

**ART OF SOCIAL CHANGE:
CHILD WELFARE, EDUCATION & JUVENILE JUSTICE**

**Professor Elizabeth Bartholet
Lecturer on Law Jessica Budnitz**

Fall 2012

Course Information, Syllabus and Schedule, Assignment Specifics

COURSE INFORMATION

Course Materials

Bartholet, *NOBODY'S CHILDREN: Abuse and Neglect, Foster Drift, and the Adoption Alternative* (Beacon Press 1999) [hereafter *Nobody's Children*] will serve as the course text together with additional course materials in weekly assignment packets which will be available prior to each class through the Copy Center, located in the basement of the Wasserstein Building (WCC), as well as through the course iSite. Before each session, students should also read the relevant speaker biographies, which are posted on the CAP website (<http://www.law.harvard.edu/programs/about/cap/art-of-change/index.html>) and included in the assignment packets. Further details will be provided at our first class and by email throughout the semester.

Administrative Details

Professor Elizabeth Bartholet

Office: Hauser Hall 422

Telephone: (617) 495-3128

E-mail: ebarthol@law.harvard.edu

Office Hours: Fridays: 3:00 - 5:00 pm

Assistant: Eleanor Topping, Hauser Hall 418, (617) 496-0551

E-mail: etopping@law.harvard.edu

Lecturer on Law Jessica Budnitz

Office: 6 Everett Street, WCC Rm 4134

Telephone: (617) 496-1684

E-mail: jbudnitz@law.harvard.edu

CAP Program Assistant: Margo Strucker, 6 Everett Street, WCC Rm 3025, (617) 496-8852

E-mail: mstrucker@law.harvard.edu

Course iSite

To access the course iSite, log into MyHLS (<http://myhls.law.harvard.edu>). Choose "login" in the upper left-hand corner and enter your HUID and PIN. Go to the "My Courses" box and click on *Art of Social Change: Child Welfare, Education, & Juvenile Justice*. If you have questions, need training, or cannot access the course iSite, please **contact the ITS Student Helpdesk** (617-495-9576), located in the basement of WCC.

Cross-registrants: If a prospective cross-registrant is admitted into the course, the HLS Registrar's Office will send that student an email notification. Then, in roughly 1-2 days, the HLS ITS Office will give that student access to the course iSite. For further information about cross-registration procedures, visit: <http://www.law.harvard.edu/programs/about/cap/cap-courses/crossregistrants.12.html>

Auditors: Prospective auditors should drop off their completed Request to Audit Form with the HLS Registrar's Office (1585 Massachusetts Avenue, WCC, Suite 4007). After the Registrar's Office processes all enrolled students (during the second week of the course), if there is space, auditors will be admitted. Admitted auditors will then automatically gain access to the course iSite. To download and print the Request to Audit Form, visit:
<http://www.law.harvard.edu/academics/registrar/policies-forms/request-to-audit-form.pdf>

Course Requirements

Course requirements consist of brief questions and reaction papers related to the readings and class presentations, turned in weekly. **See pp. 15-18 for important section on Assignment Specifics which tells you nature of these writing requirements, how and when to submit, and related information on grading.**

The course meets weekly for 2 hour sessions during the Fall term. Practitioners, activists, and community members who are working on issues related to the session topics are invited to join the class and may participate in class discussion. Following each session, all are invited to a brief reception where students have the opportunity to talk informally with the speakers and invited guests. Additionally, students are allowed to sign up for one post-reception dinner during the semester providing an additional opportunity to interact with the speakers, guests, and CAP faculty.¹ Instructions for signing up for dinners will be emailed to all students at the beginning of the term.

NO laptops will be allowed in class.

Communication

Throughout the semester, CAP will send you important information about the course, including when the upcoming week's Assignment Packet is available, via email. In addition to receiving those emails in your inbox, you can find them in the "For Students" folder and "View Course Emails" section of the course iSite. **All students who ADD the course after the first class should review the messages in the "Emailbag."**

To meet with Elizabeth Bartholet or Jessica Budnitz, email each directly as each keeps her own calendar.

¹ Depending on course enrollment, not all students may be able to attend a dinner. Dinners will be filled on a first-come, first-served basis.

SYLLABUS AND SCHEDULE

Class 1 (Sept. 13): Course Overview

Reading:

- Course Information, Syllabus, and Schedule for Fall Classes
- *Nobody's Children*, pp. 1-29

Speakers:

- **Elizabeth Bartholet**, Prof. of Law and Faculty Director, Child Advocacy Program, Harvard Law School
- **Jessica Budnitz**, Lecturer on Law and Managing Director, Child Advocacy Program, Harvard Law School

Attendance is ESSENTIAL for all enrolled in or interested in adding the course.

Class 2 (Sept. 20): Child Maltreatment: The Family Preservation Policy Debate

Reading:

- *Nobody's Children*, pp. 33-67
- Assignment Packet #2

Guest Speakers:

- **Andrew Hoffman**, Managing Attorney for the Boston Office, Child and Family Law Division, Committee for Public Counsel Services
- **Leora Joseph**, Former Assistant District Attorney and Chief of the Child Protection Unit, Suffolk County District Attorney's Office

The proper role of law and policy around child maltreatment issues evokes strong emotions. When and how should the state intervene into the private lives of children and families? Is the state intervening too often and too aggressively, needlessly stripping children away from their birth families and cultural heritage, placing them into inadequate foster homes? Or, instead, is the state's role currently miserably weak, allowing children to suffer indelible harm at the hands of birth parents and other kin who are incapable of providing the basic parenting they need?

Attorneys Andrew Hoffman and Leora Joseph come at the family preservation policy debate from two very different perspectives. Hoffman heads the Boston Office of the agency charged with providing legal services to indigent parents and children in abuse and neglect cases. Among other roles, his job is to zealously defend clients whose parental rights are in jeopardy, parents at risk of losing custody of their children. Hoffman argues that too often the state intervenes into the lives of families, taking children away from birth parents and kin for inappropriate reasons including poverty and discrimination.

Joseph, on the other hand, spends her days prosecuting caretakers who allegedly victimize children. Egregious cases of child maltreatment come across her desk daily, but due to limited

resources and other constraints, her office cannot possibly prosecute each meritorious case. And only a very small percentage of child maltreatment cases are even presented to prosecutors since child maltreatment is dealt with primarily in the civil not the criminal system with social workers playing the major decision-making role. In her experience, Joseph has found that far too often the state does not intervene to protect vulnerable children, continually prioritizing the rights of parents and kin. Rather than freeing up children for adoption in a timely fashion, when all indications are that a birth parent will never be capable of providing a stable, nurturing home, children remain in foster care limbo for years. Or, worse, children are reunited with birth families when there is reliable evidence that the home is unsafe and a good chance the child will be re-abused and/or neglected.

Class 3 (Sept 27): Substance Abuse & Child Maltreatment: the Family Drug Court Model

Reading:

- *Nobody's Children*, pp. 67-81, 207-32
- Assignment Packet #3

Guest Speakers:

- **Jeri Cohen**, Circuit Judge, Juvenile Division, 11th Judicial Circuit, Miami, FL
- **Jeanne Miranda**, Assistant Director, UCLA Health Services Research Center, and Professor, Department of Psychiatry and Biobehavioral Sciences, UCLA

Any effort to reform the child welfare system must address parental substance abuse. Between 70-90% of parents responsible for child abuse and neglect have a serious substance abuse problem, involving either illegal drugs or alcohol or, frequently, both.

Traditional court models for dealing with children and substance abusing parents in the child welfare system arguably have failed. As an alternative to the adversarial court model, family drug treatment courts have been created, offering a dual promise. First, these courts aim to provide drug-abusing parents priority access to treatment and other support so they can rehabilitate and thereby keep custody of their children. Second, these courts aim to provide children the nurturing parenting they deserve by moving them on to foster and adoptive parents, if their birth parents fail at recovery in a reasonable time period. Are these courts fulfilling their promise? Some argue that the courts primarily focus on family preservation at the expense of child well-being, permitting children to return to homes with substance abusing parents with limited parenting capacity or allowing children to languish in foster care, rather than freeing them up for adoption in a timely manner.

Judge Jeri Cohen will describe the innovative family treatment court she founded and runs in Florida. Her court is admired as among the most successful in the country. She will discuss: why and how she created the court, how she defines its success, the strengths and limitations of her court model, possibilities for replication, and more generally how to create systems change.

Psychologist Jeanne Miranda has treated substance abusing parents and children for years. She will provide her perspective on the family drug court model. She will discuss the long-term impact of prenatal drug exposure on the child and the importance of the environment, explaining how living with a substance abusing parent impacts a child's development and future outcomes.

Class 4 (Oct. 4): Nowhere to Go: Children Aging Out of State Care (A Film Screening & Discussion)

Reading:

- *Nobody's Children*, pp. 81-110, 176-204
- Assignment Packet #4

Guest Speakers:

- **Vanessa Diffenbaugh**, Author, *The Language of Flowers*, and Co-Founder, The Camellia Network
- **Arden O'Connor**, Founder, Rediscovery House, and Founder, O'Connor Professional Group
- **Vanessa Roth**, Producer/Director, Big Year Productions

Studies estimate that 20,000 – 25,000 youth age out of the foster care system each year in America. High rates of these youth face unemployment, homelessness, incarceration, health problems, early parenthood, addiction to drugs and alcohol, exploitation, and long-term dependency on public assistance.

The documentary "Aging Out" profiles the stories of three youth as they transition from the state child welfare system to independence. For purposes of the course, we have edited the film to focus on Risa, considered a child welfare system "star" – one of the few to win scholarships and enroll in college after living in foster care for years. Yet, Risa's life becomes anything but a success story. "Aging Out" filmmaker Vanessa Roth, who before working in the film industry was a child advocate in the public schools and family courts in New York and California, forged a bond with Risa. Roth will be available to answer questions and provide thoughts on the ethical dilemmas she faced as she documented Risa's story in this film and its companion piece, "No Tomorrow."

Two local experts on foster care will also provide remarks. Vanessa Diffenbaugh – author of the recent New York Times best-selling novel *The Language of Flowers*, written from the perspective of a youth in the foster care system – will discuss how she is using the attention around her novel (and possible film based on that novel) to generate interest in the Camellia Network. Co-founded by Diffenbaugh, the Camellia Network aims to activate networks of citizens in every community (through the use of social media and other technologies) to provide support as youth transition from foster care to adulthood.

Shortly after graduating from college, Arden O'Connor founded and directed Rediscovery House to prepare youth leaving state care to live independently. Rediscovery provides a continuum of high quality services to youth including: residential, educational, vocational and

clinical. In the early days of Rediscovery House, O'Connor was involved in all aspects of the organization – negotiating and developing agreements with the Massachusetts Department of Children & Families, fundraising and then purchasing a home for the youth in Watertown, managing relations with angry neighbors who were unhappy about the addition of the group home to their community, overseeing the day-to-day supervision of youth in the home, dealing with personnel issues including hiring and firing caseworkers, and more.

Class 5 (Oct. 11): Igniting a Movement: Principles Behind Successful Social Change Efforts

Reading:

- Assignment Packet #5

Guest Speakers:

- **Cheryl Dorsey**, President, Echoing Green Foundation
- **Scott Sherman**, Founder and Executive Director, Transformative Action Institute

When do people “win” when they are trying to change the world? This is the question Scott Sherman has been asking for nearly a decade. Sherman has studied and identified key traits of social change makers and successful movements. Moreover, he founded a center, the Transformative Action Institute (TAI), to train the next generation of change agents -- a movement of movements. Informed by current research, Sherman teaches social activists how to best develop their skills to effect change. Through his teaching, he tries to dispel myths about what fosters – and what actually hinders – successful social change efforts.

One of TAI's earliest supporters was the Echoing Green Foundation. Echoing Green seeks to find the world's most promising social entrepreneurs and provide them seed money to launch new social ventures. The Foundation typically selects less than one percent of its thousands of applicants for its fellowship program. Echoing Green is willing to take risks and fund people with ideas other foundations might initially shy away from supporting. It was among the first to fund what became well-known organizations like Teach for America, City Year, Citizen Schools, Mental Disability Rights Institute, SEED School, and the Maya Angelou Schools (see Week 11). How does Echoing Green identify who they think will be effective social change agents? How does it define success? Cheryl Dorsey, President of Echoing Green, will provide her insights. She has effectively led the Foundation for the past ten years, building it into the acclaimed institution it is today. Dorsey herself was an Echoing Green fellow; after medical residency, rather than embarking on a career as a physician, she founded Family Van to respond to a crisis she witnessed first-hand -- shockingly high rates of infant mortality among African-Americans in inner-city Boston.

Class 6 (Oct. 18): Bullying: How to Create Safe School Climates for All Children

Reading:

- Assignment Packet #6

Guest Speakers:

- **Michael Gregory**, Assistant Clinical Professor of Law, Education Law Clinic, Harvard Law School
- **Dena Sacco**, Senior Researcher, Kinder & Braver World Project, a partnership with the Berkman Center for Internet & Society, the Born this Way Foundation, and others

Response Panelist:

- **Mary Flannery**, Founder, Raw Art Works

After going under the radar for far too long, the problem of bullying has received significant attention in recent years. The media is regularly covering stories focused on the problem, documentaries have been produced, states across the country have passed legislation to combat bullying, and schools themselves are developing new internal policies. Is anti-bullying law and policy moving in the right direction? Some recently proposed laws and policies focus on punitive measures (e.g., “zero tolerance” school policies for bullies, criminalization of bullying behavior, restraining orders to protect victims from the bully). Are these laws and policies effective, protecting victims and also sending the right message to youth that bullying behavior will not be tolerated? Or, are these approaches aggravating the problem, creating a new set of victims? Research shows that bullies themselves are likely to have been victimized in other contexts. Rather than a punitive focus, other law and policy efforts focus on prevention and intervention. How effective are these?

Michael Gregory will provide an overview of trends in anti-bullying law and policy and his ideas about how to create a safe school climate for all children. He will describe the approaches he thinks are the most productive, based on his own work with traumatized children and based on existing social science research.

On February 29, 2012, in Harvard’s Sanders Theater, Lady Gaga launched her new foundation – the Born this Way Foundation (BTWF). The early aim of BTWF was to combat bullying. With guidance from Harvard’s Berkman Center for Internet and Society, Harvard education experts, and others, the Foundation has expanded its vision from an initial, narrower anti-bullying platform to a broader youth empowerment one. The Foundation aims to create a youth movement, enabling youth themselves to spark social change. Dena Sacco from the Kinder & Braver World Project of the BTWF will provide insight into the evolution of this project and likely future directions.

Mary Flannery from Raw Art Works will react to Gregory and Sacco’s remarks, explaining how the arts organization she founded attempts to empower youth by supporting their creativity. Recently, through Raw Art Works, a group of high school students from Lynn, Massachusetts, partnered with a local musician to create an anti-bullying music video.

Class 7 (Oct. 25): Education Reform: Early Education

Reading:

- Assignment Packet #7

Guest Speakers:

- **Sherri Killins**, Commissioner, Massachusetts Department of Early Education and Care
- **Amy O’Leary**, Campaign Director, Early Education for All, Strategies for Children
- **Jane Tewksbury**, Executive Director, Thrive in 5, United Way of Massachusetts Bay and Merrimack Valley and former Commissioner, Massachusetts Department of Youth Services
- **Wayne Ysaguirre**, President and CEO, Associated Early Care and Education, Inc.

Widely accepted empirical research demonstrates the long-term benefits – to both the individual and to society – of high quality early education. Amy O’Leary spearheads the Early Education for All Campaign designed to ensure that children in Massachusetts have access to high-quality early education and become proficient readers by the end of third grade. She will discuss how the campaign has rallied unusual suspects in both the public and private sectors (i.e., banks, corporations, health care institutions) to encourage legislators to support expanded access. She will discuss how and why the Campaign was created, its successes and struggles, and how its strategies have evolved over time.

The Campaign – in partnership with others – claims among its accomplishments: (1) providing a foundation for Massachusetts to win a \$50 million federal Race to the Top-Early Learning Challenge grant in 2011, and (2) the creation of the nation’s first consolidated Department of Early Education and Care (EEC) in 2005. Commissioner of EEC Sherri Killins will describe: how and why EEC was created; her role as Commissioner, including both the accomplishments of EEC but also obstacles she has faced while trying to improve early education opportunities for children; and her current priorities as Commissioner, including evaluating early education and care programs.

Wayne Ysaguirre is President and CEO of one of the largest early education providers in Massachusetts: Associated Early Care and Education. He will discuss Associated’s work including providing early care, offering professional development opportunities, and engaging in research and policy work. He will describe how Associated recruits children and families, and how they evaluate their work, with a focus on the plans for a new center in the Bromley-Heath housing project in Boston. Finally, Ysaguirre will discuss the importance of partnerships, including its partnership with Thrive in Five.

Thrive in Five’s new Executive Director – Jane Tewksbury – will explain her organization’s mission and work. Before directing Thrive in Five, Tewksbury served for many years as Commissioner for the Massachusetts Department of Youth Services. She will explain why she transitioned from working with youth in the justice system to focus on early education and care.

Class 8 (Nov. 1): Education Reform: Community Organizing

Reading:

- Assignment Packet #8

Guest Speakers:

- **John Affeldt**, Managing Attorney, Public Advocates Inc.
- **Mark Warren**, Associate Professor, Department of Public Policy and Public Affairs, University of Massachusetts Boston

Response Panel:

- **Will Poff-Webster**, Member, Youth on Board
- **Carlos Alberto Rojas Alvarez**, Student, Political Activist and Community Organizer, Youth on Board and the Boston Student Advisory Council
- **Jason Williams**, Executive Director, Stand for Children Massachusetts

Education reform has been heralded by many as the civil rights issue of our time. The non-profit Public Advocates focuses on improving educational opportunities and outcomes for low-income and minority students. Managing Attorney John Affeldt will discuss how the strategies Public Advocates employs have evolved since the organization's inception in the 1960s. Rather than simply filing a lawsuit, the organization develops deep partnerships with grassroots education organizations and only engages in litigation as part of a larger, coordinated reform effort.

Professor Mark Warren will elaborate on the role of community organizing in education reform. He will discuss how community organizing has been used effectively but also its limitations as a strategy for social change in the education context, referencing case studies of organizing efforts.

A response panel will react to Affeldt and Warren. Jason Williams will highlight how Stand for Children, a grassroots school reform organization, employs different community organizing tactics and holds different substantive positions on education issues. Two youth organizers – Carlos Rojas and Will Poff-Webster – will describe their roles in education reform when they themselves were high school students. They will discuss the multi-pronged strategies Youth on Board (an organization supporting youth-led organizing) employs to effectuate change.

Class 9 (Nov. 8): Child Mental Health: Strategies for Protecting the Most Vulnerable

Reading:

- Assignment Packet #9

Guest Speakers:

- **Emily Kernan**, Director, Mental Health Advocacy Project, Lawyers for Children
- **Steven Schwartz**, Legal Director and former Executive Director, Center for Public Representation

Response Panelist:

- **Lisa Lambert**, Executive Director, Parent/Professional Advocacy League

In 2001, in response to what some experts called a crisis for children with mental health needs in Massachusetts, the Center for Public Representation (CPR) and collaborators filed a class action lawsuit known as *Rosie D.* Prior to *Rosie D.*, reports demonstrated that the existing behavioral health system for children was fragmented and disjointed. Rather than receiving timely mental health treatment, children and families could often only obtain much-needed services when their situations had become dire and emergency care was required. Children were inappropriately being detained in psychiatric hospitals and/or residential centers.

Steven Schwartz from CPR designed the *Rosie D.* case to provide children and families comprehensive home-based mental health treatment. Schwartz will explain how and why CPR used impact litigation to improve conditions for youth with mental health needs. He will discuss the advantages, but also limitations, of impact litigation as a strategy for system reform. The landmark *Rosie D.* decision was handed down in January 2006 and was considered a major victory by child and mental health advocates. The work did not end with the decision, however, and Schwartz will discuss the complexities involved in creating and implementing the services required by the lawsuit.

Since graduating from law school, attorney Emily Kernan (an alumna of our Child Advocacy Program) has been representing foster care children with mental health needs in New York City. Unlike Schwartz who brought a single lawsuit on behalf of thousands of children across the state, Kernan provides individual advocacy to her clients. She will describe the struggles her clients face. Furthermore, she will discuss the rewards but also frustrations involved in individual client representation.

Lisa Lambert will react to Steven and Emily's remarks, providing a personal perspective as a parent of a child with mental health needs. Additionally, Lambert has expertise in Massachusetts mental health policy, advocacy, and research. She provided testimony in the *Rosie D.* lawsuit, and will discuss her views on the successes and challenges children and families now face as they try to access high quality mental health services. She will also explain the mission and strategies of the parent advocacy organization she directs, which combines anecdotal evidence and data to advocate for improved mental health services and leverages the media to productively cover relevant issues.

Class 10 (Nov. 15): Prostitution of Children: A Hidden Problem & Model Intervention Program

Reading:

- Assignment Packet #10

Guest Speakers:

- **Lisa Goldblatt Grace**, Co-founder and Director, My Life My Choice
- **Pi Heseltine**, Lieutenant, Massachusetts State Police, Trafficking Unit
- **Ann Wilkinson**, Coordinator of Survivor Mentor Services, My Life My Choice

Research shows the average age of entry into prostitution is between eleven and fourteen. Yet, there are almost no programs specifically aimed at serving children involved in

prostitution. One model program is based here in Boston: My Life My Choice (MLMC). The director of the program, Lisa Goldblatt Grace, will describe the problem of childhood prostitution, providing an overview of the demographics. She will explain MLMC's unique curriculum focused on preventing commercial sexual exploitation among youth, a curriculum being employed at agencies across the country. Drawing on her personal experience with sexual exploitation, Ann Wilkinson from MLMC will explain how children get pulled into prostitution and how MLMC uses mentors and group counseling to support youth.

Policies and practices with respect to children involved in prostitution have undergone a sea change in some jurisdictions. Historically, children involved in prostitution were considered delinquents and charged with delinquency offenses. Now, in some jurisdictions, they are approached as victims of child sexual abuse. In Boston, for instance, through the "SEEN" Coalition (Support to End Exploitation Now), law enforcement, child protective services, medical providers, and district attorneys work together to protect sexually exploited children and develop a plan aimed at safety and recovery, instead of punishment. This approach, however, arguably has its limitations.

Lt. Pi Heseltine has been working in law enforcement for over twenty-five years. She will discuss her work investigating crimes involving the prostitution of children across Massachusetts, the difficulties involved in keeping prostituted children safe from further victimization, and why some situations still merit coercive state intervention.

Class 11 (Nov. 29): The School of Second Chances: Model Schools in Juvenile Facilities

Reading:

- Assignment Packet #11

Guest Speakers:

- **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

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

lawsuit aimed at improving conditions, and even after the facility's school was placed under 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.

Class 12 (Dec. 6): Children Dying While Incarcerated: The New Frontier for Youth in Massachusetts

Reading:

- Assignment Packet #12

Guest Speakers:

- **Reginald Dwayne Betts**, Author and National Spokesperson, Campaign for Youth Justice
- **Lael Chester**, Executive Director, Citizens for Juvenile Justice
- **Barbara Kaban**, Director of Juvenile Appeals, Youth Advocacy Division, Committee for Public Counsel Services

Three recent United States Supreme Court cases are dramatically shaping the landscape of juvenile rights: *Roper v. Simmons* (the 2004 case forbidding the death penalty for juvenile offenders); *Graham v. Florida* (the 2010 case outlawing life without parole “LWOP” sentences for juveniles convicted of non-homicide offenses); and *Miller v. Alabama* and *Jackson v. Hobbs* (the 2012 consolidated cases outlawing mandatory LWOP sentences for all juvenile offenders).

Public defender Barbara Kaban will discuss the significance of the *Roper-Graham-Miller* line of cases. Furthermore, she will describe the situation for youth in Massachusetts who were tried as adults and received LWOP sentences, and the strategy for providing them representation post-*Miller*. Kaban is charged with the formidable task of coordinating efforts to provide the highly qualified attorneys needed to represent the roughly eighty Massachusetts offenders at hearings to challenge their LWOP sentences. She will describe the litigation strategy and policy work her agency and other advocates are pursuing to combat juvenile LWOP.

Dwayne Betts knows from first-hand experience the impact of criminal justice policies which permit – and sometimes require -- youth to be tried as adults. An honor student and school treasurer for his class, Betts became a statistic at age sixteen after he committed an impulsive act, a carjacking, becoming another one of the countless black men incarcerated in an adult prison. At risk of an LWOP sentence, he was locked up for eight and a half years. After being released, he has become anything but a statistic. Now a juvenile justice activist, he is working to combat juvenile LWOP and related policies, from his perspective as an acclaimed poet, writer, spokesperson, advocate, and member of the Federal Coordinating Council on Juvenile Justice (an appointment by President Obama).

Lael Chester heads Citizens for Juvenile Justice (CfJJ), the only organization focused exclusively on juvenile justice reform in Massachusetts. She will broaden the conversation, providing her thoughts on what flows from the *Roper-Graham-Miller* cases in terms of juvenile justice law and policy. She will discuss how *Miller* is shaping CfJJ’s policy priorities and future reform strategies.

ASSIGNMENT SPECIFICS

Session Questions

For your assigned dates, students should submit a brief question (or questions) for the upcoming speakers along with a short comment on why the question is significant. The questions and accompanying comments should be **NO more than ½ a page (single-spaced)**. **Include your name and the session date at the top of your submission.**

To submit your assignment, first save your question/comment as a Word file² on your computer with the title “name_monthdate_questions.” For example, if your last name is “Jones,” title the file for your first submission “jones_sept20_questions.”

Then, log into the course iSite. Click on the “Assignment Dropbox” tab on the left-hand menu column. Next, click on the relevant dropbox folder in the middle of your screen (e.g., the box for this submission is labeled “Sept 20 – Questions”). Click the Upload file link. Browse your computer’s file system for the document you want to upload. In the “Title” field of the Dropbox menu, name your assignment “Last Name – Date – Questions.” For example, if your last name is Jones, enter the following title “Jones – Sept 20 – Questions.”

You should upload your assignment **by 9 AM the Wednesday before the Thursday session**. **Check to make sure you have successfully uploaded your assignment; to do this, click on the relevant folder and find your file with its date/time stamp.** After 9 AM the dropbox will disappear from your screen, so you will not be able to upload your submission. **IMPORTANT NOTE: If your questions are LATE for any session, you should upload them to the dropbox labeled “Late Submissions – Questions.”**

Session Reaction Papers

In lieu of the session questions, three times during the semester, students are assigned to draft a brief reaction paper. This paper should give a brief analysis of the substance of the session, based on both materials and presentations, and then give your own reactions, including *e.g.*, your views on disputed issues, your thoughts *re* interesting connections with themes and issues from other sessions. Reaction papers should be **2 - 3 double-spaced pages but no more than 3**. Be sure to **include your name and the session date on the top of your submission.**

To submit your assignment, first save your reaction paper as a Word file on your computer with the title “name_monthdate_reaction.” For example, if your last name is “Adams,” title your file for your first submission “adams_sept20_reaction.”

Then, log into the course iSite. Click on the “Assignment Dropbox” tab on the left-hand menu column. Next, click on the relevant dropbox folder (e.g., the box for the first reaction submission is labeled “Sept 20 – Reaction”). Click the Upload file link. Browse your computer’s file system for the

² If you do not regularly use Word, contact Margo Strucker (CAP Program Assistant) at mstrucker@law.harvard.edu, and she will work with you to find an alternate word processing program which is compatible with the course iSite.

document you want to upload. In the "Title" field of the Dropbox, name your assignment "Last Name – Date – Reaction." For example, if your last name is Adams, enter the following title "Adams – Sept 20 – Reaction."

You should upload your reaction paper **by 9 AM on the Tuesday following the Thursday session.** **Check to make sure you have successfully uploaded your assignment; to do this, click on the relevant folder and find your file with its date/time stamp.** After 9 AM, the dropbox will disappear from your screen, so you will not be able to upload your submission. **IMPORTANT NOTE: If your reaction paper is LATE for any session, you should upload it to the dropbox labeled "Late Submissions – Reactions."**

Assignment Dates

For the First Session:

There is no *written* assignment for the first session (9/13). However we expect all students to read very carefully the materials assigned for the first session, as they are critical to themes which will be presented throughout the course. We expect you to weave in your reactions to the ideas presented in the first assignment in your submissions later in the term.

For All Subsequent Sessions:

We have divided reaction paper assignments based on the first letter of your last name. For the weeks you are assigned reaction papers, you do NOT have to submit questions/comments before class. In other words, for each class (except the first class on 9/13), you will submit ONE written assignment – either questions/comments OR a reaction paper. Each student will submit a total of 8 questions/comments and 3 reaction papers over the course of the semester.

Below are the class dates for which you are assigned to submit reaction papers. In parentheses next to each class date is the date your reaction paper is due. Remember you must upload your reaction paper by 9:00 AM that Tuesday. For example, a student with the last name Adams is assigned to submit reactions papers for the 9/20, 10/18, and 11/15 sessions; he must upload his assignment for each session by 9:00 AM on 9/25, 10/23, and 11/20 respectively.

<u>Last Names Beginning With:</u>	<u>Reaction Paper Assignment:</u>		
A-F	9/20 (9/25)	10/18 (10/23)	11/15 (11/20)
G-L	9/27 (10/2)	10/25 (10/30)	11/29 (12/4)
M-S	10/4 (10/9)	11/1 (11/6)	12/6 (12/11)
T-Z	10/11 (10/16)	11/8 (11/13)	12/6 (12/11)

Below are the class dates for which you are assigned to submit questions/comments. In parentheses next to each class date is the date your questions/comments are due. Remember you must upload your questions/comments by 9 AM that Wednesday. For example, a student with the last name Adams is assigned to submit questions/comments for the 9/27, 10/4, 10/11, 10/25, 11/1, 11/8, 11/29, and 12/6 sessions; he must upload his assignment for each session by 9 AM on 9/26, 10/3, 10/10, 10/24, 10/31, 11/7, 11/28, and 12/5 respectively.

<u>Last Names Beginning With:</u>	<u>Questions/Comments Assignment:</u>			
A-F	9/27 (9/26)	10/4 (10/3)	10/11 (10/10)	10/25 (10/24)
	11/1 (10/31)	11/8 (11/7)	11/29 (11/28)	12/6 (12/5)
G-L	9/20 (9/19)	10/4 (10/3)	10/11 (10/10)	10/18 (10/17)
	11/1 (10/31)	11/8 (11/7)	11/15 (11/14)	12/6 (12/5)
M-S	9/20 (9/19)	9/27 (9/26)	10/11 (10/10)	10/18 (10/17)
	10/25 (10/24)	11/8 (11/7)	11/15 (11/14)	11/29 (11/28)
T-Z	9/20 (9/19)	9/27 (9/26)	10/4 (10/3)	10/18 (10/17)
	10/25 (10/24)	11/1 (10/31)	11/15 (11/14)	11/29 (11/28)

Dropbox Problems:

If you have a problem accessing the dropbox (on rare occasions, the iSite malfunctions), simply email your assignment to Jessica (jbudnitz@law.harvard.edu) – and copy Margo (mstrucker@law.harvard.edu) and Eleanor (etopping@law.harvard.edu) – with the relevant explanation.

Grading

Grades will be based generally on your performance on the weekly written assignments, with greater weight given to the reaction papers. You will receive limited feedback on the reaction papers throughout the term. We will use your questions/comments to provide each week's speakers a sense for the issues raised by the class so they can take that into account in their presentations.

Submission of all assignments on a timely basis is important and will be taken into account in your grade. We will send you only one reminder that you have a missing assignment. We will not send additional reminders about that assignment or any future assignments you miss. It is your responsibility to check to make sure all your assignments have been submitted on a timely basis. If you have an urgent need for permission to submit late you must request permission in advance, emailing Jessica Budnitz.

Note for cross-registrants from the HLS Registrar's Office: Report of grades is obtained from your **home** Registrar's Office. The HLS grading system is **H, P, LP and F** (Honors, Pass, Low Pass and Fail). A small number of students may be awarded the Dean's Scholar Prize, given to students whose performance in the course is extraordinary. The notation **WD** (Withdrew after Deadline) is applied when a student withdraws from a course after the DROP deadline.