them when they re-enter the community. This combination of — excellent education inside and outside—is what Jeremy, Keith, Trevon, Anton, and others like them need, and what we as a society have an obligation to provide.

Note

As used throughout this chapter, the pronoun “we” does not refer exclusively to the authors but often to the teachers and staff of the Maya Angelou Academy. Their passion and commitment are something to behold, and this chapter is dedicated to them. The authors also applaud the work of Vincent Schiraldi, Marc Schindler, David Brown, David Muhammad, and the entire DYRS team, including the front-line staff at New Beginnings Youth Center. We would like to thank Arthur Evenchik for his comments and editorial assistance, and Patrick Clark, Alana Intriere, and Michael Knobler for research assistance. Finally, we would like to thank the young men of the New Beginnings Youth Center. May you dream big, work hard, and never, ever return.

References

EDUCATION AND YOUTH IN THE JUSTICE SYSTEM

Educators know that children have great potential to change and develop. Although many children will be involved in delinquent activities in their adolescence, most educators believe that society should not give up on any youth by denying them an education.

Youth in the justice system have a great need for education.¹

- Most youth in the juvenile or adult justice system are two or more years behind their peers in basic academic skills and more often miss school or have been suspended or expelled.²
- 30% to 50% of youth in the juvenile or criminal justice systems have disabilities.³
- 40% to 50% of youth in the juvenile or criminal justice systems have repeated one or more grades.⁴

The juvenile and adult criminal justice systems fail to provide meaningful education to most youth.⁵

- Nationally, 30% to 50% of incarcerated youth with disabilities are denied appropriate educational services.⁶
- Less than 40% of state prisons provide special education services to youth.⁷
- The education that is provided in some juvenile detention centers is often not based around a meaningful curriculum and does not offer credits that transfer to their community school.⁸
- Some juvenile detention centers only require teachers to hold the lowest form of teaching license, many do not require special training in correctional education, and many do not have enough special education teachers.⁹
- Due to the poor quality of education available in the juvenile and adult criminal justice system, class-action lawsuits have been filed in over 20 states challenging inadequate educational practices in correctional facilities.¹⁰

The best way to rehabilitate detained juveniles and prevent them from committing future criminal acts is to provide them with educational opportunities.

- Youth who commit crimes respond well to rehabilitation and treatment, particularly educational services.¹¹
- Research show that youth who participate in correctional education programs are less likely to commit future criminal acts and one-third less likely to be re-incarcerated.¹²
- Research also shows that children receiving education in juvenile detention are more likely to return to school after their release and eventually become employed.¹³

“While still in juvenile hall, I obtained my high school diploma. This period of my life also witnessed the discovery of the wonderful world of books. To my unexpected joy and great benefit, I found relief to the stress of incarceration. I read and read and read some more…The profundity and rapidity of change that followed can hardly be described…I learned that the key to my rehabilitation and transformation into a productive citizen was education. I became determined to obtain a college education [while in the adult system]: I asked various people if they had information on correspondence courses and I wrote many universities, yet the more I gathered the bleaker my situation began to appear….”—John Colasurdo (currently incarcerated)
The Honorable Robert Moore  
Chair, Leflore County Board of Supervisors  
306 West Market Street  
Greenwood, Mississippi 38930-4355

Re: Investigation of the Leflore County Juvenile Detention Center

Dear Chairman Moore:

I write to report the findings of the Civil Rights Division’s investigation of conditions at the Leflore County Juvenile Detention Center (“LCJDC”) in Greenwood, Mississippi. On August 14, 2009, we notified Leflore County, Mississippi, of our intent to conduct an investigation of LCJDC pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997 (“CRIPA”), and the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 (“Section 14141”). Both CRIPA and Section 14141 give the United States Department of Justice (“DOJ”) authority to seek a remedy for a pattern or practice of conduct that violates the constitutional or federal statutory rights of youth in juvenile justice institutions.

We thank the staff members at LCJDC for their helpful and professional conduct throughout the course of the investigation. We received complete cooperation and appreciate their receptiveness to our consultants’ on-site recommendations. Staff assisted our investigation by providing access to records and personnel and by promptly responding to our requests in a transparent manner. We have every reason to believe that the County and the staff of LCJDC are committed to remedying deficiencies at the facility.

I. SUMMARY OF FINDINGS

The youth confined to LCJDC are subjected to conditions that violate their constitutional and federal statutory rights. Our investigation revealed systemic, egregious, and dangerous abuses perpetuated by a lack of accountability and controls. LCJDC fails to prevent unconstitutional harms, or minimize the risk of such harms, through undue use of restraints, arbitrary imposition of punishment, inadequate grievance procedures, failure to report and investigate abuse, inadequate classification systems, inadequate rehabilitative treatment, inadequate medical and mental health care, inadequate suicide risk protections, inadequate environmental safety, inadequate staffing, and inadequate educational services. We found that:
• Youth are dangerously and routinely shackled to metal beds for discipline and punishment;
• Staff have unfettered discretion to immediately administer punishment, and isolation is used excessively for punishment and control;
• Suicidal youth are not assessed by mental health professionals despite known risks;
• Internal investigations dismiss abuse complaints against staff as manipulative; and
• No accommodations exist for children with learning disabilities.

These systemic deficiencies exist because generally accepted juvenile justice standards are not followed. We found that LCJDC staff members do not receive minimally adequate training and that existing policies and procedures are inadequate to ensure constitutionally adequate care and custody of the youth confined to the facility. Staff members fail to report allegations of abuse to the State and appear to routinely violate youths' rights with impunity.

The widespread and significant deficiencies at the facility are a result of significant departures from accepted juvenile justice standards and violate the Fourteenth Amendment's mandate that youth in custody be protected from harm. In this letter, we provide recommendations that are minimally necessary to bring the facility into compliance with the Constitution and federal law.

II. INVESTIGATION

On November 11-12, 2009, we conducted an on-site inspection of LCJDC accompanied by expert consultants in the areas of protection from harm and education. Before, during, and after our tour, we reviewed extensive documentation provided by the County, including policies and procedures, incident reports, unit logs, and training materials. Additionally, we interviewed LCJDC administrators, staff, and youth. We observed youths in a variety of settings, including their living units, dining areas, and in the facility's only classroom. Consistent with our commitment to conduct a transparent investigation and provide technical assistance, our expert consultants conveyed their initial impressions and concerns to the County during exit conferences held at the conclusion of the tour.

III. BACKGROUND

The LCJDC is a 30-bed short-term facility owned and operated by Leflore County for the detention of youth. Male and female youth between 10 and 17 years of age are detained at LCJDC for periods ranging from a few hours to more than 30 days. In addition to detaining youth from Leflore County, the facility contracts with 19 other Mississippi counties to detain youth. As required by state statute, LCJDC and other juvenile justice facilities in Mississippi are monitored by the State Department of Public Safety's Juvenile Detention Facilities Monitoring Unit on a quarterly basis. Despite the relatively limited bed capacity of LCJDC, the number of youths detained at the facility, over time, is significant. During the period between

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1 The counties that contract with Leflore County for juvenile detention include Attala, Bolivar, Calhoun, Carroll, Choctaw, Coahoma, Grenada, Holmes, Humphreys, Leake, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Yalobusha, and Webster.
July 2008 and September 2009, 544 different youths were held at the facility. Notably, some of these 544 youths were detained at the facility multiple times during the time period. During our on-site visit in November 2009, the facility had a youth population of seven males and six females who were from eight different counties.

The two-story LCJDC building was converted from a mental health facility to a juvenile facility in 1995, with the original construction dating back to the 1950s. In addition to LCJDC, the building houses the Leflore County Youth Court and offices for the court's counselors. The juvenile detention portion of the building consists of two floors and is outfitted like an adult jail. The layout is primarily double-bunked cells with metal frame beds, built-in desks or tables, and stainless steel toilets and sinks. Each cell has a metal door with a small window, and lighting is controlled externally by a switch near the door. The upper level customarily houses female youths and includes the facility's only classroom, which is outfitted with books, desks, and an adjacent computer lab. The lower level of LCJDC customarily houses male youths and has a small dayroom for programming in addition to cells. An external door on the lower level hallway connects the cells to a very small outdoor "recreation area" that is completely enclosed by tall brick walls. This outdoor recreation area is designated as the point of egress in case of fire or other emergency.
B. YOUTHS’ RIGHTS TO ADEQUATE EDUCATIONAL SERVICES ARE BEING VIOLATED AT LCJDC

LCJDC consistently fails to provide youth with adequate general education services. Although the County has asserted that complying with the law is difficult due to the transient nature of the youth population and limited resources, these challenges are not unique to this facility and do not excuse the County from providing proper educational services to detained youth. Specifically, Mississippi state law requires that youth receive a minimum of five hours of educational instruction each weekday during the academic year. Miss. Code Ann. § 37-13-91(d), as amended.

The denial of education services to detained youth that are comparable to those provided by the State to non-detained youth violates due process and equal protection rights. Plyler v. Doe, 457 U.S. 202, 224 (1982) (deprivation of basic educational services must be rationally related to a substantial goal of the state); Donnell C. v. Illinois State Bd. of Educ., 829 F. Supp. 1016, 1018-19 (N.D. Ill. 1993) (a juvenile facility’s denial of education services and provision of education services inferior to those of non-detained youth violated due process and equal protection claims of youth at the facility). In cases discussing the provision of education to detained youth, courts have recognized the essential function of education. See, e.g., Morgan v. Sproat, 432 F. Supp. 1130, 1150-51 (D. Miss. 1977) (holding that juvenile facility must provide sufficient education and vocational training to residents in order to reduce recidivism and promote successful reintegration into society).

Furthermore, students with disabilities have federal statutory rights to special education services under the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §§ 1400-1482. See Honig v. Doe, 484 U.S. 305, 310 (1988) (noting that the Education for All Handicapped Children Act, as amended by IDEA, “confers upon disabled students an enforceable substantive right to public education in participating States”). IDEA requires states that accept federal funds to provide educational services to all children with disabilities between the ages of three and twenty-one years, even if the children have been suspended or expelled from school. 20 U.S.C. § 1412(a)(1)(A). Accordingly, the State must provide such services to youth in juvenile justice facilities. See id. (conditioning funds on the availability of services to “all children with disabilities”); 34 C.F.R. § 300.2(b)(1)(iv) (applying IDEA requirements to “all political subdivisions of the State that are involved in the education of children with disabilities, including... State and local juvenile and adult correctional facilities”); see also Alexander S. By and Through Bowers v. Boyd, 876 F. Supp. 773, 788 (D.S.C. 1995) (finding IDEA applicable to school-age detainees in juvenile detention facilities). IDEA also requires schools to have procedures for identifying and testing students with disabilities. 34 C.F.R. § 300.111(a)(1)(i).

Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 794, similarly obligates the State to provide youth confined in its institutions with educational services. Section 504 requires that “[n]o otherwise qualified individual with a disability in the United States, as
defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 29 U.S.C. § 794(a).

Although the County is obligated to provide free and appropriate education to qualified students with disabilities under both the IDEA and Section 504, special education services are virtually non-existent at LCJDC. The facility does not appropriately collect and analyze academic and behavioral data for students. Because of this, students at LCJDC often do not receive appropriate special education services as required by IDEA. Specifically, LCJDC is noncompliant with IDEA with respect to: 1) Child Find (see infra, below); 2) general education interventions; 3) Individual Education Programs (“IEPs”); 4) access to the general education curriculum for students receiving special education services; 5) behavioral supports; 6) staffing; and 7) transition services.

1. **LCJDC violates the due process and equal protection rights of youth confined there by failing to provide them with appropriate general educational services.**

Youth at LCJDC do not receive adequate educational services during detention, in violation of their equal protection and due process rights. Under State law, youths are entitled to a minimum of five hours of educational instruction each weekday during the academic year, Miss. Code Ann. § 37-13-91(d), as amended. Students at LCJDC reported receiving instructional class only Monday through Wednesday until the week of our November 2009 tour. Beginning with the week of our tour, students and staff stated that instruction occurs Monday through Thursday, with Friday reserved for television or movies. Youth detained at LCJDC are not receiving educational services consistent with the State’s mandatory minimum of 5 hours each weekday.

LCJDC fails to maintain any educational records and coursework does not align with that required for a student in the community to obtain a high school diploma. During classroom observation, one female student in her mid-teens was seen completing a worksheet reviewing elementary addition (e.g., \(2 + 3 = 5\)). Such instruction does not allow students to access grade-level curriculum available to non-detained youth. Additional inadequacies of LCJDC’s general educational services are mentioned throughout the discussion of special educational services below.

2. **LCJDC violates federal law by failing to provide adequate Child Find procedures.**

IDEA requires that the State have in effect policies and procedures to identify, locate, and evaluate youth suspected of having a qualifying disability that would entitle them to special education services. 34 C.F.R. 71 § 300.111(a)(1)(i). This is known as “Child Find.” Child Find can sometimes be as simple as asking a detained youth whether he or she has ever received special education services at the community school.
Although a structured intake assessment form exists at LCJDC, Child Find is significantly limited by inadequate or non-existent assessments and faulty scoring. LCJDC’s intake forms do not capture data regarding special education status or history. Rather, the basic screening forms are limited to evaluating the educational and vocational status of youths. In our individual interviews, we identified two youths, A.E. and A.F., who had previously received special education services elsewhere but had not been identified by LCJDC as possibly having a disability entitling them to special education services. LCJDC’s intake forms do not capture data regarding special education status or history necessary for Child Find.

Even if an assessment form utilizes popular evaluative tools, such as the Massachusetts Youth Screening Instrument Version 2 (“MA YSI-2”) used by LCJDC, such tools are only effective for Child Find if properly analyzed and disseminated in a timely fashion. The current evaluative tools fail to satisfy these criteria. Basic scoring of intake assessments is not properly completed, and data is not used to properly guide instructional accommodations. After a student completes a basic screening, LCJDC scores the assessments using percentages and not grade level. However, given the nature and purpose of these forms, reporting the assessment as a percentage score is ineffective in guiding the teacher towards determining whether special education modifications are necessary. Moreover, score forms based on the assessments are only completed when a student is exiting the facility. Accordingly, even if the assessments were scored in a manner that would allow the teacher to make proper adjustments to a youth’s curriculum or to evaluate a youth for special education services, the data would be unavailable for this purpose until the student has left the facility. LCJDC’s intake and screening procedures, therefore, inadequately assist in identifying students in need of special education and related services.

3. **LCJDC violates federal law by failing to provide general instructional and evaluative interventions.**

Prior to evaluation of a student for special education, IDEA requires that the State review data-based documentation of the student’s progress and consider whether the student is being provided appropriate instruction by a highly qualified teacher. 34 C.F.R. 71 § 300.309(b)(1)-(2). The State must further document the student’s behavior in that student’s learning environment, including the regular classroom setting.

There is no evidence that LCJDC engages in academic or behavioral pre-referral/general education interventions, data collection, or observations. Both academic and behavioral pre-referral/general education interventions should include specific methods for data collection in order to objectively evaluate student progress and the possible need for special education services. LCJDC’s data collection processes are inadequate. This incomplete data is particularly troubling for students at the warning level for suicidal ideation, traumatic experiences, or anger. These youths may be entitled to special education services, but they are not being identified at LCJDC. During our tour, 6 of the 13 youths tested at the warning level on the facility’s tests but were not receiving any special education services.
4. **LCJDC violates federal law by failing to provide Individualized Education Programs for youth in need of special education services.**

IDEA requires that each student with a disability have an Individualized Education Program ("IEP") to ensure that the student receives adequate special education services. 34 C.F.R. 71 § 300.323(a). No IEPs were available during our tour, and although several IEPs were provided post-tour, none were for students present at the facility during our visit. During our tour, we discovered a student with special needs who had been housed at LCJDC for 36 days with no IEP. This is a violation of IDEA.

IDEA also requires that LCJDC take reasonable steps to promptly obtain a youth’s records, including IEPs or documents relating to a youth’s special education status, from the previous public agency in which the child was enrolled. 34 C.F.R. 71 § 300.323(g)(1). LCJDC was unable to produce educational records for any student enrolled at the time of our tour, and staff stated that IEPs are often received after a youth has already left the facility. No data concerning student academic and behavioral IEP goals was available while on site, nor was there any indication that parents/guardians and IEP team members had met regarding any student. The absence of this data is a gross violation of IDEA.

In addition, IDEA requires that teachers implement each child’s IEP, including specific accommodations, modifications, and supports. 34 C.F.R. 71 § 300.323(c)(2). No instructional adaptations were observed at LCJDC nor were any adaptations listed on lesson plans. Moreover, lesson plans were incomplete, there was no evidence of academic or behavioral-related record keeping, and lesson plans did not differentiate assignments for students at various levels. The inadequacy of lesson plans and instructional adaptations may be partly attributed to the failure to provide the teacher with IEPs until after a youth has left the facility. Without an IEP, it is impossible for the teacher to properly instruct students according to their individual needs as is required under IDEA.

LCJDC’s failure to maintain IEPs violates several federal requirements, notably that: 1) adequate records are not obtained at intake or sent out at exit from LCJDC; 2) IEPs are not developed, reviewed, or reevaluated in accordance with federal law; 3) there is a high risk of inconsistencies between previous and current levels of special education service for youths; 4) there is a lack of parent/guardian and IEP team signatures; 5) there is a lack of IEP implementation and data collection; and 6) there is a possible lack of relationship between the disability of an individual youth and the IEP goals. 34 C.F.R. 71 § 300.320(a)(2)(i-ii).

5. **LCJDC violates federal law by failing to provide access to the general education curriculum for youth in need of special education services.**

LCJDC’s common practice of segregating youths for discipline problems during school fails to comply with IDEA’s requirement that LCJDC provide comprehensive educational services to students. 34 C.F.R. 71 § 300.304(b)(1). Specifically, no education services are available to students who are sent to their cells for discipline problems. When a student misbehaves, LCJDC routinely returns the youth to his/her cell for the remainder of the day with
no school work, even when the youth’s behavior has improved. This is a patent violation of IDEA. During our tour, 13-year-old youth A.H. was in his cell without any schoolwork for the entire school day because he had refused to do schoolwork in the classroom. Our interview with R.S. revealed a calm and compliant youth who should have been returned to the classroom. Pursuant to federal law, educational services should be comprehensive so as to enable youths to continue to participate in the general education curriculum even if they must be temporarily segregated. Where safety or other penological interests are involved, LCJDC should make individualized adaptations and return the student to class as quickly as safely possible.

6. **LCJDC violates federal law by failing to provide adequate behavioral supports for youth.**

LCJDC fails to provide positive behavioral interventions, supports and other strategies to address negative behavior, as required by IDEA. 34 C.F.R. 71. § 300.324(a)(2)(i). Positive behavioral interventions and supports include interventions for youth at the facility level, secondary interventions for youth with additional needs, and tertiary interventions for youth who require individualized behavioral interventions.

Although LCJDC employs a school-wide social skills curriculum, the primary approach to behavioral problems is reactive. As noted above, LCJDC inappropriately segregates students in cells for the remainder of the school day rather than correcting problematic behavior in the classroom. Segregation is inconsistent with IDEA, and there is no evidence that a youth’s disability is considered when students are sent back to their cells or in the administration of consequences for behavioral misconduct. During our tour, we observed an announcement stating: “Any juvenile found to be disruptive to the orderly running of this facility will be recommended to 90 days detention or training school.” Such reactive and sporadic disciplinary measures fail to adequately remedy or deter problematic behavior and are particularly inappropriate for youth with disabilities. Two out of seven students we interviewed regarding education reported that no reinforcement was provided as an incentive for positive behavior. Moreover, no rules or consequences were posted in the classroom as guidelines for behavior.

Perhaps the most egregious concern regarding LCJDC’s use of segregation is the failure to maintain any data regarding youth segregation. No data is available regarding length of time or frequency of segregation; reason for segregation; youth behavior while segregated; or guidelines for use of segregation. Without such data, “manifestation determination” hearings cannot occur. Further, failing to chronicle segregation use prevents development of, and implementation of, modifications to general education interventions and behavior intervention plans (“BIPs”). IDEA requires that LCJDC conduct a manifest determination when it decides to change the placement of a student with disabilities because of that student’s violation of the code

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6 Manifestation determination hearings are employed when a student who receives special education services is considered for suspension, expulsion or any alternative placement due to some behavioral concern. The process is used to determine if the actions that resulted in the consideration of some disciplinary action against the student were manifestations of the student’s disability.
of conduct. LCJDC’s failure to log this data regarding youth segregation is a patent violation of IDEA.

Based on our review of teacher reports, it appears that students who missed up to two days of school per week were allowed to watch movies on Fridays as incentive for positive behavior. This reward system is problematic because it disengages students from instruction during the movies and permits an excessive number of absences. LCJDC’s system to address student behavior is ineffective and places youth with disabilities at a significant disadvantage for maintaining access to the general education curriculum. More specific behavioral reinforcements should be implemented throughout each day as part of a facility behavior management program.

To adequately address student behavior, LCJDC should implement secondary behavioral interventions for youth who do not need individual programs but need support beyond the facility plan. Under IDEA, when a youth’s “behavior impedes the child’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior,” 34 C.F.R. 71 § 300.324(a)(2)(i). An effective behavioral intervention plan is an intervention that is designed to promote positive, pro-social student behavior.

Pursuant to IDEA, behavior that is a manifestation of a disability should result in a functional behavior assessment and the development or modification of the current behavior intervention plan. Teachers and staff should be held accountable for consistently and accurately evaluating student behavior, recording data, and using student behavioral data, as per individualized programs. At LCJDC, no evidence of any functional behavior assessment or individual behavior plans exists. Further, it is not apparent that teachers and staff are held accountable for consistently and accurately evaluating student behavior, recording data, and using student behavioral data.

7. **LCJDC violates federal law by failing to provide adequate educational staffing for youth in need of special education services.**

Although the student-teacher ratio at the time of our tour of LCJDC was acceptable at 13 students per 1 teacher, the current teacher is neither appropriately licensed nor qualified, in violation of IDEA. Additional teachers who are licensed and qualified are needed to meet the requirements set forth in IDEA. A staffing plan should be devised and implemented based on these current needs, and in light of federal requirements.

8. **LCJDC violates federal law by failing to provide adequate transition services for youth in need of special education services.**

Although IDEA requires that facilities provide transitional services, none exist at LCJDC. IDEA includes two major components in its definition of the group of activities labeled as “transition services.” First, transition services should be located within a results-oriented process focused on preparing students for a fruitful life outside of the school context. Second, the
transition services that a given student receives should be based on the individualized needs of that student.

Vocational technology courses may help provide transitional services for youths. We reviewed a LCJDC memorandum about a vocational technology program that was supposedly implemented in Fall 2009. The curricula listed classes in auto mechanics and repair, brick masonry, wood shop, refrigeration and air conditioning, culinary instructions, cosmetology, and computer technology. In reality, however, no vocational education courses exist at the facility. If the facility had vocational programs, they would need to be offered in accordance with transition services outlined in a student’s IEP. Since there were no IEPs available, it is unclear whether some students have vocational education listed on their IEPs.

An additional concern regarding transition services is the lack of comprehensive and formal information concerning academic progress, which is necessary to report back to a student’s home school upon exiting the facility. Although general transition procedures were provided, the lack of appropriate education and special education services, as well as academic and behavioral data, makes communication of youth progress impossible except for very general statements.

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INTRODUCTION

Improving conditions in juvenile detention facilities has been an objective of the Juvenile Detention Alternatives Initiative (JDAI) since this system reform effort began in 1992. As noted in Improving Conditions of Confinement in Secure Juvenile Detention Centers (Vol. 6, Pathways to Juvenile Detention Reform), dangerous and inadequate conditions in juvenile facilities open public officials to liability in civil rights lawsuits and, more importantly, harm the very youth whose care is entrusted to the juvenile justice system. Since crowding significantly exacerbates institutional problems, improvements in conditions of confinement are often closely linked to JDAI’s population management strategies.

To monitor conditions of confinement in secure detention centers and to identify problems that need correction, JDAI sites establish “self-inspection” teams of volunteers from juvenile justice agencies, other human service systems, and community organizations. These self-inspection teams are trained in a rigorous methodology that carefully examines all aspects of facility policies, practices, and programs. The teams then prepare comprehensive reports on their findings and monitor implementation of corrective action plans. This approach has numerous benefits for JDAI sites. It establishes a permanent local capacity to routinely examine detention facilities. It develops baseline data on conditions of confinement against which progress can be measured. It identifies ways that facility policies and operations can be strengthened. And, it provides independent documentation that can support facility administrators’ requests for new resources or policies.

The materials in this volume include JDAI facility assessment standards, developed by public interest attorneys, national experts and JDAI site personnel. These standards are based on case law, consent decrees, federal statutes, model state laws, professional standards, and best practices. We believe they constitute the most comprehensive and demanding set of published standards for juvenile detention facilities developed in the last thirty years. We have purposefully set the bar very high in developing these standards simply because JDAI sites should strive to operate the best secure detention facilities in the country.

The materials also include a set of guidelines for conducting facility assessments, and “how to” materials covering each component of the standards. The “how to” materials offer practical recommendations regarding what documents to review, which people to interview, and what things to observe during assessments.
The DVD accompanying these materials provides additional resources for conducting assessments. All of the written materials are on the DVD and may be downloaded and printed. In addition, the DVD contains video excerpts from training on the JDAI standards and self-inspection process for New Jersey sites conducted in October, 2005. The DVD also features demonstrations (filmed in the juvenile detention facility in Washington, DC) of how to conduct specific components of the assessments. The DVD should be particularly useful to train new self-inspection team members or to provide a “refresher” course for volunteers who would like to review what their prior training covered.

These standards and the self-inspection methodology are the result of determined efforts by the Youth Law Center and the Center for Children’s Law and Policy, two organizations devoted to the well-being and legal rights of some of this country’s most disadvantaged youth. Mark Soler and Sue Burrell, in particular, have been instrumental in their development and application. In addition, Paul DeMuro and John Rhoads, national experts who have been part of JDAI from its inception in 1992, lent their critical eyes and practical expertise to the preparation of these materials. Finally, JDAI site personnel have tested this approach in the real world and helped to refine these materials based upon their experiences. We deeply appreciate their work and feel confident that the field will be significantly improved by their endeavors.

Over the years, stakeholders in JDAI sites have recognized the value of the standards in protecting the health, safety, and civil rights of detained youth and staff, and have effectively applied the standards to improve the conditions, policies, and practices in their facilities. As a result, the standards have become a touchstone for safe and humane conditions in juvenile detention. We hope these materials will be helpful to you in conducting assessments of your facilities.

Bart Lubow
Director, Programs for High Risk Youth
The Annie E. Casey Foundation
EDUCATION

It is recommended that someone with a background in education and an understanding of special education requirements participate in this part of the site assessment.

Review Written Documents and Other Materials

Review any staff handbooks, student/parent handbooks, and curriculum guides or other documents that reflect or describe the educational policies or programs at the facility.

- Do they comply with JDAI standards?

Review any evaluations, audits, school accreditation reports, school accountability report cards, or similar documents which assess the educational programs provided and/or to what degree youth are achieving academically in these programs.

- Do they indicate any problems related to this section? When you observe the facility you will want to check to see if any problems previously identified have been remedied.

Obtain enrollment data that includes the date of enrollment/first attendance in the facility school, grade level, age, gender, race/ethnicity, language status and special education status of all youth.

- What are the assessed disabilities of all youth identified for special education?
- What are the languages spoken by all youth identified as limited English proficient (LEP) by grade level?

Review education screening forms and documentation of school record requests/transfers.

- Are the screening forms completed with all necessary information?
- Compare screening forms to youth’s intake date and time. Are they completed upon youth’s admission to the facility, and never more than three days after youth’s admission to the facility?
- Review forms for records requests and transfers after release. Does it appear that there is an efficient process in place?

Compare facility admission roster to school records.

- Check records for a sample of youth to determine whether staff are screening youth and enrolling them in school within three days of admission.
• Check whether youth detained more than five days have received an educational assessment, and whether their school records have been ordered.

Review the unit and school schedules.

• Determine how many minutes per day youth are required by law to be in school, and review the daily schedule to determine if the schedule permits all youth the amount of time required by law.
• Is there a schedule for library use that affords regular access for all youth?
• Review the records of services provided to youth who are on disciplinary status or otherwise unable to attend school.

Review teacher roster, credentials, and attendance records.

• Are there any teacher vacancies? How are the positions being filled in the interim?
• What are the credentials of the teaching staff? How many have emergency credentials or waivers?
• Do the teachers have any specialized credentials with respect to special education or LEP instruction?
• Are any of them teaching outside their subject area?
• Determine whether outside substitutes have taught when teachers were on leave, rather than pulling administrators and special service providers from their duties.
• How many of the teachers meet the state’s “highly qualified” definition as required under No Child Left Behind?

Ask for a list of youth suspended in the past 6 months.

• Review randomly selected records of suspended youth to determine compliance with local suspension rules.
• Are students being suspended on grounds that would not normally apply in a regular school setting?

Observe

Observe initial educational screening.

• Do education personnel collect information about school status, special education status, grade level, grades, and history of suspensions or expulsions, retention and LEP?
• Do education personnel ask the questions in a manner likely to elicit accurate responses about special education from youth? Do they ask the questions in a way that youth understand? For example, “Did you receive special education?” will not identify all youth who previously received special education. Questions about whether a youth ever had an IEP, whether a teacher ever got a youth out of class to do work one to one, etc., are more effective at figuring out if a youth was in special education previously.
• Do education personnel ask the questions in a manner likely to elicit accurate responses about language capacity? For example, have youth ever been given any
special instruction to teach them English? Did they attend school in their home country and for how long? Even though they may speak English, can they read in English?

- If youth is LEP, are there any education staff who speak their home language or are appropriate translators available on staff?

**Observe classes.**

- Do teachers engage students? Is classroom work limited to individual seat work or does any interactive instruction take place?
- Is meaningful work occurring?
- Are students on task?
- Are there unnecessary distractions (e.g., class in noisy space, staff talking in close proximity, more than one class in the same room)?
- What are the decorations on the walls of the classrooms? Are they interesting and varied? Do they recognize student achievement?
- What strategies are in place, if any, to provide LEP youth access to the core curriculum? Do any of the teaching staff speak a language other than English? Are there instructional aides available who speak the languages of the LEP youth?
- Are there appropriate instructional materials in class, including those for LEP youth?
- Do youth have access to textbooks or do they use worksheets?
- To what extent do youth have access to computers? Are the programs language-accessible? Are youth engaged in educational activities on the computers (as opposed to playing solitaire)?
- Is there a specialized program in place to teach LEP youth English?
- Do special education teachers and other service providers have appropriate space to do their work with youth?

**Observe transportation of youth to class.**

- Do classes start at the time they are scheduled to start?
- Do classes start late or end early because youth are delivered to class late or picked up early?
- Does variation from the schedule result in substantial reduction of education time?

**Visit other parts of the facility during school time.**

- If youth are observed not in school during the school day, ask why they aren’t in school.
- Observe instruction provided to youth who are not able to attend the regular school.

**Visit the school library.**

- Is there an appropriate variety of books to accommodate youths’ interests, educational needs, and languages spoken by youth at the facility?
- Do the books appear to have been used? Are they new and untouched or old and yellowed?
Interview Youth and Staff at the Facility

Interview staff responsible for screening, assessment and placement.

- Are youth placed in classes solely by age or unit, or are they grouped by ability and/or by LEP status?
- Are education personnel asking questions likely to find out accurate information about special education? What questions do they ask?
- Are education personnel asking questions likely to find out accurate information about English language proficiency? What questions do they ask?
- Are youth detained more than five days assessed at a more complete level?
- Do staff request records for youth within five days of admission?

Interview school personnel at various levels.

- Is there timely communication of information about youth’s work and credits completed as they travel to the next placement or return home?
- Is school on a 12-month calendar?
- How are substitutes trained and retained for the facility?
- Is there a process for determining partial credits and are partial credits accepted by the returning school districts?
- What are the post-detention educational placements available to youth? Are youth placed in alternative schools after detention, or are they re-enrolled in their regular home school district? Who decides and on what basis?

Interview youth.

- Do teachers have control of class or is most of the time taken up with discipline?
- Is work at an appropriate level or is it too easy or too hard?
- Determine if the youth received special education before arriving at the facility. Is he or she getting similar services at the facility?
- Do youth get to use the library? Are they allowed to take out books?
- If a youth is on disciplinary status, what education does the youth receive? Do they receive work packets? Is their work corrected or reviewed by teachers? Is there any meaningful communication with an instructor?
- Are there unnecessary distractions in the classroom?
- Do they have the materials they need?
- Do they have access to textbooks? Do they have access to computers?
- Do they have homework? Can they take textbooks or other materials to their room?
- How often are they tested?

Assess Compliance with Special Education and Section 504 Requirements

- Interview staff, youth, parents, and attorneys who frequently represent youth at the facility.
- Ask for a list of youth with disabilities, review their IEPs, Section 504 Plans, and Behavior Intervention Plans. Observe these selected youth to determine whether they are receiving appropriate instruction and services according to their plans.
• What specific special education services are available to youth?
• How many education staff members provide special education services? Who are they? What services do they provide?
• Check plans against service logs to see if youth are receiving services required by plans.
• Determine whether plans are weakened, or times adjusted down to fit the limited resources of the facility. Compare prior educational placement plans to current ones at the facility for individual youth. Is there a pattern of eliminating or cutting back services from previous plans? Are there legitimate reasons for such changes?
• Observe an IEP meeting for compliance with the law. Are reasonable efforts made to involve the parent or surrogate? Are surrogates available in appropriate cases?
• Is there any delay in the delivery of special education services as a result of the failure to obtain a previous IEP from the sending school district?
• Are special education services and/or assessments provided to those youth who are awaiting placement?