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In Depth Policy Analysis

Juvenile Justice
and
Students with Disabilities:
Profiles of Several State Initiatives

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Juvenile Justice and Students with Disabilities: Profiles of Several State Initiatives

Introduction

Youth with disabilities are significantly overrepresented in the juvenile justice system with recent estimates suggesting that at least 35% of youth in the juvenile justice system are eligible for special education services (Quinn, Rutherford, Leone, Osher & Poirer, 2005). Specific learning disability, emotional disturbance and mental retardation are the most prevalent disability categories among members of this population (Quinn et al., 2005). A number of states have developed initiatives to better meet the needs of these students and the purpose of this study is to provide a snapshot of several of these initiatives. Project Forum at the National Association of State Directors of Special Education (NASDSE) conducted this study as part of its cooperative agreement with the U.S. Department of Education's Office of Special Education Programs (OSEP).

Background on National Initiatives

A 1997 focus group¹ and 1998 policy forum² generated recommendations as to how the federal government could help achieve better educational results for youth with disabilities in the juvenile justice system. Several national-level initiatives have begun to address the issues identified by the focus group and policy forum. For example:

- In 1999, the National Center on Education, Disability and Juvenile Justice (EDJJ) received a five year grant from OSEP and the Office of Juvenile Justice and Delinquency Prevention. The research, training and technical assistance activities of EDJJ involved school and community-based prevention activities, education programs in juvenile correctional settings and transition activities as youth leave juvenile corrections and return to their communities.³
- Growing out of discussions at their respective annual conferences, the National Disability Rights Network (NDRN) and NASDSE convened a meeting in 2005 of national organizations and other professionals to discuss their shared interest in addressing the disproportionate number of youth with disabilities in the juvenile justice system. Calling themselves the Juvenile Justice Shared Initiative, this group agreed to prepare a white paper for educators that includes a compendium of best practices for promoting the

¹ In 1997, the Center for Effective Collaboration and Practice at the American Institutes for Research (AIR) facilitated a focus group of experts sponsored by the Office of Juvenile Justice and Delinquency Prevention, the National Institute for Literacy, the National Recreation and Park Association, the U.S. Department of Education's Office of Special Education and Rehabilitative Services and the Office of Vocational and Adult Education.

² In October 1998, Project Forum at NASDSE convened a policy forum for OSEP in conjunction with the Office of Juvenile Justice and Delinquency Prevention. The policy proceedings can be found at www.projectforum.org.

³ Although EDJJ is no longer funded, its website remains active at www.edjj.org.

educational stability of youth with disabilities. The anticipated completion date for the document is November 2006.

Data Collection

In November and December of 2005, Project Forum conducted a survey of state education agencies (SEAs) regarding state-level infrastructures and initiatives for serving students with disabilities in the juvenile justice system (Müller, 2006). Based on survey responses, six states that reported having specific programs in place for these students were identified for possible in-depth interviews. In collaboration with EDJJ, NDRN and members of the IDEA Partnership's work group on school mental health, juvenile justice and drop-out prevention, several additional states were identified. Project Forum developed an interview protocol with input from EDJJ and NDRN, and the following eight states were interviewed between the months of July and October 2006: *Arkansas, Georgia, Maryland, Minnesota, New Hampshire, North Carolina, New York and Virginia.*⁴ On referral from state staff in *Minnesota*, Project Forum staff also interviewed staff from the Parent Advocacy Coalition for Educational Rights (PACER) Center, an OSEP-funded technical assistance project that currently sponsors a juvenile justice initiative. This document only highlights initiatives for students with disabilities in the juvenile justice system that were specifically identified and described by interviewees. Additional educational services might or might not be available to these students.

Descriptions of State Initiatives

Arkansas: Improving Academic Outcomes for Incarcerated Students

Perhaps the most well-known juvenile justice initiative is in the state of Arkansas, which sponsors a program known as the Juvenile Education Initiative (JEdI).⁵ JEdI is funded through the state's Department of Special Education using Part B set-aside funds and involves close collaboration between the Arkansas Department of Education and the 15 county-operated juvenile detention facilities throughout the state.

The purpose of JEdI is to improve educational services to youth in juvenile detention facilities, particularly those with disabilities. JEdI uses a web-based educational program that focuses on the development of math and literacy skills for youth 10-18 years of age. The program assesses students' baseline skill levels and provides instructional guidelines to educational staff. Because the average length of stay in an Arkansas juvenile detention facility is only 13 ½ days, the web-based program is intended to serve as an instructional strategy for students who have only a limited time to get help.

The web-based program, Skills Tutor, was piloted in 2001 in a single juvenile detention facility. At the same time, other juvenile detention facilities started to use a disc version, Skills Bank. The

⁴States were selected to represent a variety of types of initiatives. Not all states with juvenile justice initiatives relating to students with disabilities were interviewed as part of this study.

⁵ For more information on JEdI, visit its website at www.jedilearning.com or www.arkjedi.com.

program is a tutorial that addresses K-12 grades and is aligned with national and state standardized tests. It is both diagnostic and prescriptive and addresses the educational deficits of incarcerated students. In 2003, the web-based program was modified to allow evaluation of students' academic performance. Since that time, each detention facility is required to use the web-based program. Incarcerated students are given passwords that allow them to continue using the program once released from their detention facilities. JEdI tracks the performance of incarcerated students and generates facility-specific academic and demographic reports. Outcomes for students participating in JEdI are evaluated on a regular basis comparing pre- and post-test scores using JEdI software, as well as student results for the state assessment. Comprehensive reports are generated both quarterly and annually.

In 2004 and 2005, every school district housing a juvenile detention facility was invited to adopt the JEdI program so that students could continue to work on their lessons using Skills Bank after their release. Approximately 140 schools attended regional meetings at detention centers to learn more about the initiative. In response to demand, additional districts that do not house juvenile detention facilities have also been allowed to purchase JEdI licenses (representing approximately 200 schools). Educational staff from the state's juvenile detention facilities work closely with students' public school teachers to ensure continuity in students' instruction as they transition from the juvenile justice system back into the public school system. Schools are also encouraged to make JEdI available to at-risk students who have not yet entered the juvenile justice system.

In 2003, a statewide coordinator was hired part-time to provide training and technical assistance to facility educational staff. In addition to conducting two meetings per year, she provides onsite support. Another consultant was hired to train public school teachers.

Since the program's inception, there have been more than 32,000 JEdI participants—approximately 21% of whom have been special education students. Evidence suggests that JEdI is indeed helping incarcerated students improve their basic academic skills.

Georgia: Educational Advocacy in the Courts

The Fulton County Juvenile Court's Educational Advocacy Initiative,⁶ originally funded in 2002 via a state block grant, was institutionalized in 2004 as a branch of the juvenile court within the Fulton County government. The purpose of the initiative is to meet the educational needs of youth who come through the court system as well as to keep them from entering the juvenile justice system and/or recidivating.

Within the past two years approximately 600 youth have received services through the program. Although the program targets students with disabilities, eligibility criteria also allow access for students who exhibit signs of undiagnosed disabilities. All program participants must be "court involved" (i.e., either personally involved in the court system or have parents involved in the system). Most referrals are court ordered, but some referrals come from probation officers or

⁶ For more information on the Educational Advocacy Initiative, visit its website at http://ww2.co.fulton.ga.us/index.php?option=com_content&task=view&id=414&Itemid=140.

school social workers. A small percentage of youth referred for educational advocacy services have not yet become involved with the juvenile court, but are at risk of becoming involved. For instance, the educational advocate works with youth who come into the court's Mental Health Department for crisis counseling.

There are three primary components to the initiative. First, it provides advocacy at the court level. The court advocate works with families and uses the student's extant educational data to compile an educational history for the judge and probation officer. This report includes information such as whether the student has a disability and how the student's behavior may be affected by his/her disability. When the report indicates that a student has experienced school failure paired with few or no educational interventions, the judge will often give a student another opportunity and ask that the court advocate work closely with the student's school to develop an appropriate intervention plan. The court advocate also offers court-wide training for judges and probation officers to expand their knowledge of education, disability, Individuals with Disabilities Education Act (IDEA) and mental health issues. Approximately 50 individuals have attended these trainings.

The second part of the initiative is the family, school and community component, which enables the educational advocate to provide technical assistance to schools and support to families by attending student support team (SST) or individualized education program (IEP) team meetings. The educational advocate helps teams develop appropriate educational interventions. Common outcomes include referrals to special education, change of placement and/or development of a behavior plan. Referrals may also be made for additional services (e.g., wrap-around services).

The third component of the program is the Education Advocacy Coordinating Committee, a multi-disciplinary group that meets monthly and serves in an advisory capacity to the educational advocate. A representative of the Georgia Department of Education will soon join the committee.

The initiative is staffed by three full-time employees—an educational advocate and two administrative support personnel—who gather documentation, set meetings and serve as liaisons between families, the school system and the court system.

The Fulton County program includes a comprehensive evaluation component. For instance, staff uses an evaluation tool that measures performance against predetermined outcomes and objectives including school success of students with disabilities, levels of parent involvement, quality/frequency of communication between families and the school system and between families and the juvenile court system, quantity of assessments conducted and number of volunteer advocates enlisted. Staff also asks families to complete a parent/guardian satisfaction survey and soon rates of recidivism and Child Find will be measured for the first 400 youth receiving services using a quasi-experimental model.

Maryland: SEA Assumes Responsibility for Education of Incarcerated Students

In 2003, legislation was passed requiring the Maryland State Department of Education (MSDE) to assume responsibility for the delivery of all educational services in state-operated institutions (i.e., juvenile detention facilities) by 2012. So far, MSDE has assumed responsibility for three of the state's 12 facilities. As part of this takeover, MSDE has implemented a Positive Behavior Intervention System (PBIS) program and hired transition counselors for these three facilities, and is also collaborating in the design and renovation of two new facilities. Funding for all of these programs comes from state general funds.

In 2004, the first juvenile detention facility under the jurisdiction of MSDE sent a team of educational staff to a state-wide PBIS training. The team adapted the PBIS model to meet the needs of the facility (e.g., ensuring that the school point system could be integrated into the facility system-wide and used 24 hours a day, 7 days a week). Each year, as new facilities come under the jurisdiction of MSDE, a new PBIS team will be established and trained. Teams are expected to attend trainings on an annual basis, as are administrators. As with all PBIS models, these are universal in scope, targeting students both with and without disabilities. Although the PBIS initiative appears to be effective, no formal evaluations have been conducted to date.

MSDE also hires transition counselors at each of the three facilities to serve incarcerated students both with and without disabilities. Time permitting, the transition counselor gathers as much information as possible about the incarcerated student's educational history (e.g., requesting copies of IEPs, contacting the student's home school, etc.) and works with each to develop a transition plan. Because the average length of stay in a Maryland detention facility is less than 35 days, it is not always possible to develop transition plans for students detained for only a few days. Upon release from the detention facility, the incarcerated student's transition plan is forwarded to the Department of Juvenile Services where their community case managers (better known as probation officers) take responsibility for follow-up with the student's transition plan. In the past three years, several hundred incarcerated youth have received transition services, approximately 50% of whom have been identified as IDEA-eligible. As with the PBIS program, there has been no formal evaluation of MSDE's transition initiative.

MSDE staff, from both general and special education units, are also active members in a joint task force with the Department of Juvenile Services to design a new juvenile detention center in Baltimore City and renovate one in Baltimore County. Perhaps for the first time ever, the educational interests of youth in detention centers are being given priority in the design of classrooms. Typically, security issues are paramount and education is not included until much later in the planning process.

Minnesota: A Legislative Mandate to Better Serve Incarcerated Students

In 2000, the Minnesota state legislature passed a law mandating that a task force be convened to examine the education of students with disabilities in all residential facilities, including juvenile correctional facilities and prisons. The task force included judges, lawyers, social workers, representatives from special education and parents. It met approximately six times and

recommended that a position for a care and treatment specialist be created, funded by Part B discretionary funds and housed at the Minnesota Department of Education (MNDE), to ensure that all residential facilities are monitored and in compliance regarding special education services.

The care and treatment specialist worked with a person from the state special education office's monitoring department to develop an approval process for all facilities with onsite education programs licensed by the Department of Human Services (DHS) or Department of Corrections (DOC). Together they have visited the approximately 125 facilities throughout the state, providing guidance and technical assistance to those facilities that were found to be out of compliance. The majority of facilities are now in compliance with both IDEA and NCLB, with incarcerated students attending school full-time and IEPs being developed and implemented appropriately. The care and treatment specialist meets quarterly with licensers from DHS and DOC to discuss issues related to the approval of new educational programs. A new task force that will advocate for including students' IEP teams in all residential placement decisions is now in the planning stages.

MNDE has also sponsored an annual conference for the past three years for educational staff serving students with disabilities in residential placements. These conferences include field trips to local residential programs, including correctional facilities. Each conference lasts one and a half days and a total of more than 700 people have participated. The conference plays an important role in bringing residential staff together for the purpose of networking. Members of the planning committee include representatives from DOC and DHS, and future conferences will hopefully be sponsored by all three state agencies.

Another related initiative, also sponsored by MNDE and funded by Part B discretionary funds, is the reintegration project. A state-wide committee developed a guidance document for use by correctional facility educational staff as they transition incarcerated students back to the public school system. The document encourages educational staff to begin thinking about reintegration from "day one" within the facility and includes checklists for correctional staff, probation officers and school social workers. The document was piloted at one state facility and will be piloted in 2006-2007 at several more. Each facility will receive a small stipend for participating. Pilot sites will then submit proposed revisions to the document and track student outcomes for 18-24 months following release.

Another project that has benefited Minnesota juveniles has been spearheaded by the PACER Center since 1994.⁷ The project is currently funded primarily through grant money that MNDE specifically earmarked for it and previously by MNDE funds and other sources over the years including EDJJ. The first objective of the project was to develop a resource manual for parents and professionals that addressed the unique needs of students with disabilities involved in the juvenile justice system—a manual that is currently being updated to reflect the latest IDEA regulations. The second objective is to offer workshops, presentations and "train the trainer"

⁷ The PACER Center was founded in 1977 by parents of children and youth with disabilities to help other parents and families facing similar challenges. For more information, visit www.pacer.org.

events tailored to meet the needs of various stakeholder groups. Participants are asked to evaluate these events and feedback is used to improve the curriculum. The initiative also provides advocacy services to an estimated 200 youth and families per year, as well as to professionals including probation officers and defense attorneys. One part-time staff person coordinates the initiative.

New Hampshire: Providing Tutorial Services to Incarcerated Students

New Hampshire currently has a multi-year initiative to provide tutorial services to students with disabilities housed in juvenile correctional facilities. Grant money for the project came from federal special education funds awarded by the New Hampshire Department of Education to projects serving students with disabilities in the juvenile justice system. The goal of the tutorial services project, which has received funding for more than five years, is to help incarcerated students return to school and ultimately graduate. The project enables tutors to work with incarcerated students between the ages of 17 and 21 who are identified as eligible for special education services under IDEA. The project functions state-wide, serving all 10 long-term correctional facilities, with one to three tutors designated per facility and each tutor providing between 10-12 hours of tutoring per week.

In order to ensure that all eligible incarcerated students receive tutoring services, the project director meets individually with the educational directors for each facility. If the project director finds a student to be IDEA-eligible, he notifies both the educational director of the facility and the project tutor serving that facility. The tutor then meets with the incarcerated student and begins to coordinate with the student's home school teacher(s), requesting IEPs and curriculum information.

Tutors submit weekly reports to the project director. In addition, tutors participate in ongoing training activities every other month. For the 2005-2006 academic year, approximately 280 students were served. Although no formal evaluation of the project has been conducted, the project director meets monthly with New Hampshire's director of special education to review participant outcomes (e.g., number of incarcerated students served; total number of tutoring hours received; and whether incarcerated students return to school, receive a graduation equivalency diploma [GED] or choose to seek employment).

Prior to release, tutors contact the incarcerated student's home school to inform the staff there that the student will be returning. The tutorial services grant originally paid for transition counselors as well as tutors. When funding was cut, the project director developed a wallet-sized handout including contact information for vocational rehabilitation, food stamps and county employment offices. Upon release from the correctional facility, all incarcerated students participating in the tutorial program receive a copy.

New York: Raising Awareness of Transition Needs

The Learning Disabilities Association (LDA) of New York State received a grant in 2005 from the state Office of Children and Family Services (OCFS) in order to smooth the transition of

youth from juvenile facilities—particularly those with disabilities—back into the public school system within their home communities. OCFS is the state agency that oversees residential juvenile facilities in the state of New York. LDA’s grant is renewable annually for up to five years, after which time the organization will need to reapply for funds.

During the first year of the grant, LDA provided seven regionally-based, two-day trainings to OCFS-employed aftercare case managers who are responsible for assisting OCFS-placed youth to transition back into their home communities and linking them with community-based support services. The first day focused on students’ legal rights under IDEA and included speakers who were special education attorneys. The second day focused on the prevalence of learning and other disabilities among youth in the juvenile justice system, interpretation of documentation such as IEPs and psychological assessments that aftercare case managers are likely to encounter, and the importance of transition plans and the role that aftercare case managers can play in the transition process. Juvenile facility educational staff were also invited to attend these trainings. A total of approximately 110 participants attended trainings and LDA provided comprehensive training manuals to each. In response to survey feedback from participants, trainings in the second year of the program also included representatives from the New York Department of Education’s Vocational and Educational Services for Individuals with Disabilities (VESID), Office of Mental Retardation and Developmental Disabilities (OMRDD), New York City Board of Education as well as representatives from mental health agencies.

A second goal of the grant is to connect local OCFS offices with local LDA offices and to encourage aftercare case managers to take advantage of technical assistance and educational advocacy available through LDA. This year, LDA is working with OCFS to schedule approximately 21 meetings between aftercare staff and local LDA representatives (i.e., three at each of seven regional sites), and LDA staff will also be presenting at 25 OCFS family night events across the state that bring together aftercare staff, youth exiting the juvenile justice system and their families. All LDA training activities are evaluated by participants and feedback is used to inform follow-up activities. Responses thus far have been positive.

North Carolina: Improving Instructional Strategies in Collaboration with EDJJ

The North Carolina Department of Juvenile Justice and Delinquency Prevention (DJJDP) recently concluded a year-long training initiative in collaboration with Arizona State University (ASU) and EDJJ. ASU was part of an EDJJ-sponsored training initiative and solicited proposals from states interested in serving as staff development sites. North Carolina DJJDP was selected to participate in this one-year, non-renewable grant during the 2005-2006 academic year to meet an identified need for training in instructional strategies.

Volunteer teams from each of the state’s five long-term facilities participated in an intensive two-day training in instructional strategies for use with this population that was sponsored by EDJJ and focused in particular on vocabulary development and basic math skills. Teams then returned to their facilities and shared their knowledge of instructional strategies with other teachers at the facility. DJJDP provided substitute coverage during these facility-wide trainings and approximately 18 hours of follow-up training by ASU staff were made available to

participating teachers. The teams reconvened after six months in order to demonstrate how they had shared information with other teachers in their facilities. During this time, participants took part in an informal evaluation of the program, sharing anecdotal evidence concerning the use of particular instructional strategies. Overall, participants reported that the training was worthwhile and had improved their repertoire of instructional strategies for serving students both with and without disabilities.

Virginia: Legislatively Mandated Re-enrollment Procedures

In the late 1990s, the Virginia state legislature passed a law mandating that the Board of Education and Board of Correctional Education cooperate to develop and implement regulations for the reenrollment in public schools of youth who have been in custody of the juvenile justice system.⁸ In 2000, an evaluation of re-enrollment procedures was conducted at the SEA's request by a local IHE. Subsequent to that report, the SEA, Department of Juvenile Justice (DJJ) and the Department of Correctional Education (DCE) drafted re-enrollment procedures and began sponsoring trainings throughout the state in order to encourage implementation of these procedures. In 2004, the SEA's Division of Special Education and Student Services convened an interagency task force made up of approximately 25 representatives from the DJJ, DCE, the court system (e.g., parole officers), local education agencies (LEAs), principals of alternative education programs, principals of correctional programs in the juvenile justice system, principals of juvenile detention facilities and parents. This task force drafted regulations requiring the development of a re-enrollment plan for each youth of school age or eligible for special education services. These regulations were formally adopted in 2006. Re-enrollment procedures include rules and timelines for the following:

- notification of the receiving LEA and parents/guardians regarding an incarcerated student's scheduled release;
- preparation of a preliminary re-enrollment plan by a *transition team* (e.g., DCE or detention home principal; counselor, transition specialist, or teacher; parole officer; re-enrollment coordinator from receiving LEA; and a representative of the student's IEP team if applicable);
- forwarding of the preliminary re-enrollment plan to the re-enrollment coordinator of the receiving LEA;
- preparation of a final re-enrollment plan by the LEA *re-enrollment team* (e.g., re-enrollment coordinator, principal, guidance counselor, parole officer, parent/guardian, social worker or school psychologist, members of the transition team and special education director if appropriate);
- inclusion in the final re-enrollment plan of the following components: student's educational placement and timeline for placement, names and contact information of individuals responsible for prompt enrollment, student's scheduled academic program and other supporting activities and services, names and contact information of members of the transition and re-enrollment teams, and current IEP if applicable; and

⁸More information on Virginia's re-enrollment procedures visit its website at <http://www.doe.virginia.gov/VDOE/studentsrvcs/> and scroll down to the section titled "Reenrollment."

- release and re-enrollment of the student.

In order to prepare members of transition and re-enrollment teams to implement re-enrollment procedures in a standardized manner throughout the state, the SEA and task force are sponsoring two institutes of approximately 300 attendees each in November 2006 that will bring team members together. The institute will be hosted and paid for by the SEA, DCE and DJJ. Related training and informational materials (e.g., question and answer pamphlets) are also available via the web. The task force is currently working on developing a plan for monitoring implementation of re-enrollment procedures. Although the SEA dedicates a portion of one staff member's time to issues relating to re-enrollment procedures, there is no funding specifically earmarked for this initiative.

Concluding Remarks

States described a wide range of initiatives for serving students with disabilities in the juvenile justice system including task forces; professional development activities for correctional facility staff and others; court advocacy; and tutoring and transition programs. Funding sources vary, as does the level of SEA involvement. Although all programs are intended to improve outcomes for students with disabilities and most rely on special education funding, most programs target students both with and without identified disabilities. Interviewees were asked to describe "lessons learned," and these are some of the points they shared:

- Working closely with correctional facility education directors and teaching staff is crucial for ensuring "buy-in."
- It is frequently necessary to convince judges and juvenile correctional staff that incarcerated students are entitled to quality educational opportunities and not just "punishment."
- Formal evaluation should be a part of any initiative, particularly for pilot projects seeking long-term funding and support.
- Many programs are limited in what they can do because of the difficulty securing long-term funding.
- Leadership from the SEA and/or legislative mandate regarding services and funding for students with disabilities in the juvenile justice system can ensure the success of related initiatives.
- Interagency collaboration, while necessary, remains an ongoing challenge—particularly when agencies have different priorities (e.g., education versus discipline and/or security).
- The rapid turnover of incarcerated students in correctional facilities is an ongoing challenge to the provision of quality education and transition services.
- SEAs should be included in all stages of the design and development of correctional facility schools.
- There is an enormous unmet need for training and technical assistance relating to educational services for this population.
- Evidence shows that it is significantly more cost-effective to educate incarcerated students and keep them from recidivating, than to have them return to the system as adults.

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