

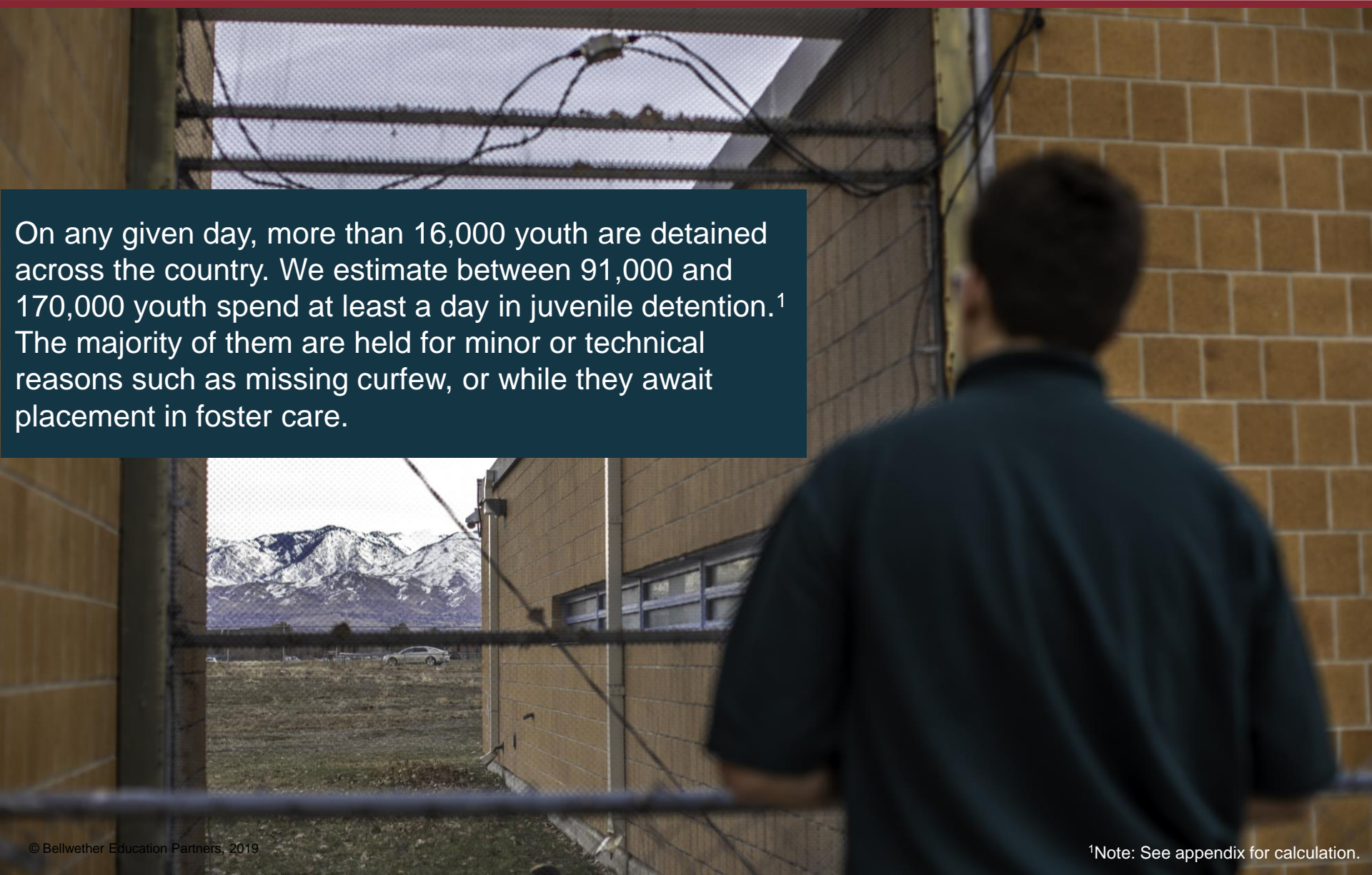


Educating Youth in Short-Term Detention

By Hailly T.N. Korman and Max Marchitello

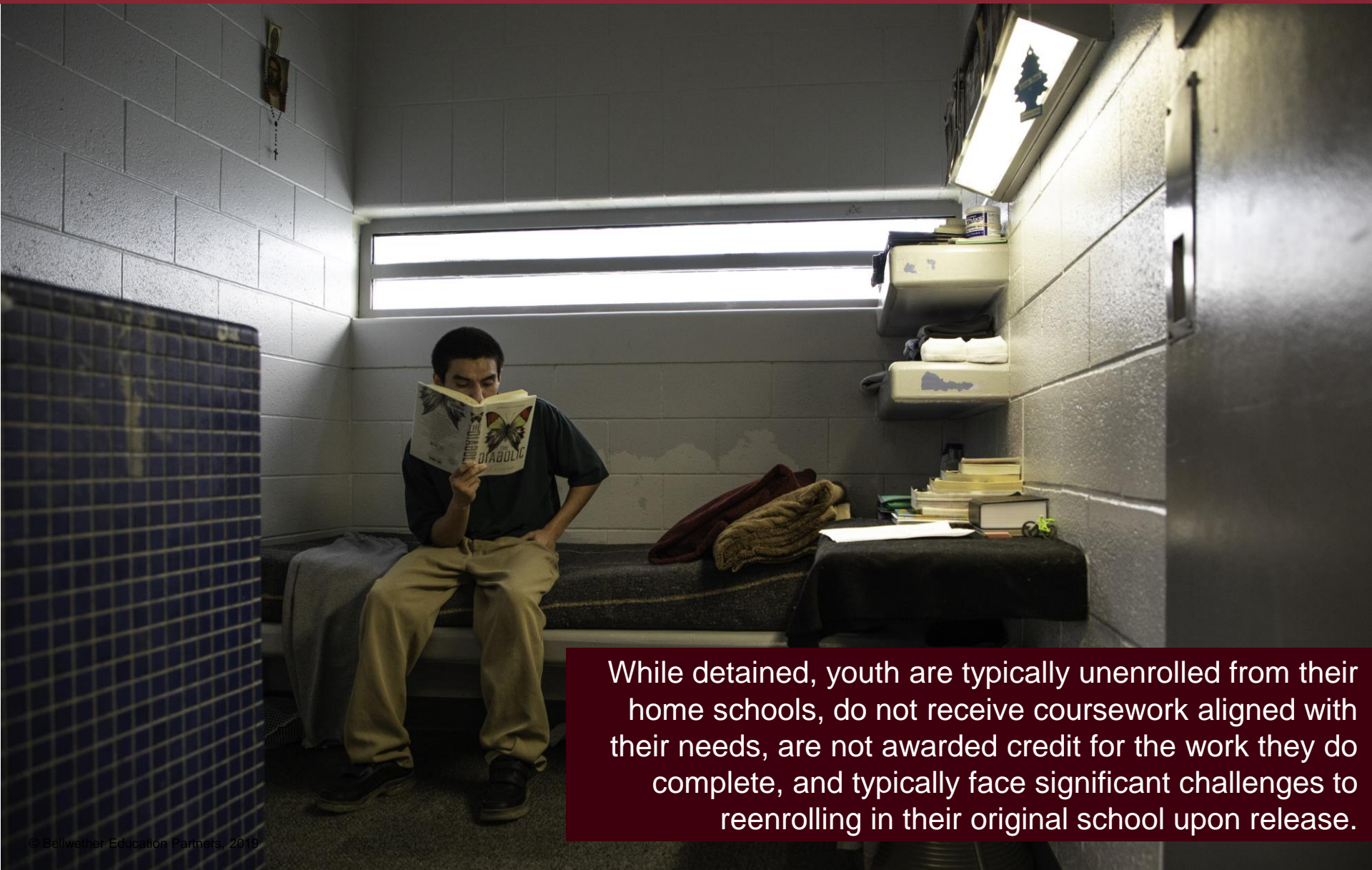
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Whenever a young person is arrested, their education is interrupted



On any given day, more than 16,000 youth are detained across the country. We estimate between 91,000 and 170,000 youth spend at least a day in juvenile detention.¹ The majority of them are held for minor or technical reasons such as missing curfew, or while they await placement in foster care.

Detention severs education relationships and undermines academic progress



While detained, youth are typically unenrolled from their home schools, do not receive coursework aligned with their needs, are not awarded credit for the work they do complete, and typically face significant challenges to reenrolling in their original school upon release.

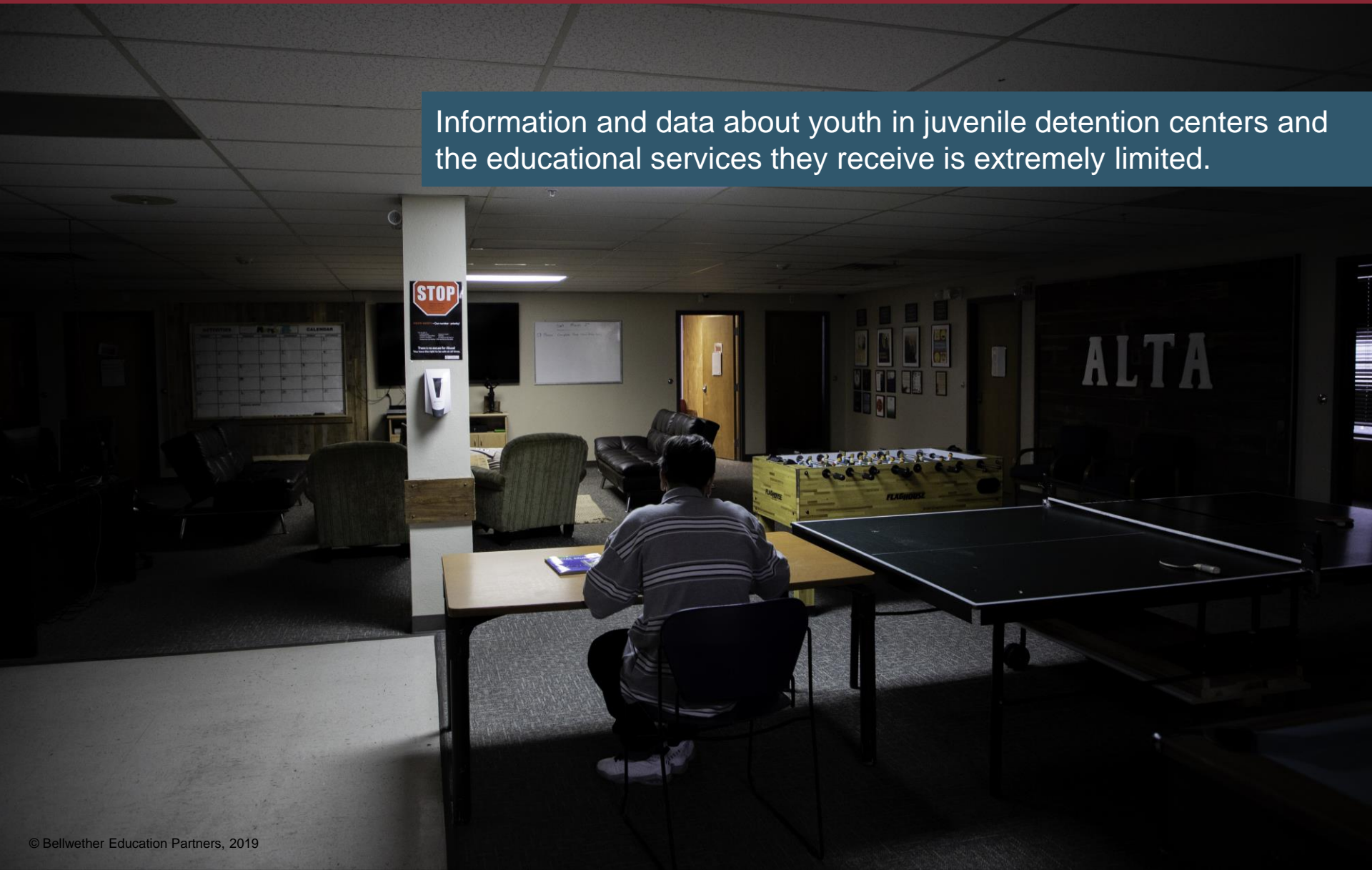
Providing high-quality education in detention is complex. Programs are under-resourced and often student records are incomplete



Even with the best of intentions, it is difficult for teachers to provide these youth with the quality of education they need. They often do not have complete student records, classes are made up of students across multiple grades and abilities, and resources are limited. Moreover, this student population is highly mobile with constant churn.

Siloed data and opaque systems limit our ability to understand how to improve these education programs

Information and data about youth in juvenile detention centers and the educational services they receive is extremely limited.



Executive Summary

We analyzed the latest data and found that the educational opportunities and experiences provided by secure juvenile residential facilities, particularly detention centers, are inadequate and often compound difficulties these youth face.

Educational experiences in detention centers are not meeting student needs

- Even while detained, there are high rates of absence, truancy, and discipline
- Lower academic standards and inadequate curricula
- Generalized courses that are misaligned to student needs
- Insufficient access to special education services

Recommendations

- Create alternatives to detention
- Improve transition planning back to school
- Improve data sharing and record transfer
- Make intentional curricular decisions

This analysis focuses on youth educational opportunities in short-term juvenile detention centers

Arrest

- Youth can be detained for alleged offenses, procedural issues, or while they await placement in foster care.

Detention center

- Residential facilities that are intended for short-term confinement with uncertain end dates.
- This includes youth who are waiting for a foster care placement, a juvenile or criminal hearing, adjudication, or sentencing. Like adult jail, youth can be confined in these facilities without having committed a proven offense.
- Time in these centers ranges from a few days, to several weeks, to even months or – in rare cases – years. “Short-term” describes the design of the program rather than the actual experience of those confined.

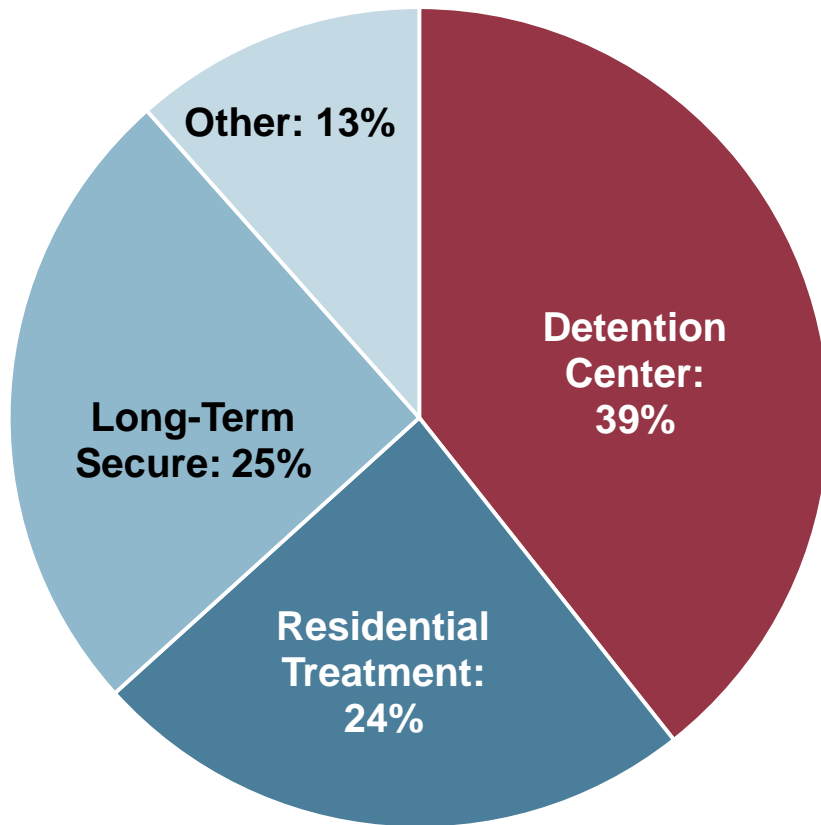
Correctional facility

- Residential facilities that are designed for the long-term confinement of youth who have been determined to be delinquent for committing an offense that would be considered a crime for an adult.
- Youth can be confined in these facilities from a few months to more than a year.

Juvenile justice terminology differs from the adult criminal justice system. For example, youth are found to be **delinquent** rather than guilty after an **adjudication** rather than a trial. If found to be delinquent, a **disposition** rather than a verdict is ordered and youth may be **committed** rather than incarcerated.

More than 40,000 youth are locked up on a given day and the largest share are in short-term detention centers

Youth Placement in Juvenile Justice Facilities, 2017



Juvenile justice systems confine youth in a number of different facilities

- The majority of these are detention centers. The remainder include correctional facilities and treatment centers. In addition, there are 13% of youth in other placements like group homes and boot camps.
- Detention centers are most commonly publicly operated by state or local law enforcement agencies. In 2017, 77% of youth confined in detention centers were in facilities operated by either the state or local authorities.
- *Due to an absence of data, the approximately 70,000 migrant children held in immigration detention facilities in 2019 are not included in this analysis.*

Sources: "Census of Juveniles in Residential Placement: 1997-2017," 2017; The AP, "US Held Record Number of Migrant Children in Custody in 2019," 2019.

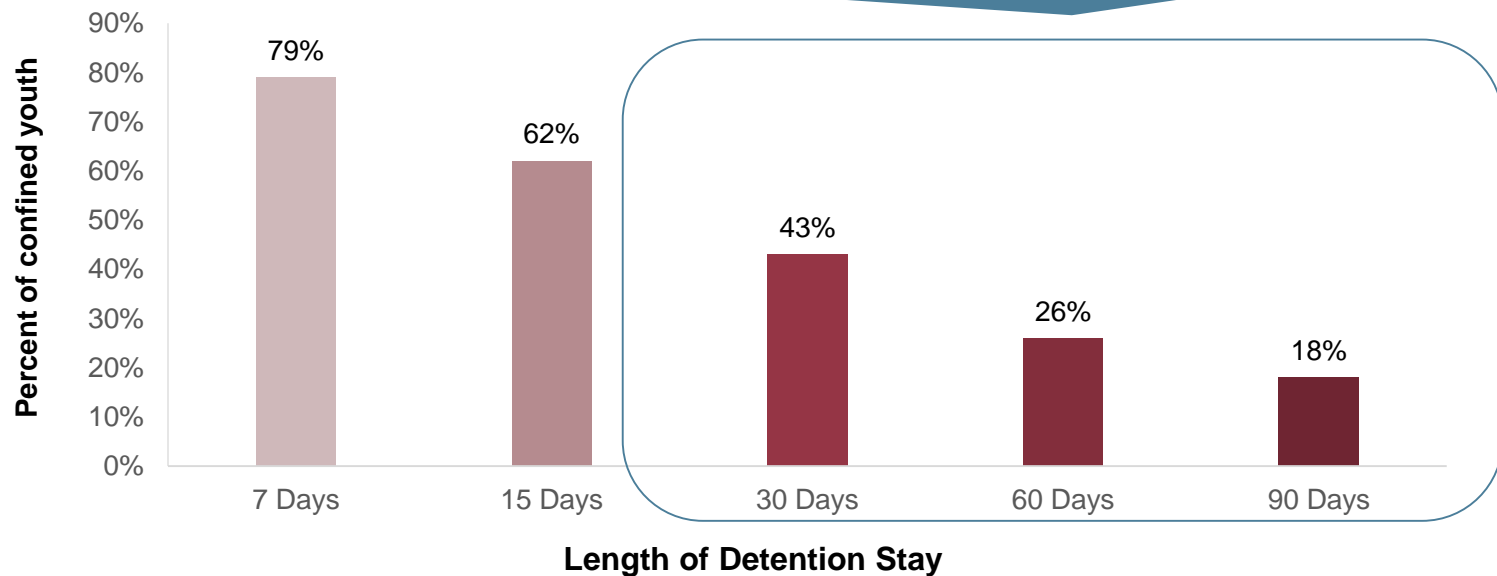
Of youth in detention centers, more than 40% are confined for at least 30 days



Approximately 80% of youth in detention (13,000 youth) were awaiting adjudication, disposition, or placement. For approximately 3,100 youth, the detention center has been designated their final placement.

Detained youth are commonly held for weeks and sometimes for months at a time, arriving and leaving unpredictably.

As shown below, 43% were detained for at least 30 days.



High turnover rates and mixed-ability classes make it difficult to meet students' needs



This means that for one teacher with a class of 15 students:

By the **end of one week**, only 12 of the original 15 will still be in class



By the **end of two weeks**, 9 of the original 15 will still be in class, and empty seats will be filled by new students*



After **one month**, 6 of the original 15 will still be in that class



After **two months**, four of the original 15 will still be in that class



After **three months**, just three of the original 15 will still be in that class



7 days

TIME

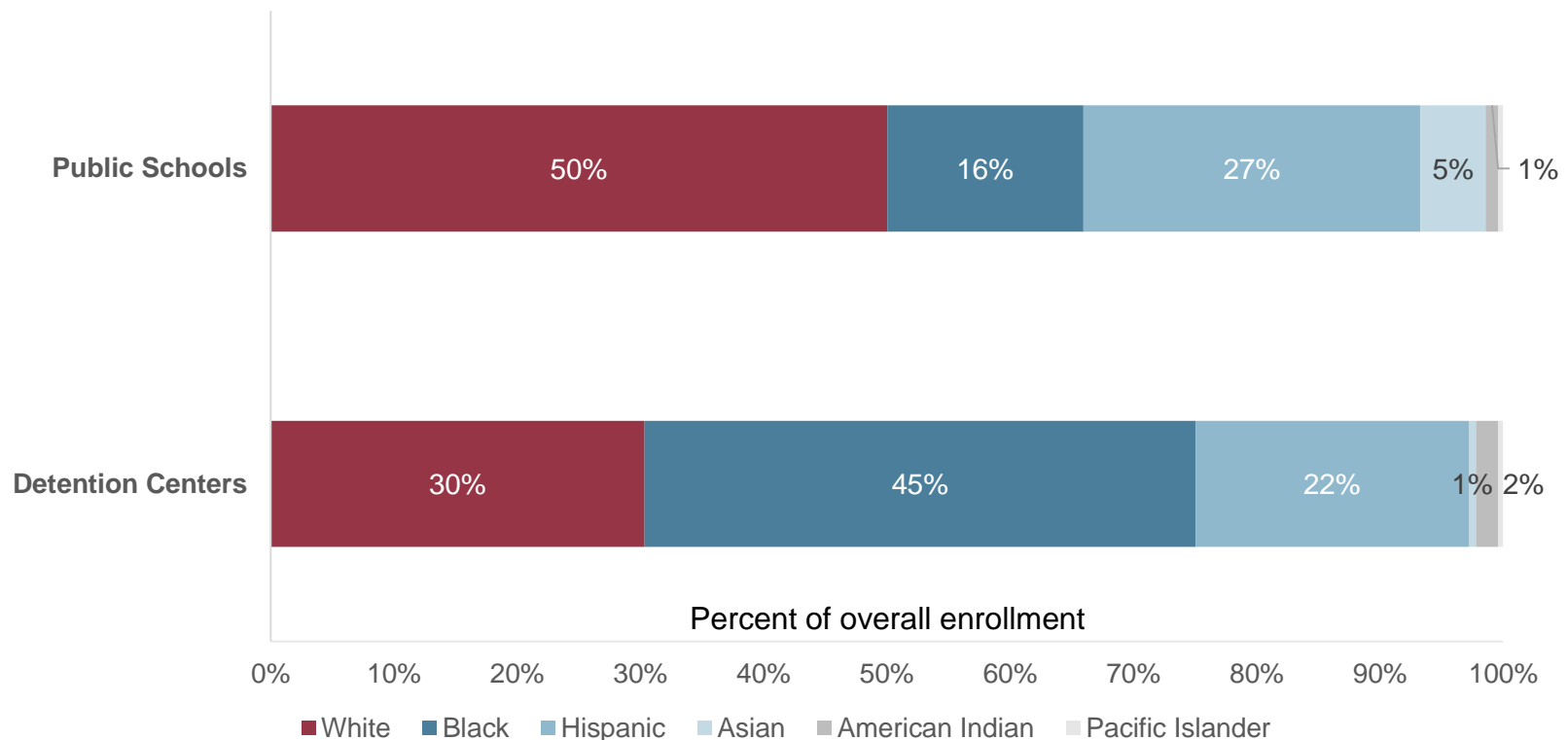
90 days

And the 15 students in this class on any given day are likely to be in different grades, with different skill and credit gaps, enrolled in different courses, and some may have unique special education needs.

Similar to other secure settings, black and Native youth are overrepresented in juvenile detention centers

47% of youth in detention centers are black or Native American, although they are only 17 percent of K-12 students.

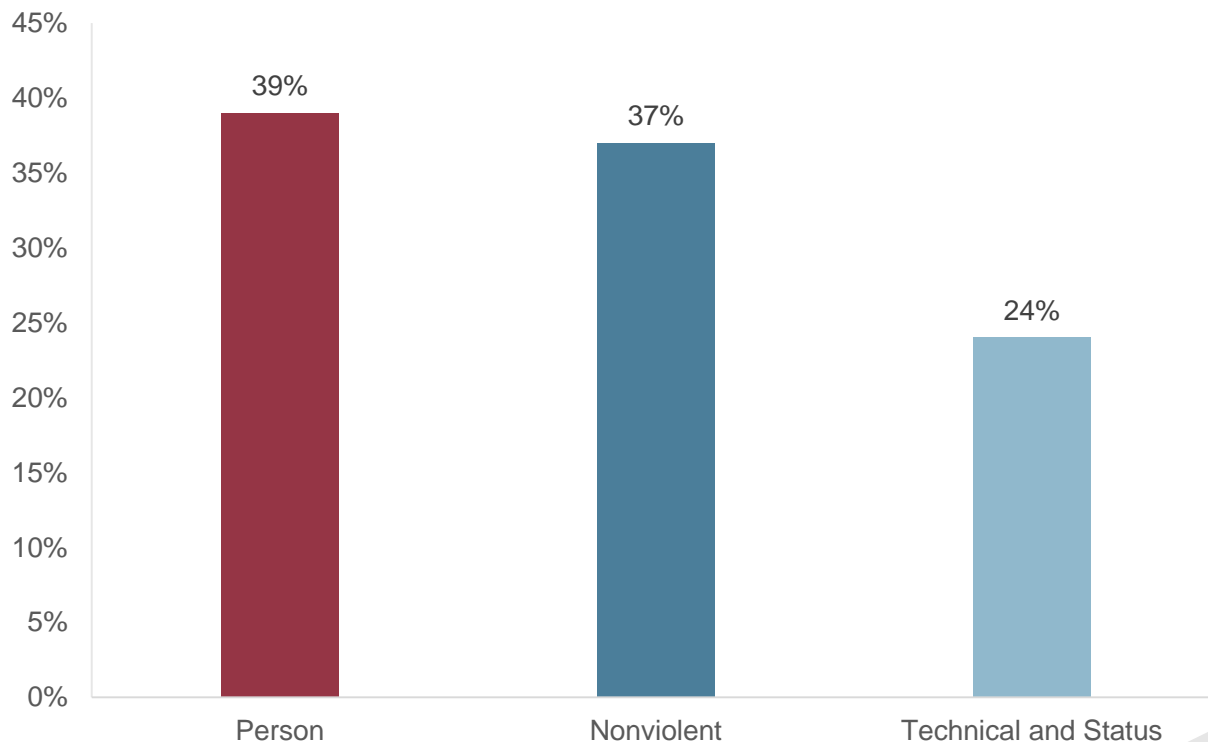
Enrollment in Detention Centers and in Public Schools by Race and Ethnicity



Most youth are in detention centers for nonviolent offenses or technical violations

According to the latest data, across the country 61% of youth confined to detention centers were locked up for nonviolent offenses or for technical violations, such as violating probation or even while awaiting foster care placement.

Youth Offenses in Detention Centers, 2017



Technical violations include violating probation, a court order, or failing to complete treatment.

Status violations include conduct that would not be criminal if the youth were an adult, such as skipping school, violating curfew, or possessing alcohol.

For example, approximately 30% of youth detained in California were confined for minor offenses – or for no offense at all

Over a two-year period, an analysis of California's juvenile justice system found:

20%

Almost as many as 1 in 5 of the youth held in these facilities were there after committing a misdemeanor or for violating their probation. That amounts to more than 500 kids per month locked up for minor offenses.

10%

Almost as many as 1 in 10 of the youth held in these facilities were there waiting to receive their placement in foster care or in a residential treatment program. In other words, more than 200 kids a month were confined without having committed a criminal offense.

Like all school-aged children, youth in detention centers are entitled to an education

Under federal law, state education agencies are responsible for ensuring education opportunity for youth in confinement – including those in short-term detention facilities.

State education agencies have the **responsibility to comply** (or ensure compliance) with the juvenile justice provisions of the Every Student Succeeds Act (ESSA) – and are empowered to do so **even if the work itself is contracted or delegated** to a local agency or a third party.

The responsibility to ensure adjudicated youth receive an education lies with the state. The actual provision of that education typically falls to local districts and agencies, as well as private institutions in some instances. Working across systems to provide education to this highly mobile population and adequately meet their needs is difficult.

And although ESSA does not have a private right of action, litigation about who is ultimately responsible for juvenile justice education under IDEA is instructive. In a 2014 federal lawsuit, the US Departments of Justice and Education issued a Statement of Interest in which they assert that:

“[A]n entity covered [by federal law] cannot escape its legal obligations by contracting or delegating them to another entity, or by allowing another entity to interfere with carrying out its responsibilities.”

There are significant challenges to providing high-quality education opportunity in short-term detention centers

For example:

Student records often are not transferred in a timely fashion

Centers confine youth across a wide **range of ages and academic ability**

Most youth **move in and out** of centers frequently

Some courses, particularly the sciences, can require **prohibited equipment**

A disproportionate share of confined youth require **special education services**

Youth are **not placed** in the correct courses or provided appropriate services.

Available education services are **not aligned** with students' needs.

Tailoring instruction to individual student needs is unlikely, learning is **disjointed** and **misaligned**.

Important classes and experiences are **not offered** to students.

Limited special education resources **are insufficient** to support all students who need them.

Education programs in juvenile detention centers do not meet the needs of students

Education in detention centers is as bad as, or worse than, in long-term facilities – which is itself worse than any state’s comparison public schools.¹



Despite being confined, adjudicated youth are more likely to be absent or truant, as well as to experience disciplinary action compared with their peers.²



These education programs typically lack standardized curricula and have lower academic standards than traditional schools.³



Faculty are poorly supported and under-prepared to meet the needs of youth in detention centers.⁴



Upon entry into the juvenile justice system, youth typically are behind academically. During their confinement, most fall further behind.⁵

¹ Korman, H, Marchitello, M, and Brand, A. “Patterns and Trends in Educational Opportunity for Students in Juvenile Justice Schools,” 2019

² National Children’s Law Network, “In School, The Right School, Finish School,” 2007

³ Gregory Benner et al., “Strengthening Education in Short-term Juvenile Detention Centers,” 2017; Burdick, K, Feierman, J, and McInerney, M, “Creating Positive Consequences: Improving Education Outcomes for Youth Adjudicated Delinquent,” 2011

⁴ Geib, C.F., et al. “The Education of Juveniles in Detention: Policy Considerations and Infrastructure Development,” 2011; Brenner et al., 2017

⁵ Burdick, K, et al., 2011

Deeper analyses of detention centers illustrate their failures to provide sufficient education

For the most part, there is insufficient data or studies about education in juvenile detention centers. Nevertheless, these state analyses begin to reveal the depth and severity of the challenge.



A 2013-14 analysis of California's court schools – both short and long-term – found:

- Despite living in confinement, there are high truancy rates for schools, including six schools with rates between 29% and 69%.
- Average suspension rates for students in court schools are 2.5 times the state average. 13 of these schools had suspension rates between 40 and 74%.¹



A 2016 survey of faculty, youth, and data analysis of Washington's juvenile detention centers reported:




- Centers often lacked a standardized or fixed curriculum, leading faculty themselves to create general materials for reading, writing, and math.
- A principal at a juvenile detention school reported that students are not at the center for long and they work either on school work they come with, or on projects the teacher creates.
- Educators in these centers did not rate themselves as effective. They desired more significant professional development.²

¹ Youth Law Center, "Educational Injustice," 2016




² Gregory Benner et al., "Strengthening Education in Short-term Juvenile Detention Centers," 2017

But it remains difficult to closely evaluate the quality of education provided in juvenile detention centers nationwide

Existing data collections are limited:

-  The Civil Rights Data Collection (CRDC) collects critical data about the educational services provided in juvenile justice facilities. However, the collection has challenges with consistency and quality. Moreover, that data set does not distinguish between detention centers and correctional facilities.
-  The Office of Juvenile Justice and Delinquency Prevention (OJJDP) data collection lags years behind and only collects limited data on education in juvenile justice facilities.
-  States do not consistently collect or report education data for juvenile justice facilities. And state efforts to assess the academic achievement of detained and adjudicated youth are inconsistent and uneven.

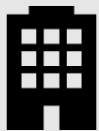
And researchers face significant additional challenges:

-  Generally, the detention center will not serve as the final placement for the majority of youth who experience a period of confinement in a detention facility. Most young people will spend just a few days or weeks in detention.
-  The exceptionally transitory nature of juvenile detention centers – with youth moving in and out of the facility almost around the clock every day of the year – further complicates the ability to consistently provide and evaluate the effectiveness of any education services.
-  The absence of high-quality and consistent data makes it difficult to identify centers that provide effective education programs for youth.

Returning to school after detention is often challenging

Even a few days in detention can significantly disrupt a youth's educational pathway. Simply returning to school can be challenging for youth who spend even a short time in a juvenile detention center.

Beyond the impact of confinement itself, youth:



May have been unenrolled from their home school.



Often do not receive credit for coursework they completed in detention.



Have fallen behind their peers academically.



These challenges add barriers and make it less likely that a young person will successfully return to school after a period of detention.

Indeed, there can be significant, and long-term consequences of even a brief period of detention.

Just a few days in a detention facility can have long-term negative education consequences

Dropping out and poor education outcomes

Studies found that just over half of youth released from a juvenile justice facility reenroll in school upon release. Of that, 16% drop out within 5 months.

The 2016 study of Washington's juvenile detention centers found that only 16% of youth continued their education after release, with less than 11% earning a high school diploma.

Recidivism

Researchers found that “juvenile offenders will spend nearly one-third of their adolescence incarcerated” since even a short detention can result in compounding events that further disrupt their education and lives.

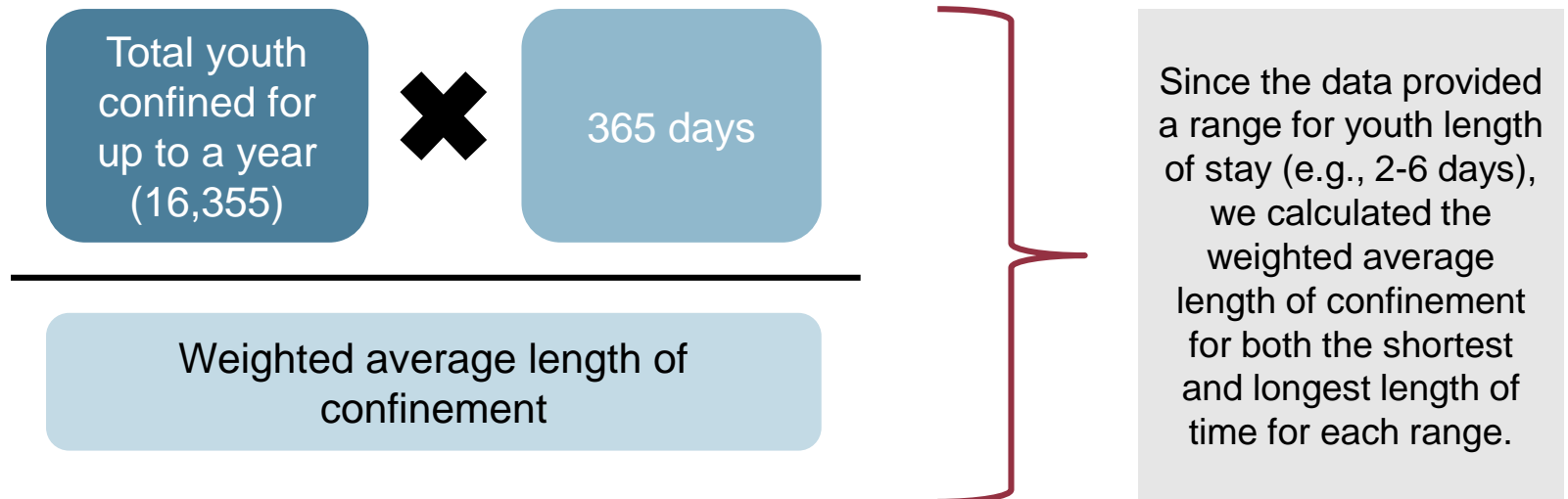
Recommendations for states and education agencies

1	Find alternatives to detention	Confining youth to detention centers disrupts their education, separates them from their family, and often contributes to future involvement with the justice system. Districts and states should work with public safety agencies to develop and implement more effective interventions that meet youth needs without removing them from their school and community.
2	Improve data sharing and record transfer	States should create more effective data sharing practices with juvenile justice facilities, local agencies, and school districts. This will help to ensure students receive appropriate instruction and coursework, as well as allow them to receive credit for work they complete while confined in a facility.
3	Make intentional curricular decisions	Youth in detention facilities have two sometimes divergent needs: to receive credit-bearing instruction in grade-level academic content and to receive intensive skills remediation that reengages them with learning. School and system leaders should develop programming tailored to these sometimes competing needs.
4	Improve transition planning back to school	Returning to school is extremely difficult for youth exiting the juvenile justice system. Often, these students struggled with chronic absenteeism. Forging closer relationships with districts and schools, as well as developing transition plans to support youth successfully reenrolling in school, will help increase the share of youth who continue their education and reduce their dropout rate.

Appendix

To estimate the annual number of youth who spend at least one day in detention, we used the latest data from the Census of Juveniles in Residential Placement: 2017.

However, these data provide only a single day snapshot of the number of youth, and their length of confinement on that day in juvenile detention centers across the country. These data present length of stay as a range. For example, 2-6 days or 7-13 days. We also assumed this snapshot data presents a typical count of youth in juvenile detention. We used the following calculation:



About the Authors



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The photos in this publication were part of [Rigged](#), a project from Bellwether Education Partners that depicts students and families experiencing disruptions to their education pathways due to things such as homelessness, incarcerations, and foster care.

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Any errors are the responsibility of the authors alone.