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Educational Experiences of Juvenile Delinquents with Emotional Disturbance

It is often stated that the prison system is a new form of institutionalization for individuals with disabilities. While statistics on the overrepresentation of adults with disabilities in prisons are broadcasted to support the “new form of institutionalization” claim, similar findings with disabled children in the juvenile justice system abound. Youth with disabilities drop out of school at alarming rates and are adjudicated at even more unsettling amounts, particularly those with emotional disturbance. The educational system overall does not know how to handle the non-normative learning and behavioral styles of these children, nor are there sufficient structures in place to fulfill their social, academic, and emotional needs. In spite of decades-old policies created to assist special needs students in their educational journeys, these children are still very vulnerable to entering the juvenile justice system.

Although education is a vital resource to every child, students with disabilities drop out of school at incredible amounts. According to the 1991 National Longitudinal Transition Study of Special Education, children with disabilities drop out of school at a rate of over 50 percent. While disability is not synonymous with disadvantage, children with disabilities suffer greatly from insufficient educational experiences. Dropping out of school greatly increases a child’s likelihood of committing crimes and misdemeanors and thus entering the juvenile justice system. Of the youth who were a part of the 1991 study, children with emotional and behavioral disorders were arrested at a rate of almost 20 percent while in secondary school, 35 percent of these students were arrested at least one time within two years of dropping out of school, and 73 percent of these students were arrested within five years of leaving. Additionally, nearly 31 percent of children with identified learning disabilities were arrested within three to five years of dropping out of school[[1]](#footnote-1).

These rates of arrest that coincide with leaving school are supported by the amount of youth who are identified as disabled within the juvenile justice system. The 1991 National Longitudinal Transition Study of Special Education further illustrates that approximately 13 percent of juvenile offenders had developmental disabilities and 36 percent had learning disabilities. Within detention centers, approximately 33 percent of children in education programs were eligible for special education services. While that number may seem high, it must not be forgotten that many children who have disabilities remain undiagnosed due to lack of time, funding, and attention[[2]](#footnote-2).

Specific learning disability and emotional and behavioral disorders are the two most prevalent disabilities encountered in youths in the juvenile justice system. Within the 33 percent of youth receiving special education services while in detention centers, 48 percent were reported as having an emotional disturbance and 39 percent were diagnosed with a specific learning disability. As specified by the Individuals with Disabilities Education Act (IDEA), emotional disturbance —which falls under the category of emotional and behavioral disorders— is defined as:

“(i) [A] condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance: (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. (C) Inappropriate types of behavior or feelings under normal circumstances. (D) A general pervasive mood of unhappiness or depression. (E) A tendency to develop physical symptoms or fears associated with personal or school problems” (Burrell and Warboys).

Many students with disabilities enter into inadequate school systems that are destined to fail them, in particular students with emotional and behavioral disorders (EBD)[[3]](#footnote-3). According to the U.S. Department of Education, about 1% of K-12 students receive special services for EBD. However, research suggests that there are two to four times more students who present EBD-like characteristics that also meet eligibility criteria for these services. Students being treated for EBD also tend to have comorbid mental health needs and/or cognitive learning disorders, such as ADHD or dyslexia[[4]](#footnote-4). Statistics from the Southern Poverty Law Center (SPLC) report that:

* + - * + Seventy percent of children in the juvenile justice system have an educational disability — the vast majority is children with Emotional Disturbance (ED) and children with Specific Learning Disabilities.
        + Children with ED fail more courses, earn lower grade point averages, miss more days of school, and are retained more often than other students with disabilities.
        + Children with ED have the worst graduation rate of all disabilities; nationally, only 35% graduate from high school (compared to 76% for all students).
        + Children with ED are more than three times as likely to be arrested before leaving school as other students.
        + Children with ED have alarmingly high drop-out rates and, for those who drop out of school, 73 percent are arrested within five years of leaving school.
        + Children with ED are twice as likely to be living in a correctional facility, halfway house, drug treatment center, or “on the street” after leaving school compared to other students with disabilities.
        + Children with ED are almost twice as likely to become teenage mothers as students with other disabilities.[[5]](#footnote-5)

Despite the fact that such a significant percentage of students in K-12 schools meet EBD criteria statistics about poor academic performance and entry into the juvenile justice system remain high. These discouraging statistics are the result of several factors: first, many students with EBD are not identified early enough in their lives, thus preventing schools and families from providing them with proper academic, social, and emotional support. Second, instructional practices in schools often do not properly meet the needs of students with disabilities, particularly students with EBD. Third, since the needs of students with EBD extend beyond the realm of the classroom, both general education and special education teachers typically lack necessary skills and education to fully support these students. Additionally, the myriad of services that are provided for students with EBD often call for collaboration between teachers and parents and other professionals, but this co-operation often does not occur. Lastly, high-stakes testing and zero-tolerance discipline policies implemented in a majority of school districts are detrimental to the understanding of students with EBD on the part of policy makers and school personnel. It is important to keep in mind that the factors listed above apply not only to children with EBD, but can also affect children with other disabilities as well.

In response to the deficient special education system, Congress passed the Individuals with Disabilities Education Act in 1975 to ensure a free appropriate public education to every child with a disability, just like their non-disabled peers would receive. This entitlement to education applies to all who are eligible, including youth in the juvenile justice system, “‘. . . between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school.’ IDEA also requires that, ‘to the maximum extent appropriate,’ youth with disabilities, including those in public and private institutions or other care facilities, are educated with youth who are not disabled” (Burrell and Warboys). Under IDEA, it is compulsory for schools to create an Individual Education Program (IEP) for any student diagnosed with a disability; an IEP may involve extended deadlines to complete assignments or one-on-one time with a teacher. In theory a student’s right to an IEP still exists in correctional facilities, yet many educational experts argue that these services are rarely instated upon entry to justice system. David Domenici, director of the Center for Educational Excellence in Alternative Settings, says that “[k]ids with special needs are not being served well. My take is a lot of facilities don’t thoughtfully look at the IEP” (Butrymowicz and Mader).

The lack of implementation of these special education services in school is exemplified in the story of a young man named David[[6]](#footnote-6), a fifteen-year-old seventh grader from Louisiana who entered a juvenile detention center. From a young age, David had been diagnosed with ED and had an IEP. However, even though David was receiving assistance for his educational disability, his school still suspended him for 79 days during the school year of 2005-2006, which was fragmented across the state because of Hurricane Katrina’s impact. During one 45-day period out of school, David’s school provided only two days of educational services per week. The SPLC states that the school would often call his grandmother or mother during the school day and request that they take him home. In addition to the excessive suspensions David underwent, he was also arrested three times in school that year[[7]](#footnote-7).

David’s behavioral issues clearly presented themselves and were directly linked to his emotional disturbance, yet the school instituted neither a Functional Behavioral Assessment nor a Behavior Intervention Plan —two items that are required by federal law— until many months after David finally stopped attending school altogether. To address the behavioral components of his disability David only attended fifteen minutes of counseling services once per month with his school guidance counselor. David’s story is just one of many where children with EBD are overlooked by their school systems and end up incarcerated because of the district’s negligence. His experience demonstrates how even if one has an IEP and is the beneficiary of government policies that instated to support children with disabilities, it is still easy to become involved with the juvenile justice system and experience inadequate education as a result.

Toney\*, another young man like David, entered the juvenile justice system due to circumstances surrounding disability. However, where David’s story highlights how lack of education and support affected him before incarceration, Toney’s history provides insight into the lack of education received while inside a juvenile detention center as well as before his entrance. When Toney was sixteen years old, he was arrested for the first time. At sixteen, Toney was also illiterate. During his six months of time spent at his county jail, Toney spent most of his time alone in front of a television. Although he was a special education student who qualified for extra assistance in school, his educational services were not transferred to his time in jail; he did not attend one class while incarcerated. The six months Toney spent without receiving any educational services were six months of potential learning lost. At twenty years old, Toney is still illiterate and is completely dependent upon his grandmother to help him read and write[[8]](#footnote-8).

Although Toney’s story illuminates many issues with the implementation of education while incarcerated, in the circumstances when IDEA is actually implemented the rates of re-entry into the prison system are lowered significantly. In a study by the Office of Correctional Education under the U.S. Department of Education, recidivism was one third less likely among youth who participated in education programs while incarcerated than individuals who did not receive education while inside. Yet in spite of the proven benefits of carceral education, many children in detention centers do not receive the education they are promised by the government[[9]](#footnote-9).

In order to reduce the rates of drop out and incarceration for children with EBD, state governments and institutions must enforce the laws that they already have in place, like IDEA and IEPs. Additionally, fostering caring relationships and greater understanding between students and teachers could also be very beneficial to children with disabilities; individual connection between a teacher and their student may help to form greater investment in academic success for both parties involved. A caring relationship between teacher and student may be achieved through getting to know students one on one, reaching out to their families to become active partners in their child’s education, actively listening to students, asking for feedback from students, and journaling with students. These close relationships are beneficial to all students with disabilities, but have particular resonance with children who have EBD. Moreover, collaboration among teachers, families, and other service providers for students with disabilities. It is noted, though, that these steps listen in cultivating a caring relationship assume a certain amount of time and effort for both student and teacher, and this is without considering the constraints put upon educators by their specific roles in school or their district’s policies. The duties of a teacher must be kept in mind as they cannot possibly have enough time or training to become a child’s therapist or the coordinator of their support systems.

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1. Leone and Weinberg. [↑](#footnote-ref-1)
2. While there are many more specific factors that prevent children from obtaining a diagnosis of a disability, this paper will not go further in depth with this explanation. [↑](#footnote-ref-2)
3. Emotional and behavioral disorders fall under the category of emotional disturbance (ED), so they will be used interchangeably at certain points in this essay. [↑](#footnote-ref-3)
4. Milhalas, et. al. [↑](#footnote-ref-4)
5. Brownstein & Comstock-Galagan. [↑](#footnote-ref-5)
6. Name has been changed; David’s story comes from an analysis conducted by the SPLC on the school to prison pipeline. [↑](#footnote-ref-6)
7. Brownstein & Comstock-Galagan. [↑](#footnote-ref-7)
8. Butrymowicz & Mader. [↑](#footnote-ref-8)
9. Additionally, children with disabilities who enter into the juvenile justice system more often than not lack academic and behavioral accommodations in correctional facilities, which leads them to spend greater amounts of time in disciplinary confinement. When in disciplinary confinement, there is even less exposure to general education services, let alone special education services. [↑](#footnote-ref-9)