



Robert F. Kennedy
Children's Action Corps
RFK National Resource Center
for Juvenile Justice



Juvenile Justice and Education Partnerships: What Are You Waiting For?

By Dr. John Mick Moore and Leigh Gallivan Mahoney

During the last few years there have been a number of articles and presentations on a newly identified population of youth who are involved in both the juvenile justice and child welfare systems. These youth are commonly called dual status youth or crossover youth. Research shows that these youth enter more quickly and more deeply into the juvenile justice system, creating a need for early identification and intervention.¹ This research and an array of innovative practice reforms has resulted in jurisdictions creating new and much needed partnerships between their local child welfare and juvenile justice departments to identify and provide targeted, effective services to dual status youth. At the same time, these practices have lacked the necessary intensity of engagement of the education system, despite the overwhelming research indicating that dual status youth experience significant educational failures and concerns (e.g., truancy, suspensions and expulsions, learning disabilities, decreased graduation rates).

Over a year ago, the OP-ED entitled "Juvenile Justice and Education Partnerships: Change Must Begin Now"² was published and shared with leaders in the juvenile justice field to stimulate conversation and awareness. When asked why educational representatives are not actively participating in the collaborations formed to more effectively address the risks and needs of multi-system or dual status youth, the response is sometimes centered on not knowing who to invite. Logistical issues based on the sheer number, size and distance of school districts combined with a general feeling of not knowing whom the appropriate decision maker is creates confusion regarding who should be present. There is also a perception that educators won't come and, if they do come, they won't stay. Another common reaction is that rules, regulations and laws (state and federal) do not allow educational representatives

to participate and share information. The silos within which the necessary agencies function seem all too often to be maintained. Without the full partnership of education, the ability to better serve dual status youth most effectively is diminished.

So what can be done? The answer is not a quick fix solution but rather a systems-change initiative that, over time, builds a working relationship based on understanding, trust, and shared positive outcomes. When first considering education as a full partner, it may appear hopeless due to previous failures, countless barriers, not knowing whom to reach out to and therefore not knowing where to begin. In fact, the opposite

What Is Dual Status?

Dual status youth refers to youth who come into contact with both the child welfare and juvenile justice systems. A number of terms are used in reference to this population of youth to reflect distinctions between the different levels of system involvement:

- "Dually-identified youth" are currently involved with the juvenile justice system and are not currently in the child welfare system, though they have been involved with it in the past.
- "Dually-involved youth" are concurrently involved with the child welfare and juvenile justice systems (could be through diversion, formal involvement, or a combination).
- "Dually-adjudicated youth" are youth that have been concurrently adjudicated in both the child welfare and juvenile justice systems as dependent and delinquent.

Source: Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration: A Framework for Improved Outcomes, 3rd Edition.

1 Halemba, G. and Siegel, G. *Doorways to Delinquency: Multi-System Involvement of Delinquent Youth in King County (Seattle, WA)*; National Center for Juvenile Justice (September 2011).

2 Moore, J.M. OP-ED: *Juvenile Justice and Education Partnerships: Change Must Begin Now*; Juvenile Justice Information Exchange (August 2014).

is true – there is every reason to be hopeful. It’s a matter of taking the time to be deliberate and strategic in a logical process of administrative and staff engagement.

WHAT INCENTIVES WOULD BRING EDUCATION TO THE TABLE?

If a jurisdiction is facing very little collegiality with the education system, the first question to be answered is what would bring education leaders to the table? What incentives can attract educators to want to spend their time and effort working with the juvenile justice system when it appears there are not enough staff, teachers, time and resources to deal with all the students who already come to school? The answer will emerge when there are efforts to identify common ground that benefits both systems.

Finding Common Ground

In King County, Washington, a small inexpensive study was conducted in 2006 to identify how many youth in detention or on probation had dropped out of school or had so few credits that high school graduation was unattainable. It was shocking, at the time, to learn that 70 percent of youth in the juvenile justice system had dropped out or were on their way to dropping out of school. This information got the attention of education departments because the inability to reduce dropout rates would jeopardize funding and lead to sanctions from the federal government under the No Child Left Behind (NCLB) Act. In addition, the dropout rates were published in the local newspapers, and educational leaders, especially superintendents and principals, were being scrutinized by the public and risked being transferred or terminated as a result. The need to reduce court involvement leading to youth permanently dropping out became a major incentive for schools to partner with the juvenile justice system.

Another incentive is the basic fact that partnerships have inherent positive outcomes that outweigh the individual effort of any single partner. For example, school-justice partnerships, such as the New York Keeping Kids in School and Out of Court collaboration,³ came to understand that reducing suspensions and school-based summonses and arrests (especially for truancy) allowed more opportunity for learning, thus reducing absenteeism, decreasing dropping out and increasing graduation potential. All of these efforts to work closer with the juvenile justice system also created an unexpected incentive of improving school climate. Students were less likely to be sent to detention for truancy, and all systems were working closer together to keep youth in school and out of detention/courts.

3 *Keeping Kids in School and Out of Court*; Report and Recommendations; The New York State Permanent Judicial Commission on Justice for Children, working with Advocates for Children of New York, sponsored the New York City School-Justice Partnership Task Force with support from Skadden, Arps and a grant from The Atlantic Philanthropies (May 2013).

Changing the Perception of Education

Today, the “school-to-prison pipeline” discussion⁴ provides common ground between education and juvenile justice systems. However, in some situations an unintended outcome has been the perception that the schools are to blame for youth ending up in prison. It is important to avoid finger pointing or blame when looking to engage the education system. Instead, the focus has to be on what can be done together to help both systems meet common goals. Essentially what we all want for our nation’s youth is to stay out of the justice system, stay in the education/vocation system, obtain a living wage job and career and become a contributing member of our democratic society. It is this common end-goal that brings juvenile justice and education together even though the systems may primarily focus on different priority goals and outcomes (e.g., reducing recidivism in the juvenile justice system and improving graduation rates in the education system). The relationship may truly grow when the collaborating systems realize that achievement in one area is positively related to achievement in the other area. It is this common ground that produces shared incentives.

In identifying this common ground, it is necessary to understand that education systems feel overwhelmed at working with youth involved in the juvenile justice system—there is no way to ignore that they are labor and cost intensive. As a group, these students are disproportionately more likely to be eligible for special education and for intensive interventions in school. These students also have extensive trauma histories—it is estimated that 75 to 90% of youth entering the juvenile justice system have experienced childhood trauma⁵—often paired with poor developmental support. Brain science now clearly shows us that this results in significant challenges in learning and memory, social-emotional skills, self-regulation, and executive functions, having a dramatic impact on youths’ successful engagement with school. Not surprisingly, these same challenges are ones that can result in involvement with the juvenile justice system as well.

This does not mean that school districts want to shirk their responsibility to teach these youth; but it is important to acknowledge the challenges they face in doing so, and perhaps more importantly, the reasons they may feel hopeless to effect change. It is this hopelessness, more than anything else, that has led to zero-tolerance policies. We have enough examples

4 Amurao, C., *Fact Sheet: How Bad Is the School-to-Prison Pipeline* www.pbs.org/wnet/tavissmiley/tsr/education-under-arrest/school-to-prison-pipeline-fact-sheet/ (2013). See also Kang-Brown, J., Trone, J., Fratello J., and Daftary-Kapur, T., *A Generation Later: What We’ve Learned about Zero Tolerance in School*; Center of Youth at the Vera Institute of Justice; www.vera.org/pubs/zero-tolerance-in-schools-issue-brief (2013).

5 Adams, Erica J., MD, *Healing Invisible Wounds: Why Investing in Trauma Informed Care for Children Makes Sense*; Justice Policy Institute (2010).

from across the country to know that when school districts see other options, and can employ other tools in working with their most challenging youth, they can be excellent partners in better serving students, both before and after court involvement.

Identifying Fiscal Incentives

Juvenile justice organizations can, first and foremost, understand the realities faced by overburdened educational systems. They can also look for opportunities to share resources, personnel, and training, especially if this has the dual advantage of providing better resources for children and saving money for the district. Though it is difficult to quantify a year-to-year savings in the bottom line for many school districts resulting from partnership, educational champions who take the long view on what it truly costs to effectively educate all of their students will see a fiscal and philosophical incentive for a juvenile justice partnership. Juvenile justice systems should also look for opportunities to advocate for funding that makes sense for education. This could take the form of creative blending and braiding of educational and juvenile justice dollars to better serve the youth they share. It could also mean local support for educational initiatives or at the state-level, flexible per-pupil-expenditure models that allow more dollars to be assigned to students with higher need due to poverty, special education, and/or English Language Learners (ELL) status.

Perhaps, though, the most compelling fiscal incentive is not to either partner, but is instead the savings afforded to the community. As a society, we do not always value the savings created by prevention and proactive intervention, but it is difficult to argue with in this case. Nationally, per pupil expenditures average \$10,700 for a school year—a daily average rate of \$59.45 per student.⁶ To confine a youth involved with the juvenile justice system, it costs an average of \$407.58 per day, or a school year comparison of \$73,364.⁷ Successfully keeping the child in school, even with community supports, can save approximately \$50,000 per student per school year. These savings increase exponentially when one considers that without successful educational and vocational outcomes, many of these youth will go on to inhabit our adult justice system, with a far higher price tag. Lastly, once we factor in the taxes that could be paid by these youth as gainfully employed adults, the return on investment from partnerships for better educational and juvenile justice outcomes is staggering. Given these stark realities, the community can and should be mobilized to support, and even demand, a positive educational and juvenile justice partnership focused on better youth outcomes.

⁶ US Census Bureau, *Public Education Finances: 2013* (2015).

⁷ Justice Policy Institute, *Sticker Shock: Calculating the Full Price Tag for Youth Incarceration* (2014).

Look to Federal Policy for Incentives

These same fiscal and philosophical levers have also been applied elsewhere, resulting in broader educational policy supports for justice-education partnerships. The Every Student Succeeds Act (ESSA), which replaces No Child Left Behind (NCLB), re-authorized the government's role in the monitoring and funding of education. Passed in 2015, the Act specifically

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addresses the educational outcomes of youth in foster care, youth in the juvenile justice system, and those who are dual status. The new law contains requirements of state educational agencies to “describe how the State will place a priority for [juvenile justice involved] children to attain a regular high school diploma.” It also includes provisions for systems to facilitate communication, record-sharing, and smooth transitions for students between justice facilities and the public schools.⁸

Perhaps the most important changes under ESSA, though, are those that impact funding. The first education act (the Elementary and Secondary Education Act, or ESEA) was passed in 1965 as part of President Johnson's War on Poverty. In keeping with that thinking, a large part of the bill, known as Title I, has provided federal funding of education and school improvement concentrating on equity and access for youth who are low-income, or are otherwise considered to be “at risk.” These federal funds are implemented and dispersed at the state level. Juvenile justice-involved youth have always been supported by this funding under Title I, Part D. ESSA has changed funding in two ways, however—first, by expanding the requirements that application for this funding must not only provide the same access to education that other students would have, but also include programming that focuses on improving their educational outcomes. Specifically, “a description of any partnerships with institutions of higher education or local businesses to facilitate post- secondary and workforce success for children and youth [involved with the

⁸ Every Student Succeeds Act of 2015, S.1414

juvenile justice system]” (ESSA, section 1423, 2015). And Title I, Part D funds may also now be used for “targeted services for youth who have come in contact with both the child welfare system and juvenile justice system” (ESSA, section 1415, 2015).

The second change to funding is that these changes are part of a broader system of more flexible, and potentially creative, uses of Title I funds, with more local decision making and oversight than has existed under NCLB. This could be an excellent opportunity for juvenile justice systems to partner with education on how to wisely invest these dollars in programming that will result in improved outcomes for the youth they both serve.

WHO SHOULD BE INVITED FROM EDUCATION?

In discussions with juvenile justice administrators, an often-asked question is who should be invited to represent education. The answer begins by identifying a champion within the education system. The task may start by asking internal administrators, supervisors and line-staff if they have had any interactions with a colleague from the education system who appears to be a leader or knows someone who might assist in the search. It may be that a probation officer or detention administrator knows of someone to ask. Sometimes a superintendent reaches out to a judge, or perhaps another education administrator has a positive working relationship with a leader from the juvenile justice department upon which they can build. There may be a school principal who is known to actively work with probation officers. Once the task of seeking an educational leader begins, there is always someone who emerges.

Another avenue may be to contact the regional education agency. In most states, there are regional or county educational service agencies that serve school districts as defined by counties or regions. If available, a call to the regional superintendent might lead to recommendations regarding which local school district superintendents are most approachable and, very importantly, respected by their peers. Working with an educational champion who is a leader of leaders inside the educational environment can encourage other school district participants and initiate a significant positive step toward a working education/juvenile justice partnership.

HOW TO LEVERAGE SCHOOL CHAMPIONS

Once the educational champions are identified, schedule an initial meeting to discuss the desire to work together, identify the most immediate mutual concerns, pinpoint the benefits of a partnership and develop a plan to bring other school district leaders “on board.” Next, a small planning team needs to be organized that includes the education champion(s), judicial leadership, and juvenile justice administrative leaders and

Initial concerns noted by the Education Subcommittee:

- Continuous breakdown in communication between schools and the detention center regarding the unexpected return of youth back to the school building
- Inability to quickly provide individual school records to the detention center so that appropriate educational instruction could be maintained
- Role and impact of police/community officers on school campuses
- Unintended negative impact of zero tolerance

Source: King County Systems Integration Initiative (KCSII) Education Subcommittee Minutes, November 2006.

focuses on creating the format and logistics of a long-term process of systems engagement.

In King County, after early discussions over the course of several meetings about common concerns (see text box), it was decided that an area of strong interest was “zero tolerance” school policies that resulted in removal of students who were often the ones who most needed to “stay in school and out of jail.” With new research indicating that zero tolerance had negative unintended consequences,⁹ there was a mutual decision to hold a meeting on this topic. As it turned out, all of the juvenile justice judges attended, along with the majority of superintendents, and some key disciplinarian staff. One important and often overlooked incentive was that lunch was provided to encourage participants to meet each other. Encouraging busy people to attend yet another meeting can certainly be enhanced by allowing them the opportunity to enjoy lunch and have some informal time to network while accomplishing the tasks at hand. In addition, a separate meeting room was provided for the judges and superintendents to establish a more personal relationship. Barriers can be broken down very quickly when professionals from different systems meet face-to-face, know each other on a first name basis and establish a personal/professional relationship. Over time, trust can be built with the valuable outcome of knowing whom to call to discuss an issue or figure out a strategy to better serve youth.

Once the initial meeting of leaders from the education and juvenile justice systems is completed, there needs to be further discussion on how to continue this new way of working together. It would be advisable to establish a steering committee to plan for next steps. In King County, a judge called

⁹ Skiba, R. et al., Are Zero Tolerance Policies Effective in the Schools? A Report by the American Psychological Association Task Force. (2006).

the community together to talk about disproportionality in the juvenile justice population, and it was this meeting that resulted in an executive committee of system partners that included juvenile justice, education, child welfare, mental health, substance abuse and community-based organizations.

The executive committee ultimately created sub-committees, including one for education. This executive group, now called “Uniting for Youth” and the education subcommittee, now called the “PathNet Committee,” have been meeting on a regular basis for nearly ten years.

The PathNet Story

It is interesting, in retrospect, to see how a community-supported education committee, with little or no funding, can develop and create a significant change. The education subcommittee in King County was initially charged with the task of improving communications between the detention center and local schools. However, the thinking of the committee members went far beyond improving communication to trying to ignite a systems change that would reengage out-of-school youth who were in the juvenile justice system. The feeling, at the time, was that too many youth were being disenfranchised by the inability to provide an alternative pathway for those who were never going to obtain a high school diploma. The local dropout rate was just starting to be documented, and it was estimated that about one-third of our youth were not going to graduate. A systems change initiative called PathNet emerged.

The name “PathNet” came from a disengaged youth who said he needed “a pathway that is networked to help him receive the support needed to achieve a living-wage job and career.” This young man’s voice resonated with everyone. The committee changed its name to the PathNet Committee and created a vision statement, position paper and structure.¹ The position paper was converted into a grant request and leveraged funds from the MacArthur Foundation to complete a two-year study. Furthermore, the committee members became active in sharing the PathNet philosophy with legislators leading to the sponsorship of a bill to study the dropout system (HB 1573). The bill called for a two-year study and report with recommendations. The legislative report recommended four actions including a new dropout reengagement system funded

with current state education dollars for youth who were eligible for public education but had dropped out of school or had so few credits, given their age, that graduation was unattainable.

The next step was to create another bill (ESSHB 1418) to authorize a new dropout reengagement system called “Open Doors.” PathNet committee members provided testimony during legislative sessions and were invited to assist in the writing of the bill. They also were invited to participate and/or chair major state-level committees dealing with rules and regulations and the provision of a state-approved implementation manual. Upon passage, there was tremendous satisfaction that the PathNet initiative, which had been started as a local grassroots movement some ten years earlier, had now been embedded in law and institutionalized across the state using existing educational funding. Today there are over 90 state-approved Open Doors programs.

After nearly ten years, the PathNet committee is still meeting when the majority of other volunteer committees have faded away. A major reason is that the work of the committee became important to the success of the partners job responsibilities. They found it valuable to talk face-to-face to their colleagues from other systems. They were able to decrease costs by sharing the workload with other systems that had a common goal. Keeping youth reengaged in a meaningful vocational pathway resulted in less opportunity, desire, or need to commit crimes. Consequently, members began to see the benefit of collaboration. Serving on the PathNet committee began to show up on different agencies’ job descriptions. When a member retired or moved to a different job, his or her replacement was expected to participate on the PathNet committee. Over time, participation on the PathNet Committee became institutionalized as the leaders of various systems came to realize this is a critical way to do business.

¹ *PathNet: An Innovative School Reengagement System*; Innovative Brief of Models for Change; John D. and Catherine T. MacArthur Foundation (December 2014)

CREATING AN EDUCATIONAL PLATFORM

Another important step toward partnering with education comes from within each system through the development of an education platform. An education platform is basically a written description that reflects the intent of the system to incorporate education as an authentic partner. It usually begins at the top with measurable educational involvement clearly stated as part

of the system’s strategic plan and is further reflected in written protocols for staff. It is unreasonable to think a system can sustain an educational partnership if “education” is nowhere to be found in its guiding document, the strategic plan or in the protocols for line staff. If systems are truly planning to work hand-in-hand with education, it has to be stated as such. The text box to the right contains some of the questions that can drive an educational platform for every system.

THE TIME IS NOW

Those who work effectively with youth in the child welfare, juvenile justice, or education systems will tell you that while content, resources, and facilities are important, in the end it is actually the strength of positive relationships that gets the job done. There is a parallel truth for the adults who work in these systems. The creation and maintenance of meaningful relationships between individuals, and the organizational supports that provide the same for their respective agencies, is what brings about effective systems change. Though the path toward solutions may be complex, the problem itself should not be overcomplicated by territorialism, defensiveness, or a lack of understanding. It is actually quite simple. Each of these entities shares a mission to help youth grow into a safe and productive adulthood. Each brings its own specific focus and role in achieving that mission, but the mission itself is collectively agreed upon and cannot be met successfully for these youth by any one entity alone. In the space created by that common goal, meaningful relationships can be developed and nurtured and change can occur.

There is more momentum than ever before to significantly reduce incarceration and recidivism by improving youth outcomes through juvenile justice/education partnerships. Currently, the Robert F. Kennedy National Resource Center for Juvenile Justice, led by Robert F. Kennedy Children's Action Corps, is working with numerous jurisdictions to integrate child welfare and juvenile justice systems while also engaging education. In addition, the newly launched National Resource Center on School-Justice Partnership is an example of the current national momentum to enhance this work. This new Resource Center is providing a common point of information to accelerate the development of an educational platform for every jurisdiction while providing current examples of successful education-justice initiatives. The time to start the process is now. Collaboration does not require new funds or a budget. It begins with an education champion and is sustained through an educational platform institutionalized into the culture of the juvenile justice system. At the same time, the educational system must include the juvenile justice system as a full partner to support youth toward a common end-goal of a living wage job and career. So what are you waiting for?

Questions to consider in developing an educational platform:

- Is education reflected in your strategic plan?
- Are there indicators for line staff to trigger policies and procedures that require educational participation?
- Are there protocols for line staff to interface with educators and vice-versa?
- Does staff understand each other's confidentiality rules as opposed to the myths that exclude sharing of information?
- Are there procedures to acquire and share agreed-upon outcome data?
- Does line staff from various systems train and celebrate together?

About the Robert F. Kennedy National Resource Center for Juvenile Justice

The Robert F. Kennedy National Resource Center for Juvenile Justice, led by Robert F. Kennedy Children's Action Corps, provides consultation, technical assistance, and training to enhance the performance of youth-serving systems and improve outcomes for youth and families touched by the juvenile justice system. The services and resources delivered by the RFK National Resource Center address: (1) youth with prior or current involvement in both the child welfare and juvenile justice systems, known as dual status youth, (2) the review and improvement of juvenile probation systems, and (3) the use of a model framework to address the state and national laws and policies governing the exchange and sharing of data, information, and records for youth and families.

For additional information, please visit www.rfknrcjj.org.

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