



Center for
Children's
Advocacy

Students First:

**Ensuring Excellence and Opportunity
for Students in Connecticut's Juvenile Justice System**



This report was written by Center for Children's Advocacy attorney Alexandra Dufresne, with assistance and contributions from Center for Children's Advocacy attorneys Marisa Halm, Leon Smith, Kathryn Meyer and executive director Martha Stone.

The report is funded by the Tow Youth Justice Institute, University of New Haven.

©2015 Center for Children's Advocacy
Center for Children's Advocacy
kidscounsel.org and speakupteens.org

Students First:

Ensuring Excellence and Opportunity for Students in Connecticut’s Juvenile Justice System

Contents

I.	Introduction	5
	Who Are These Students?	
	What Do These Students Need?	
	Why Does This Matter?	
	Where Are We Now?	
	Overview of Recommendations	
II.	Prevention Efforts are Needed to Ensure Student Success	9
	A. Ensure All Students Receive the Necessary Special Education and Mental Health Supports	9
	1) Recommendations	10
	2) Spotlight on National Models with Evidentiary Support	11
	B. Reduce Exclusionary School Discipline Practices, such as Out of School Suspensions and Expulsions, and Invest in Positive Alternatives, like Restorative Justice and Other Models	11
	1) Recommendations	13
	C. Reduce Chronic Absenteeism	15
	1) Recommendations	17
	2) Spotlight on National Models with Evidentiary Support	18
	D. Reduce Disengagement, Push Out, and Drop Out, including Involuntary Transfer to Low-Quality Alternative Schools	18
	1) Recommendations	18
III.	Diverting Students from Court Contributes to Student Success	19
	A. Minimize School-Based Arrests	19
	1) Recommendations	20
	B. Reduce Community-Based Arrests of Students	20
	1) Recommendations	20
	C. Provide Students Diverted from Court with the Educational Supports they Need	21
	1) Recommendations	21

IV.	Court-Involved, Non-Detained Students have Educational Needs that Must be Resolved	22
	1) Recommendations	22
V.	Addressing the Educational Needs of Court Involved, Detained Students Improves Student Success	22
	1) Recommendations	22
VI.	Ensuring Educational Opportunity for those Committed to DCF as Delinquent, including “Crossover” Students, can Address Educational Disparities	23
	A. Students at CJTS, Pueblo, or Other Congregate Care Facilities	23
	1) Recommendations	24
	B. Re-Entry and Continued Support for Committed Students After Release	25
	1) Recommendations	25
	2) Spotlight on Model with Evidentiary Support	26
VII.	Ensuring Student Success will Require Closer Interagency Collaboration	27
	1) Recommendations	27
VIII.	Summary of Top Four Action Steps Presented to the Juvenile Justice Policy and Oversight Committee on November 19, 2015	28
IX.	Conclusion	29

Students First: Ensuring Excellence and Opportunity for Students in Connecticut’s Juvenile Justice System

“Quality education linked to employment is viewed, unequivocally, as the most powerful tool in recidivism reduction.”¹

“What parent defines success as going to school, not doing drugs, and avoiding arrest? Parents dream of college, of getting good grades, of children making a contribution to their families and communities. . . After all, a school’s job is to help students reach their dreams, and few people’s dreams are limited to avoiding recidivism.”²

“Nationally, as many as two-thirds of youth dropped out of school after they were released from the juvenile justice system.”³

“It has always been important to me to get my high school diploma so that I could go on to college. I was not going to let being involved in the juvenile justice system get in the way of that goal and worked closely with my attorney to make sure I could secure my diploma from my local school district. Now, with my diploma in hand, I have put my past behind me and I am a first year student at my local community college. I plan to study criminal justice and explore a career in law.”⁴



1 Macomber, Skiba, Blackmon, Esposito, Hart, Mambino, Richie, Grigorenko, “Education in Juvenile Detention Facilities in the State of Connecticut: A Glance at the System,” *Journal of Correctional Education*, Vol. 61, No. 3 (September 2010), 223 at 224.

2 Forman, Jr., James, “Education for Liberation,” 2 *Harv. L. and Pol’y Rev.* 75 (Winter 2008), 75 at 79-80.

3 See Juvenile Law Center, “Justice for Juveniles: Youth Recommendations to Improve Educational Outcomes for Youth in the Juvenile Justice System” (2015) (citing Southern Education Foundation, *Just Learning: The Imperative to Transform Juvenile Justice Systems into Effective Educational Systems – A Study of Juvenile Justice Schools in the South and the Nation*,”) p. 18 (2014).

4 Quotation from student formerly in Connecticut’s juvenile justice system, as told to Marisa Halm, Director, TeamChild Juvenile Justice Project, Center for Children’s Advocacy, 2015.

I. Introduction

All students need a good education. But for some students, a good education is not just a basic need, like food or safety or shelter --- it is the only path to freedom. Yet tragically, the students most in need of a good education are precisely those least likely to receive it.

Who are these students?

Many students who are involved in Connecticut's juvenile justice system have been abandoned, abused or neglected.⁵ Many suffer developmental, mental, or physical health needs long untreated or undertreated.⁶ Almost all have endured trauma and loss,⁷ including the death, incarceration, or deportation of parents and friends. Many have witnessed violence; many have endured racism. Some students entering juvenile detention lack necessities like eyeglasses.⁸ Others lack basic knowledge about the world.⁹ Some have moved schools so many times they have lost count.¹⁰ Others feel bored and alienated in school and cannot remember a time that they felt happy in school or were praised for being good at it. Many are two or three grade levels behind,¹¹ but have been socially promoted year after year without the academic supports they need,¹² left frustrated, angry and ashamed because they cannot manage their work.¹³ Some students have been expressly barred from school;¹⁴ others have missed months of school¹⁵ – seemingly, without anyone much missing them,¹⁶ such that the prospect of returning to school and making up the missed work seems overwhelming and hopeless. Some have been “counseled” to withdraw from school on the grounds that they are too old and too far behind to graduate in time; others are “reassigned” to “alternative schools” with radically reduced hours, curriculum, expectations and opportunity.¹⁷

5 See UConn Center for Applied Research in Human Development, “Research Brief: Connecticut’s Crossover Youth” (released June 1, 2015) (describing preliminary results from review of data set shared between CSSD and DCF, concluding that 16.6% of 7,268 DCF-involved youth had subsequent contact with the juvenile justice system, with rates significantly higher for certain subsets of the population). This may be an underestimate. (See June 12, 2015 email from Linda Dixon to Martha Stone and William Rosenbeck).

6 Macomber et. al., *supra.*; see also generally Andrea Spencer, Ph.D., Center for Children’s Advocacy, “Blind Spot: Unidentified Risks to Children’s Mental Health,” available at www.kidscounsel.org. See also Foundation for Alliance for Education, “Report on the Analyses of the Datasets from the Connecticut Judicial Branch, Court Support Services Division and the Connecticut State Department of Education,” (2015) (discussing special education needs of students across various stages of the juvenile justice system, based on extensive analysis of 2009-2010 data).

7 “Exposure to trauma in childhood is also associated with youth in juvenile detention, where more than 90% of participants may have experienced significant traumatic events in earlier years.” See Spencer, *supra.*, at 4 (citing academic studies).

8 See Macomber at 236.

9 *Id.*

10 See, *i.e.*, Stone, “Education Issues for Students in the Juvenile Justice System” (June 18, 2015 presentation to JJPOC), slide 13 (listing moves for one of the Center for Children’s Advocacy’s clients).

11 See Connecticut Judicial Branch Court Support Services Division, “Raise the Grade Facilities and Programs Plan: Report to the Achievement Gap Task Force,” (July 1, 2014), p.6 (“Overwhelmingly, the sample of juveniles [in detention] was two or three grades academically behind their stated grades.”) (based on data from a 2006 survey); see also Macomber, *et. al.*, at 225 (discussing literature regarding grade level deficiencies nationally).

12 See generally Spencer, *supra.*

13 *Id.* (discussing the stress, frustration, and “opting-out” behavior of children who do not receive the supports necessary to be successful in school). Connecticut data shows a distressing achievement gap between students in the juvenile justice system and their peers. For example, in 2013, only 2.6 percent of students in USD #2 achieved “goal” level on the CAPT (Connecticut Academic Performance Test) in reading, compared with 48.5 percent of children statewide. Only 21.1 percent of students in USD #2 met the lower benchmark of “proficiency” in reading in 2013, compared with 81 percent of students statewide. <http://solutions1.emetric.net/CAPTPublic/CAPTCode/Report.aspx> Smarter Balance Assessment Data from 2015 is similarly worrisome. See Stone, Smith, and Dufresne, Center for Children’s Advocacy, November 19, 2015 Presentation to the Juvenile Justice Policy and Oversight Committee, Slides 24, 25 (showing charts of Math and Reading SBAC scores, by grade and DCF status).

14 See generally Iverson, Joseph, and Oppenheimer, “Keeping Kids in Class: School Discipline in Connecticut, 2008-2013) (Connecticut Voices for Children, February 2013) and Esty, “Arresting Development: Student Arrests in Connecticut” (Connecticut Voices for Children, September 2011).

15 See Ajit Gopalakrishnan, “Chronic Student Absenteeism in Connecticut’s Districts and Schools” (State Department of Education, October 2014).

16 Cf. McCargar, “Invisible Students: The Role of Alternative and Adult Education in the Connecticut School-to-Prison Pipeline” (A Better Way Foundation and the Connecticut Pushout Research and Organizing Project, December 2011).

17 See generally, McCargar, *supra.* For data and discussion of the racial disproportionality of alternative schools, with fewer supports and services, compared to therapeutic, special education schools, please see Center for Children’s Advocacy, “Alternative Schools Project: Disproportionate Impact on Youth of Color in Alternative Schools and Programs.”

Few have attended the state's finest magnet, charter, technical or district schools, *de facto* barred by geography, disability, disciplinary history, ELL status,¹⁸ or lack of a guardian willing or able to enroll them in the relevant lotteries. Almost none attend school districts in towns with the tax base necessary to support high quality and extensive special education programming or even the nuts and bolts general education quality of districts in neighboring towns. Instead, they live in communities and high schools with extreme poverty, racial isolation, inadequate resources and shockingly high rates of trauma --- learning environments that would present challenges to even healthy, high-performing students with robust family and social supports. Indeed, many students come from schools in large urban districts that have been labeled year after year as "failing" under No Child Left Behind.

Many students do not have family members who have graduated from high school. Fewer still have had a family member graduate from college or graduate school. Unlike their peers in surrounding towns and suburbs in Connecticut, few grew up surrounded by family friends and neighbors who worked as nurses, teachers, police officers, electricians, lawyers, scientists, musicians, software developers, coaches, business owners, ministers. Many do not have parents who have had positive experiences with the educational system or who have been able to use education to secure a steady job with enough income to support their families, much less to express their values, talents, and identities. As a result, the current education system – well-adapted for students of educated parents– can seem at best, irrelevant, at worst alienating and in conflict with one's values and social status.

Many students in the juvenile justice system have parents or guardians who do not speak English or understand how to navigate the complicated array of educational laws and supports within the United States.¹⁹ Many lack a consistent adult or advocate who can ensure they are getting the help they need in school or who can help them apply to a school or program that is right for them. Others have parents who are desperate to help them but cannot do so given lack of access to supports and services. The absence of effective adult support is critical, as students under age 18 *do not have the legal right* to make basic education decisions themselves (unless they have been emancipated or are enrolled in post-secondary education, both relatively rare). And although some individual young people are mature enough to keep themselves internally focused on their school work, the majority of children and adolescents require daily attention, accountability, and support from a dependable adult who has the time, willingness, ability and knowledge to support their education.

At the same time, just like their peers in other circumstances, the students in Connecticut's juvenile justice system have tremendous potential. The "negative" qualities so often cited to explain treating juveniles differently from adults --- impulsivity, risk-seeking, inexperience, susceptibility to peer influences, dependence on others, emotional intensity, obsession with social relationships and status --- also have positive or neutral corollaries– creativity, individuality, passion, attentiveness to social cues, receptiveness to relationships, uncompromised sense of right and wrong, and openness to change--strengths that can be harnessed through education that builds on these strengths. And like all students their age, they have a wide diversity of gifts – intellectual, musical, artistic, creative, athletic, interpersonal, creative. The difference, however, is that the students who find themselves in Connecticut's juvenile justice system rarely have been given the opportunities as young people to develop and practice those gifts, *and to be recognized for those gifts*. And so, with the absence of opportunity, they are too frequently viewed in terms of the mistakes they have made and the dangers and needs they present rather than the gifts and talents they have to offer. And after a while adolescents – understandably – will start to believe and to fulfill the expectations others have of them.

Finally, unlike many of their peers, students in the juvenile justice system have often learned to survive hardships that would overwhelm many adults. They have learned to depend on themselves to meet their goals, and they have developed greater independence than many of their same-aged peers. They often want to graduate from high school and go on to college or a job with a sense of urgency that often eludes their more fortunate classmates. Given this desire, we argue that Connecticut's juvenile justice system should measure its progress against one elusive, challenging, but necessary benchmark: do students who enter Connecticut's juvenile justice system end up graduating from high school at the same or higher rates than their peers?

18 21.2 percent of students in Connecticut's juvenile justice system in 2009-2010 had English Language Learning needs. See Foundation for Alliance for Education, *supra*, at 10.

19 See generally Spencer, *supra*.

What do these students need?

For these students to become their best selves, their education cannot be haphazard, intermittent or grudging. It cannot be focused on “remediation” of basic skills to the exclusion of science, literature, politics, art, history, computer science²⁰; nor, can it be abstract, esoteric and disconnected from their lives and goals, including meaningful and viable employment.²¹ It cannot be hidden behind a tangled web of red tape, bureaucratic delays, and an overlapping but diffuse patchwork of accountability. It cannot be driven by resource availability, rather than need. Indeed, it cannot even be “not bad,” most of the time. It has to be excellent: rigorous, consistent, meaningful, relevant, and accessible. It has to be on par with the educational opportunity afforded to their peers, in a state widely regarded as having some of the finest public schools in the nation. Its effectiveness has to be measured and made transparent. And above all: it has to be *robust* and *unconditional*—robust enough to withstand the special challenges facing these students and their families, unconditional enough to withstand the inevitable missteps and mistakes of adolescents.

Why does this matter?

Leaving it to students in these circumstances to demonstrate “sufficient motivation” to navigate the maze of barriers, in the face of evidence to the contrary, will yield predictable results. A minority of students who have interacted with the juvenile justice system will indeed graduate from college. Some with unusually strong family or social supports will graduate from high school. Many will be shunted to alternative or adult education programs from which they will never graduate, and many will return to the juvenile justice or adult justice systems, with less than a 10th grade education and little realistic chance of lawful work that pays enough to support a family. Equally worrisome, preserving the status quo in a state with many of the finest public schools in the nation will send a message not lost on teens, who are often acutely perceptive of injustice: the message that some students in Connecticut have promise worth investing in, while the most we can hope for the others who are “not cut out for high school” is that they stay out of prison. Finally, as a state and community, we will lose out. This loss is often framed in fiscal terms: the costs of prison and of social services, and the tax revenue and wages lost. But at stake is a loss much greater: the loss of the people -- the doctors, the teachers, the scientists, the artists, the leaders --- these students could have become.

Over the last twenty years, the relationship between poor educational opportunity, academic failure, and juvenile justice involvement has been extensively documented. Indeed, improving educational opportunity and outcomes for students who touch the juvenile justice system is a priority shared by parents, schools, policymakers, leaders and students themselves.²² “Quality education linked to employment is viewed, unequivocally, as the most powerful tool in recidivism reduction.”²³ Therefore, in the hierarchy of needs of children in the juvenile justice system – safety, security, mental health treatment – few would dispute that education needs to be at the top.

20 See Forman, *supra*, (discussing the crucial role of high academic expectations in the Maya Angelou school, and giving quotation from student re: challenging curriculum); see also Juvenile Law Center, “Justice for Juveniles: Youth Recommendations to Improve Educational Outcomes for Youth in the Juvenile Justice System,” 2015.

21 See generally U.S. Department of Justice and U.S. Department of Education, “Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings,” (December 2014); see also, e.g., John Phillips, “I was tired of throwing kids in prison. So I built a place to help keep them out of it.” *The Washington Post*, August 7, 2015 (describing his experience as a prosecutor and a judge, and the eventual creation of The Rancho Cielo Youth Campus as an alternative for student in the juvenile justice system: “I had learned there was one strategy that actually worked to engage disenfranchised young people: the combination of education, job training, and eventually employment. These critical three experiences allow youths to reconnect with communities from which they feel alienated and help build the self-esteem and self-confidence that many lack .. We’ve reduced recidivism 80 percent among students in the program, and the rate of our students staying out of trouble is twice that of young people exiting incarceration without the benefit of our program.”)

22 For a discussion of the importance of education to students in the juvenile justice system, see Juvenile Law Center (2015), *supra*.

23 Macomber et. al., *supra*. at 224.

Where are we now?

Despite the research, education of system-involved students is often seen as an afterthought or a second-tier need, outside the “core” of juvenile justice. Education, particularly for older students, is often viewed more as a “choice” for certain students to decide to pursue – and a privilege that can be forfeited by misconduct --- rather than a fundamental right on par with shelter, food, safety. It is often said that children in the juvenile justice system are “more than the worst thing they have done.” However, less attention is paid to the idea that students in the juvenile justice system are more than the “worst thing that has been done to them.” While a trauma-informed practice is indeed essential to meaningful treatment, in normative terms, we need to insist on seeing school-aged youth as we see their non-involved peers: not as patients, victims, clients, delinquents, offenders, or trauma survivors, but as students. “What did you do in school today?” needs to be the *first* question we ask of every youth we encounter, not an afterthought. Indeed, school may seem secondary to a student struggling with homelessness, depression, incarceration, fear or abuse, but we cannot permit it to become secondary. It is the *job* of children and adolescents to go to school and develop their gifts as fully as possible.

By the same token, “How does this intervention improve educational opportunity?” needs to be the *first* question we ask of every juvenile justice intervention, not an afterthought. The quality of educational services may seem secondary to a system struggling with safety, mental health services, and resource constraints. But it is the job of adults to enable young people to focus on being students. Letting, encouraging, and even coercing students who *feel* alienated from education to leave high school or a juvenile justice placement for substandard alternative programs or adult education is a cynical choice -- expedient in the short term, devastating in the long term.

Overview of Recommendations

We describe below the challenges facing students at each stage of juvenile justice involvement and our recommendations to address them. Across the system, the recommendations carry common themes: track, publish and utilize data for benchmarking; focus on outliers and disparities; listen to students and their families; “normalize” the experiences of students in the juvenile justice system; differentiate responses to match services with need; harness the strengths of adolescents; give students the supports they need to meet high standards; focus on transition points; use technology to ease transitions; replicate best practices; increase collaboration among agencies; and insist on robust quality assurance.

At the end of the document, we include a list of the Top 4 Action Steps, as outlined in our November 19, 2015 Presentation to the Juvenile Justice Policy and Oversight Committee.

II. Prevention Efforts are Needed to Ensure Student Success

A. Ensure all students receive the necessary Special Education and Mental Health supports

Extensive research demonstrates the link between unmet special education and mental health needs and involvement in the juvenile justice system.²⁴ For example, in Connecticut, it is estimated that 40-50% of juvenile detainees have special educational needs.²⁵ (Rates at the “deeper end” facilities, such as CJTS, are significantly higher).²⁶ Yet, in a 2010 study of detention centers in Connecticut, only about 10 percent of students had been identified as special education students, and 70 percent of teachers reported detainees’ special learning needs as “under identified.”²⁷ Three years later, in 2014, CSSD found that of the 1402 juveniles admitted to detention, only 20.7 percent self-reported a history or status of special education²⁸ --- significantly short of the 40-50 percent estimate. According to a 2012 study of students ages 12-16 with persistent school failure, truancy, juvenile justice or other court involvement, one quarter of students with documented histories of poor academic progress and serious emotional and behavioral problems had not been identified as needing special education services.²⁹ Perhaps most alarmingly, students in the juvenile justice system with special education needs showed recidivism rates almost twice as high as students without special needs.³⁰

Given the acute racial and socioeconomic disparities within Connecticut’s juvenile justice system, these data are not entirely surprising. A recent national study of more than 60,000 school districts showed that in high poverty and high minority school districts, the response to behavioral and mental health issues is far more likely to be “criminalized” than “medicalized,” when contrasted with the response of higher income and more white school districts.³¹ Whereas a student in a middle or upper class family whose behavior and academic performance is worrisome might be sent to a therapist, or to a private school, a similar student from a poor neighborhood too often finds himself excluded from school and shunted into the juvenile justice system, labeled as a “delinquent” for worrisome behavior that masks underlying education and mental health needs.

However, in Connecticut, data holes prevent us from knowing at which parts of the process students are most likely to “fall through the cracks” – i.e. present with needs that should have triggered immediate referral for special education services but did not.³² Is the gap between the percentage of students who self-report special education status when they enter detention and the estimates of the true need due solely to sending schools’ failure to identify students? Or, did some of

24 See Spencer, *supra.*; see also Foundation for Alliance in Education, “Report of the Analyses of the Datasets From the Connecticut Judicial Branch, Court Support Services Division, and the Connecticut State Department of Education,” *supra.*

25 See Foundation for Alliance in Education, abstract by Yale University, Connecticut State Department of Education (CSDE), Connecticut Judicial Branch Court Supported Youth Services Division (CSSD), Yale University Child Study Center (YCSC), R305H140050 (2014). Principal investigator: Dr. Elena Grigorenko For a discussion of learning disabilities in particular, please see Grigorenko, Macomber, Hart, Naples, Chapman, Geib, Chart, Tan, Wolhender, and Wagner, “Academic Achievement Among Juvenile Detainees,” *Journal of Learning Disabilities*, Vol. 48 (4) 359-368 (2015).

26 In 2012-2013, the percentage of students in USD 2 schools with an IEP ranged from 62 to 78 percent, fluctuating by age group. (DCF).

27 See Macomber *et. al.*, *supra.* at 235.

28 See June 15, 2015 email from Cathy Foley-Geib, CSSD, to Martha Stone, Center for Children’s Advocacy, reporting 2014 CSSD figures.

29 See Andrea Spencer, *supra.* This study was based on a review of the educational records of 102 students ages 12-16 who were referred to the Center for Children’s Advocacy because of persistent school failure, truancy, juvenile justice involvement or other court involvement. 51 percent of the students had been court involved or were at risk of court involvement, juvenile justice intervention, or court referral for families with service needs. With regard to the students who had not been identified as needing special education services, “[a] closer look at records of these students indicates that most had academic difficulties and delays, combined with disruptive, defiant behavior, multiple suspensions, school avoidance and truancy issues. Several carried formal mental health diagnoses and records included a history of psychiatric hospitalization.”

30 See Foundation for Alliance for Education, “Report of the Analyses of the Datasets from the Connecticut Judicial Branch, Court Support Services Division, and the Connecticut State Department of Education,” (2015) (analyzing 2009-2010 data).

31 See David M. Ramey, “The Social Structure of Criminalized and Medicalized School Discipline,” *Sociology of Education*, 2015, 88 (3) 181. (concluding, based on data analysis of more than 60,000 schools, that “schools and districts with relatively larger minority and poor populations are more likely to implement criminalized disciplinary policies, including suspensions and expulsion or police referrals or arrests, and less likely to medicalize students through behavioral plans put in place through laws such as Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act. However, results from cross-level interaction models suggest that district-level economic disadvantage moderates the influence of school racial composition on criminalized school discipline and medicalization).

32 Under current law, “Child Find” obligations require schools to “prompt[ly] refer[] to a PPT students who have been suspended repeatedly or whose behavior, attendance, or progress in school is considered unsatisfactory or at a marginal level of acceptance.”

these students entering detention also touch the juvenile justice system at an earlier stage and yet fail to be identified? What we do know, however, is that the sooner a student receives necessary interventions and supports, the greater his chances of staying on track academically and behaviorally.³³ And the more students who can stay on track through existing supports, the fewer children in the juvenile justice system as a whole, meaning that the system can focus its resources on meeting the needs of the higher-need youth who honestly do pose a safety threat. Accordingly, we need to build some “redundancy” into our systems, to ensure that students who – for whatever reason – fall through the cracks during their earliest years have many other opportunities not far down the road to have their needs recognized and addressed.

Of equal concern is evidence of the disconnect between special education and mental health needs and the limited services offered in large urban communities in Connecticut even for students who have been identified.³⁴ Even after the provision of special education services, *95 percent* of the Connecticut in the study above struggled academically. Social work services were provided to almost half of the students whose needs qualified as “mental health” or “behavioral;” however, these services were typically only 30 minutes per week – too little given the severity of their needs.³⁵ Moreover, “speech and language services were frequently terminated in middle elementary grades just as academic language demands begin to increase exponentially within the curriculum.”³⁶ The stories of individual students featured in the report demonstrate the devastating impacts to these students’ behavior and performance when supports they once received were reduced over time, seemingly for reasons unconnected to their documented needs.³⁷ The effect of being labeled as “special education” and *still* not being able to succeed due to mismatched or inadequate services can be particularly devastating to students’ self-confidence and sense of personal efficacy.

1) Recommendations

Accordingly, the first step to reducing juvenile justice system involvement and improving educational outcomes for children in the system is to focus on ensuring the children with disabilities receive the services they need to be successful. Although special education services can be costly to individual districts, the cost saving to the state as a whole from reduced delinquency, reduced juvenile justice placements, and reduced adult crime and incarceration could be significant. We recommend the following:

1. Evaluate Educational Surrogate³⁸ and CSSD’s Education Support Services (ESS) programs and expand them if they demonstrate positive outcomes.
2. Establish a quality assurance program to implement the “Raise the Grade” provisions, including compliance with Child Find obligations in all schools in state or state-contracted facilities.³⁹

33 See *generally* National Council on Disability, “Breaking the School-to-Prison Pipeline for Students with Disabilities, National Council on Disability, Washington, D.C., June 18, 2015, located at: https://www.ncd.gov/sites/default/files/Documents/NCD_School-to-PrisonReport_508-PDF.pdf

34 See National Council on Disability, *supra*, at 28-30. See also Spencer, *supra* and August 6, 2015 systemic special education complaint against Bridgeport Public Schools filed by the Center for Children’s Advocacy to the Connecticut State Department of Education, available at: <https://s3.amazonaws.com/s3.documentcloud.org/documents/2203714/redacted-center-for-childrens-advocacy-systemic.pdf>

35 Spencer, *supra* at 16.

36 *Id.*

37 *Id.* <https://s3.amazonaws.com/s3.documentcloud.org/documents/2203714/redacted-center-for-childrens-advocacy-systemic.pdf>

38 Educational surrogates (sometimes called “surrogate parents”) are specialists appointed by the State Department of Education (SDE) to assist students with their special education needs. Educational surrogates navigate the complex web of evaluations, programs, services, and special education laws to ensure that students receive the services they need to succeed in school. Unfortunately -- as many parents and educators know--federal and state special education protections for students are not “self-enforcing”: it often takes a determined, well-informed, persistent and skilled parent, advocate or professional, to make sure that a student’s unique needs are met. Under current law, all children committed to the Department of Children and Families (DCF) are entitled to an educational surrogate if they have been identified as special education students or if there is reason to believe that they might be eligible for special education services. In addition, under current law, homeless or unaccompanied children, and children committed to DCF for juvenile justice reasons are also entitled to educational surrogates if they are enrolled in Unified School District #2 (USD #2), which is the district, operated by DCF, that provides education to students living in DCF facilities and whose treatment needs require that they receive education within the facility. For children in USD #2 whose biological parents still retain their educational decision-making rights, current law contains parental notification and consent provisions. Other children in the juvenile justice system would benefit tremendously from educational surrogates as well, as would children who have been the victims of educational neglect.

39 Conn. State Agencies Regulations 10-76-d7 states((c) “Provision shall be made for the prompt referral to a planning and placement team of all children who have been suspended repeatedly or whose behavior, attendance, or progress in school is considered unsatisfactory or at a marginal level of acceptance.” In 2014, the “Raise the Grade” legislation, Public Act 14-99 extended this obligation to DCF- and CSSD-contracted facilities: “(f) The Department of Children and Families and Court Support Services Division shall

3. Rigorously enforce existing Child Find obligations in *all* other schools, including state-funded charter schools, technical schools, alternative schools, magnet schools and neighborhood-based public schools.
4. Require all schools to provide parents with information about special education advocacy services in the community, in the parent's own language if the parent cannot read English.⁴⁰
5. Require juvenile court judges to inquire into a child's educational well-being, including their eligibility for special education services.
6. Implement national models with strong evidence of success in improving outcomes for juvenile justice-involved students with special education needs.

2) Spotlight on National Models with Evidentiary Support

Students in AMIKids Day Treatment programs in Florida live at home but attend intensive daily counseling and intervention services and school in an intensive academic setting. A rigorous evaluation from 2010 found that these students "show significantly lower rates of recidivism, particularly for felonies, than similar youth placed in residential facilities, *controlling for* group factors and predictors of recidivism." (emphasis added).⁴¹ Accordingly, this model was given an evidence rating of "promising" by the federal Office of Juvenile Justice and Delinquency Prevention.⁴²

The PACE Center for Girls in Florida is a research-based non-residential program for middle school and high school girls. It has received national recognition as one of the most effective programs for keeping girls from entering the juvenile justice system.⁴³

B. Reduce Exclusionary School Discipline Practices, such as Out of School Suspensions and Expulsions, and Invest in Positive Alternatives, like Restorative Justice and Other Models

Exclusionary discipline practices, such as out of school suspensions and expulsions, contribute to students' academic disengagement and failure as well as involvement in the juvenile justice system.⁴⁴ According to 2010 CSSD Data, 67 percent of students in detention had been suspended at least once, and 30 percent had been expelled. According to the 2012 case review noted above of students referred to the Center for Children's Advocacy, 88 percent of students with primary behavior problems and 46 percent of children with mental health and behavior problems had experienced multiple suspensions.⁴⁵ Students who are repeatedly suspended and students who are expelled – many of whom receive either subpar alternative education or only two hours of tutoring per day⁴⁶ --- literally lose education. However, the harms reach

promptly review the educational files of any child or youth upon his or her entry into any facility or school program run or contracted for by the department or the division to determine if such child or youth may be eligible for special education pursuant to sections 10-76a to 10-76h, inclusive.

40 See Spencer, *supra* ("And, as is the case with the children in this study, many parents, particularly those who are not proficient in English, may have little knowledge of the school district's responsibility to identify and meet the needs of children [like those featured in case examples], who showed early indicators that they were at risk.")

41 See Office of Juvenile Justice and Delinquency Prevention (OJJDP), Model Program Guide, available at: www.ojjdep.gov (citing Winokur, Early et. al. 2010).

42 *Id.*

43 According to the PACE Center website, www.pacecenter.org, "77% of girls were failing one or more classes prior to coming to PACE; 28% of our girls had a prior arrest before coming to PACE; and 16% of our girls used drugs and alcohol prior coming to PACE." However, after leaving PACE, "96% had no involvement with Juvenile Justice within a year of leaving PACE; 93% improved their academic performance; and 76% were in school or employed three years after leaving PACE."

44 See *generally* The U.S. Department of Justice and the U.S. Department of Education, "Guiding Principles on Improving School Climates and Discipline," (January 2014) ("Suspended students are less likely to graduate on time and more likely to be suspended again, repeat a grade, drop out of school, and became involved in the juvenile justice system," p. 8). See *also* Taby Ali and Alexandra Dufresne, Connecticut Voices for Children, "Missing Out: Suspending Students from Connecticut Schools" (2008) (discussing and citing research regarding adverse impacts of exclusionary discipline).

45 Spencer, *supra*, 17.

46 The alternative education provided to students who are expelled in Connecticut is governed by Conn. Gen. Stat. Sec. 10-233(d). Children under 17 must be provided an alternative education opportunity upon their expulsion, if it is their first expulsion, regardless of the offense. However, there is no minimum standard of education that must be provided to these children, and children who are 17 may be placed instead in adult education. The *de facto* alternative education opportunity provided to many of these expelled students is 10 hours per week of tutoring. Children between the ages of 16 and 18 who are expelled for possession of a firearm or deadly weapon, or for sale or distribution of an illegal substance, are not entitled to any alternative education, even if this is their first offense. Moreover, a school district may choose not to offer an alternative education to a student between the ages of 16 and 18 if they have been expelled more than once.

far beyond the educational time and opportunities missed. Rather, barring students from school weakens the relationship between a student, his family and his school community and undermines the young person's own sense as a student who belongs in school and can contribute positively to the learning experience for all.⁴⁷ When this breakdown exists in the context of extreme racial disproportionality, the effects are particularly severe.⁴⁸

In light of this research, reforms in recent years have led to significant reductions in out of school suspensions and expulsions in Connecticut.⁴⁹ Nonetheless, the data are still troubling. First, out of school suspensions and expulsions for children under seven (7) have increased 22% from the 2011-2012 school year to the 2013-2014 school year.⁵⁰ Out of school suspension and expulsion rates remain much higher for minority students, special education students, and students from poorer districts than for their peers. 76 percent of the 1217 young children excluded from school in 2013-2014 were Black and Hispanic.⁵¹ Recently released statewide data on expulsions by race, though demonstrating a slight reduction, is equally troubling. These figures should be reviewed with caution as the data reflects expulsions only and does not include suspensions which comprise a larger portion of discipline data. In 2013, black students were 4.9 times more likely to be expelled, and 6.5 times more likely to be suspended out-of-school than white students.⁵² Hispanic students were 2.6 times more likely to be expelled, and 4.4 times more likely to be suspended out-of-school than white students.⁵³ Special education students were 1.8 times more likely to be expelled, and 2.6 times more likely to receive out-of-school suspensions.⁵⁴ Just as disturbingly, students in the poorest urban areas were expelled over 17 times more often, and suspended out-of-school 24 times more often than students in the wealthiest suburban areas.⁵⁵ Racial inequalities in suspension and expulsion rates persisted in 2013-2014.⁵⁶ These racial disparities are incongruous when compared with data from the Connecticut school health surveys, in which white students report behaviors that would ordinarily result in exclusions at higher or comparable rates as Black and Hispanic students,⁵⁷ a general trend that is consistent with national studies.⁵⁸ Finally, it is worth noting that although exclusion rates have decreased in most school systems, 2/3 of our students are still excluded for behavior that could be addressed much more effectively within the school environment, without any concerns of danger to other students or staff.⁵⁹

47 See Ali & Dufresne, *supra*, 5.

48 *Id.*

49 Sarah Iverson, Edie Joseph, and Cyd Oppenheimer, "Keeping Kids in Class: School Discipline in Connecticut 2008-2013," Connecticut Voices for Children (2015), available at <http://www.ctvoices.org/sites/default/files/jj15schoolarrestsreport.pdf>, p.9.

50 1217 students under the age of 7 received suspensions during the 2013-2014 school year; See "Suspensions and Expulsions in Connecticut" by the Connecticut State Department of Education, March 3, 2015, p. 46, available at: http://www.sde.ct.gov/sde/lib/sde/pdf/board/boardmaterials030415/via_presentation_suspensions_and_expulsions_in_connecticut__2015.pdf

51 *Id.*

52 Sarah Iverson, Edie Joseph, and Cyd Oppenheimer, "Keeping Kids in Class: School Discipline in Connecticut 2008-2013," Connecticut Voices for Children (2015), available at <http://www.ctvoices.org/sites/default/files/jj15schoolarrestsreport.pdf>

53 *Id.*

54 *Id.*

55 *Id.*

56 See Martha Stone and Leon Smith, January 30, 2015 Powerpoint Presentation, "2015 Legislative Initiatives with Significant Impact on Youth of Color," (including chart from SDE data showing Suspension/Expulsion Rates by Race).

57 See Connecticut Department of Public Health, Youth Risky Behavior Surveys, available at www.ct.gov

58 See, e.g., R Skiba, R Michael, A Carroll Nardo, R Peterson, "The Color of Discipline, Sources of Racial and Gender Disproportionality in School Punishment," *Policy Research Report #SRS1* (June 2000) (reviewing studies on racial disproportionality in school discipline from 1978-2000 and concluding that racial disparities in school discipline were consistent across studies, regardless of methodology used; that racial disparities persist even when controlling for poverty; that there is no evidence to support the hypothesis that African-American students act out more than other students; and that African-American students appeared to be referred to the office (which often leads to suspensions) for less serious and more subjective reasons than their white peers)

59 66% of all student exclusions are due to school policy violations, 12% due to fighting/battery, 9% due to physical/verbal confrontation, 6% due to personally threatening behavior, and 7% due to other, according to the State Department of Education's Powerpoint Presentation, "Suspensions and Expulsions in Connecticut" (March 2015), p. 33, available at http://www.sde.ct.gov/sde/lib/sde/pdf/board/boardmaterials030415/via_presentation_suspensions_and_expulsions_in_connecticut__2015.pdf. Conn. Gen. Stat. §10-233c requires all suspensions to be in-school unless "the administration determines that the pupil being suspended poses such danger to persons or property or such a disruption of the educational process" or if the student has a history of disciplinary problems that continue despite administrative efforts to handle the problems through alternative means. "School policy violations" are non-violent and minimally disruptive, in comparison with other incident categories, and thus should be appropriately handled through methods other than exclusionary discipline.

Next to the racial and economic disparities, what is most startling about the suspension and expulsion data in Connecticut, however, is the variation among districts with similar demographics⁶⁰ and among schools within districts. Similarly, some schools and districts have shown remarkable drops in their exclusion rates in recent years. From 2011 to 2013, Meriden reduced the percentage of students that were suspended in-school from 15.1% to 10%; Norwalk reduced the rate from 7.4% to 5.9% in the same period. Though among the top districts meting out exclusionary discipline, Bridgeport and Waterbury reduced their percentage of students suspended out-of-school from 2011 to 2013.⁶¹ These variations are important because they show that policies and practices matter, which enables “positive outliers” to share best practices,⁶² and “negative outliers” to receive remediation assistance and supports. There is nothing “inevitable” about excluding students or the underlying disruptive behavior: with the exception of the relatively rare cases in which expulsion is mandatory under federal law, the overwhelming majority of students, when given proper alternatives, would not have to miss school.

It is worth noting that the relative abundance of school discipline data has enabled policy reforms, as districts and schools have been able to benchmark their progress against that of their peers. However, this easy comparison and benchmarking has been made possible by outside organizations that have taken the time to splice, compare, and present the data in an accessible way. The latest full analysis of data ends in 2013,⁶³ meaning that data for the 2013-2014 and 2014-2015 school years is not publicly accessible in a disaggregated or easily comparable manner, making it much harder for school leaders and community members to get a handle on positive and negative outliers and trends. While the amount of school discipline data that is collected and made public represents “the gold standard” that should apply across all relevant domains – from Child Find compliance to chronic absenteeism—data is only powerful to the extent that it is used to drive decision-making, not just by agency heads but by all of the multiple actors in these complicated systems, *particularly* educators who work daily with youth. For these data to be used, they need to be presented and analyzed regularly in a clear, user-friendly way.

1) Recommendations

Because of the importance of school discipline procedures in keeping students in school and out of the juvenile justice system, we recommend the following:

1. Increase school and district leaders’ ability to benchmark progress and replicate best practices of “positive outliers” by ensuring that disaggregated school discipline data at school, district, and state levels is made publicly available in a timely fashion on the SDE public website and in Strategic School Profiles.
2. Require SDE to develop a remediation plan with schools and districts that are negative outliers in terms of OSS and expulsion rates and racial disparities in rates, or that have a disproportionate number of students involved in the juvenile justice system.⁶⁴ Such remediation plans should include, at a minimum, restorative justice models.⁶⁵
3. Prohibit expulsions for first time disciplinary offenses, unless expulsion is required by federal law.
4. Change Connecticut state expulsion law to require expulsion only for students who bring guns to school.
5. Make available to parents a state-funded attorney or advocate for any student facing expulsion proceedings whose family meets certain low income guidelines, throughout the duration of the expulsion period (so that the attorney can assist with early return options) and require DCF to provide an attorney for any student committed to its care who is facing expulsion proceedings, throughout the duration of the expulsion period.
6. Recommend that schools institute policies providing that the initiation of an expulsion hearing triggers an obligation for the school psychologist to meet with the student and to provide referrals (if warranted) to mental health and counseling resources in the community.

60 “District Reference Groups,” or “DRGs,” are used in a classification system that groups districts with students of a similar socio-economic status and need together. See “Research Bulletin” by the Connecticut State Department of Education (June 2006), p.1, available at http://www.sde.ct.gov/sde/lib/sde/PDF/EvalResearch/DRG_2006.pdf.

61 See *supra*, Iverson et. al., 45, 44

62 See generally Alexandra Dufresne, Annemarie Hillman, Cari Carson, and Tamara Kramer, “Teaching Discipline: A Toolkit for Educators on Positive Alternatives to Out-of-School Suspensions” (June 2010), available at <http://www.ctvoices.org/sites/default/files/edu10discipline.pdf>.

63 See *supra*, Iverson et. al.

64 Because expulsion rates are low, disaggregation may not be possible in some districts without violating confidentiality laws.

65 See e.g. “Restorative Practices: Fostering Healthy Relationships and Promoting Positive Discipline in Schools, A Guide for Educators,” Advancement Project, March 2014; Fischer, N., “Giving Young Offenders a Second Chance Means System-wide Reform,” July 2015 www.ctviewpoints.org.

7. Ensure educational opportunity for *all* expelled students⁶⁶ by:⁶⁷
- a. Amending Public Act 15-133 (regarding alternative education) to include expelled students;
 - b. Amending CGSA 10-233d(d) to remove the clause exempting alternative education opportunities (AEOs) from the requirements of CGSA 10-220;
 - c. Amending CGSA 10-233d(d) to clarify that AEOs must comply with CGSA 10-16; and
 - d. Adding a requirement for individualized learning plans for expelled students. These plans should:
 - Be based on assessment of the student's academic and behavioral needs;
 - Be created in collaboration with the student's home school, AEO, and parent;
 - Provide academic and behavioral interventions; and
 - Contain a timeline and method for review of the student's progress.



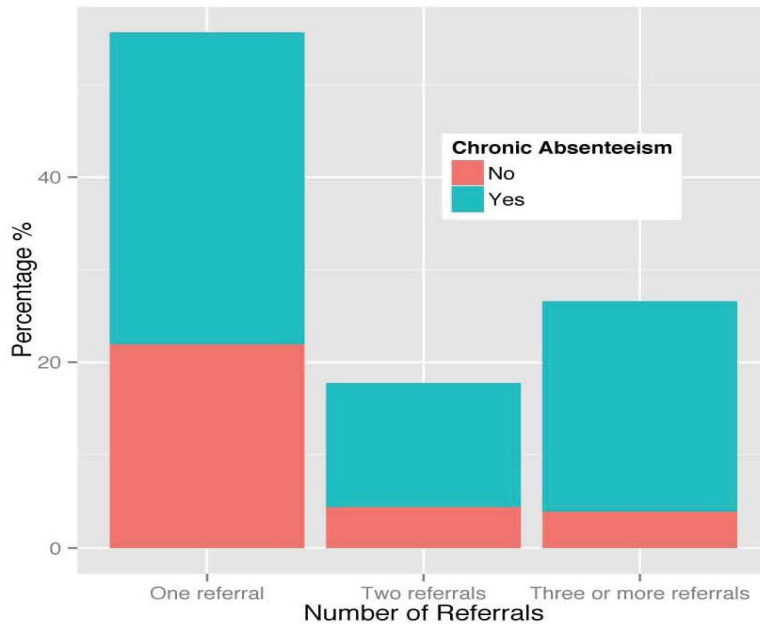
66 Almost 1,000 students are expelled every year. Many are special education students with significant mental health diagnoses. Some receive only two hours a day of tutoring. Based on data gathered by the State Dept. of Education found in the CEDaR 20-12-13 Discipline Data at http://sdeportal.ct.gov/Cedar/WEB/ct_report/CedarHome.aspx,nearly 20% of all students expelled in the 2012-13 school year received this type of minimal tutoring as an alternative education.

67 See *Alicia B. v. Malloy et. al.* (December 15, 2015), <http://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=HH-DCV155040967S>

C. Reduce Chronic Absenteeism

Over 56,000 Connecticut students are chronically absent each year.⁶⁸ Chronic absenteeism is a primary gateway to involvement in the juvenile justice system.⁶⁹ In 2009-2010, the most recent year for which data has been analyzed, 69.8 percent of juvenile-justice involved students were chronically absent in at least one grade from pre-K to 12.⁷⁰ 33 percent of juvenile justice involved students were chronically absent in *more than one* grade.⁷¹ Chronic absenteeism was also associated with the depth of student's juvenile justice involvement: chronically absent students were admitted to detention *twice* as often as students who were not chronically absent. Finally, and most disturbingly, there was a strong association between absenteeism and recidivism, as illustrated in this chart⁷²:

The number of referrals to court by chronic absenteeism



Missing school is a clear red flag that something very wrong is happening at home, in the community, or within the student. In the child welfare context, it is often the red flag that alerts the system to serious neglect or abuse. Each day that a student misses school makes it harder to return the next day, and so absences can have a snowballing effect. Indeed, research shows that most students do not decide to “drop out” on one specific day—rather, they miss school (typically for disciplinary or truancy reasons) gradually, until the prospect of returning seems impossible and pointless.⁷³ Accordingly, there are huge dividends for the system to respond to chronic absenteeism as early in a student's career as possible, and

68 “Chronic Absenteeism: A Closer Look at Connecticut Data” by Ajit Gopalakrishnan, Chief Bureau of Data Collection, Research & Evaluation, Connecticut State Department of Education, p.7, available at http://www.sde.ct.gov/sde/lib/sde/pdf/deps/chronicabsenteeism/learningfromthedata_statepresentation.pdf (October 2014). The definition of “chronic absenteeism” comes from “Attendance Works”—a national policy group that works to advance student success by reducing chronic absence (www.attendanceworks.org). Chronic absenteeism occurs when a student is absent for 10% or more of total school days. This data is meant to be tracked and monitored very closely; many school districts put out a report on the number of chronically absent students every two weeks, or after 10 school days has passed.

69 “Truancy Prevention” Literature Review by the Office of Juvenile Justice and Delinquency Prevention, p. 1 (citing Chang and Romero 2008; Henry and Huizinga 2005, as reported in Heilbrunn 2007; Henry and Huizinga 2007; Kelley et al. 1997; Loeber and Farrington 2000; Seeley 2008a), available at http://www.ojjdp.gov/mpg/litreviews/Truancy_Prevention.pdf (December 2010).

70 See Foundation for Alliance for Education, “Report of the Analyses of the Datasets From the Connecticut Judicial Branch, Court Support Services Division and the Connecticut State Department of Education,” (2015) (analyzing 2009-2010 data).

71 *Id.* at 35.

72 *Id.* at 39.

73 “When exclusionary school disciplinary tactics are used to push these children from the classroom, they may fall even further behind their peers, adding additional obstacles to the uphill struggle many of these children already face in school,” from “Keeping Kids in Class: School Discipline in Connecticut 2008-2015” by Connecticut Voices for Children, p. 1, at <http://www.ctvoices.org/sites/default/files/jj15schoolarrestsreport.pdf> (Feb 2015).

as quickly and consistently as possible.⁷⁴ Finally, if the education is challenging and worthwhile, then missing days should be treated as significant, especially in disciplines like mathematics and foreign language that are intrinsically cumulative. A school environment in which students come and go weakens the creativity and rigor of the educational experience for the other students and can create a culture whereby students learn that it is socially acceptable not to engage.

Students of color, students who receive free lunch, and students with disabilities are at a much higher risk for chronic absenteeism than their peers.⁷⁵ For example⁷⁶ 18.1% of Hispanic/Latino and 15.7% of Black/African-American students were chronically absent during the 2013-2014 school year, as compared to 7.2% of White students. 19.9% of students who receive a free lunch demonstrated chronic absenteeism, versus only 6.1% of students ineligible for reduced or free lunch. In addition, schools and districts vary tremendously in terms of chronic absenteeism rates, which range from 2.7 and 2.8 in the wealthy districts of New Canaan and Glastonbury to 24.7 and 25.7 in the Alliance districts of Hartford and New Haven, both of which have unusually high numbers of referrals to the juvenile justice system.⁷⁷ This variation is partially due to the significant variability in schools' response. Some districts have the resources to institute more thorough notification systems that give parents information in real time, whereas many Alliance districts struggle to notify parents quickly enough for them to intervene at earlier stages of the truant behavior. Many Alliance districts lack the capacity to utilize "truancy officers" to do home visits to check on absent students and connect with families in a collaborative effort. Districts with more resources are more likely to use intensive case management and more time intensive models that are less accessible to other districts. However, some Alliance district schools have established successful truancy programs, such as New Britain's model program and Hartford's Truancy Prevention Project.⁷⁸

In addition, there are considerable delays in schools' filing of FWSN petitions.⁷⁹ The law states that referrals can be made as early as when a child exhibits four unexcused absences in a month and requires referrals to be made within 15 days after a school-parent meeting is found to be ineffective.⁸⁰ CSSD reports that the bulk of FWSNs are received in the late spring, suggesting that schools wait to process them all at once, even though many students have hit the thresholds for intervention much earlier. This is problematic because the students' truancy habits are more deeply ingrained by this point in the year, and because programs designed to help integrate a student back into school cannot make adequate progress during the summer months, when school is not in session.

A new law passed in 2015, Public Act 15-225, An Act Concerning Chronic Absenteeism, requires schools to track chronic absenteeism, to institute Student Attendance Review Teams if schools or districts meet certain thresholds of chronic absenteeism rates, and requires the State Department of Education to develop a chronic absenteeism prevention and intervention plan for use by local school districts.⁸¹

74 A 2009 study of 46 Latina 7th and 8th grade students exhibiting truant behavior found that 56.6% of these students had also exhibited early absenteeism in grades K-1. "Las Ninas Silenciadas" by Andrea M. Spencer, PhD and Olga Romero, PhD, p. 5, available at <http://www.kidscounsel.org/Las%20Ninas.pdf> (February 2009).

75 "Chronic Absenteeism: A Closer Look at Connecticut Data" by Ajit Gopalakrishnan, Chief Bureau of Data Collection, Research & Evaluation, Connecticut State Department of Education, October 2014, p. 9 at http://www.sde.ct.gov/sde/lib/sde/pdf/deps/chronicabsenteeism/learningfromthedata_statepresentation.pdf

76 *Id.*

77 From the Connecticut State Department of Education's 2013-2014 "Overall District Chronic Absenteeism Rates" data report found at: www.sde.ct.gov/sde/lib/sde/excel/evalresearch/2013-14chronic_absenteeism_public_data.xls

78 Since 2004, CCA has run two Truancy Prevention Projects in four middle schools in Hartford and Bridgeport. This project is a partnership between CCA, the Judicial Branch, and The Village for Families and Children (Hartford). Judges from the superior court and federal court systems have volunteered their time for this project, which includes case management, legal assistance, and informal "court sessions" at which judges speak with students, and develop and monitor goals together. CCA attorneys help identify unmet educational needs that are linked to truancy. Many schools continue to lag in their identification of these students and referrals to community resources, or Planning and Placement Team meetings (PPTs). Many of these students never receive services, or receive them far too late in order for them to be successful. We have witnessed and addressed many instances where our clients have been chronically absent for weeks, or even months, before the school district even attempted to put interventions into place for the student, if at all. This project was recently featured in "The High Cost of Truancy," Center for American progress, 2015, Ahmad, F., Miller, T., p. 26.

79 An updated FWSN form (edited May 2015) is now available at <http://www.jud.ct.gov/webforms/forms/JMaa9.pdf>. This form makes more clear to school staff the obligations that must be fulfilled prior to filing (ex parent meeting, community referrals, etc.) as it was apparent in some court districts that local school staff were not fully aware of their statutory duties in relation to truancy.

80 Conn. Gen. Stat. §10-198a(c)

81 Connecticut Public Act 2015, No. 15-225

1) Recommendations

Given the importance of addressing chronic absenteeism to reduce juvenile delinquency and system involvement, we recommend the following. For purposes of these recommendations, a “feeder” school or district is one whose students are disproportionately represented in the juvenile justice system. A “negative outlier” is a school or district that has significantly higher chronic absenteeism rates than the state average, regardless of juvenile justice referrals. “Schools” here include all types of schools in Connecticut, including charter schools, alternative schools, and schools in DCF or CSSD facilities or contracted facilities.

1. Require SDE to monitor implementation of Public Act 15-225, particularly for schools and districts that are feeders and negative outliers⁸² and report to JJPOC annually.
2. Train educators in schools and districts that are feeders and negative outliers about their obligation to make FWSN referrals and report educational neglect promptly.
3. Eliminate absenteeism in congregate care facilities.⁸³
4. Provide “school stability” for students in the juvenile justice system.⁸⁴
5. Extend CSSD’s Educational Support Services (ESS) contract to increase representation of families for whom truancy-based FWSN petitions have been filed and who need special education advocacy.
6. Enhance Child Youth Family Support Centers (CYFSC) with tutors and educational advocates to address the academic needs of students.⁸⁵
7. Evaluate Connecticut⁸⁶ and national models to reduce chronic absenteeism⁸⁷ and expand the most effective models.⁸⁸

82 *Id.*

83 For concerns about absenteeism at CJTS, see, e.g. Office of the Child Advocate, “Investigative Facility Report: Connecticut Juvenile Training School and Pueblo Unit.” (July 22, 2015).

84 Public Act 10-160 establishes the right of students in Connecticut’s foster care system to remain in their “home school” despite placement transfers. This law was passed to address the extraordinary costs to students of frequent moves. See Kramer and Dufresne, “School Stability Promotes Educational Opportunity for Connecticut’s Children in Foster Care,” CT Voices for Children (November 2009), www.ctvoices.org. Students in Connecticut’s juvenile justice system, do not currently have this same right despite similar concerns about the academic and social costs of frequent school moves.

85 One study has showed that tutoring was the most helpful component of truancy model programs. See Haight, C., et al, “Evaluation of A Truancy Diversion Program at Nine At-Risk Middle Schools,” *Psychology in the Schools*, Vol. 51 (7), 2014 www.wileyonlinelibrary.com/journal/pits. CYFSCs are multi-model centers focusing on a scope of targeted services for status offenders and delinquent children and youth ages 11-17. The overarching goal of the CYFSC is to provide comprehensive services incorporating evidence-based practices that target changing behavior and recidivism reduction. CYFSCs will serve status-offending and delinquent children and youth. The CYFSC will conduct intake assessment and provide cognitive-behavioral interventions, case management services to address basic needs and pro-social activities, and discharge planning that are gender-specific, evidence-/research based, culturally competent and trauma informed. In terms of responses to truancy, the following interventions are worth emphasizing:

1. Assessment to determine what is the reason for the child’s truancy.
2. Case management to address the reasons and link to community supports.
3. Educational Advocates to work with the child, family and school to ensure that any needed school interventions are put in place and to assure the child attends school.
4. Access to ESS if needed.

86 There are a number of truancy reduction models in Connecticut, including the Truancy Prevention Project in Hartford and Bridgeport, Attendance and Engagement clinics in New Haven and Waterbury Probate Courts, Attendance Works in New Britain, Truancy Intervention Project in New Britain, and truancy components of the Juvenile Review Boards and CYFSC centers. Some of these projects have presented results to the legislature’s Strategic Action Group on Chronic Absenteeism, CT Kids Report Card Leadership Committee, in December 2015.

87 See for instance, “Truancy Intervention: National Models and Connecticut Initiatives,” CCA 2015, <http://www.kidscounsel.org/wp-content/uploads/2012/07/rKM-Truancy-Programs-book-2015-R.pdf>.

88 The current ESS contract provides for educational attorneys to be provided to families in need of educational advocacy and legal representation in situations where FWSN are filed, however the capacity of the contract has not been increased so that this additional need can be met.

2) Spotlight: National Models with Evidentiary Support

Youth Advocate Programs (YAP) provide academic support services to juvenile justice-involved youth. These **academic support services** increased school attendance rates and high school graduation or GED completion rates, particularly for students with out-of-home placements.⁸⁹

The Becoming a Man (BAM) program is a dropout and violence prevention for at-risk boys, grades 7-12, who have missed more than 40 days of school. The program includes in school programming and **after school sports** to develop skills associated with reductions in violence. A *randomized, controlled* trial by the University of Chicago Crime Lab found that BAM reduced violent crime arrests by 44 percent, weapons crime by 36 percent, and improved graduation rates.⁹⁰

The New York City Truancy Reduction Pilot significantly reduced chronic absenteeism; evaluators determined that the most effective component of the program was **mentorship**.⁹¹

D. Reduce Disengagement, Push Out, and Drop Out, Including Involuntary Transfer to Low-Quality Alternative Schools

There are significant consequences when students drop out of school. Each student that drops out of school costs the state of Connecticut an estimated \$517,893 (compared to a high school graduate) over his/her lifetime, in lost fiscal contributions and increased costs associated with more severe health issues and higher incarceration rates, among others.⁹² Students who drop out are often system involved, experience high rates of truancy, academic challenges and often find themselves without the appropriate number of credits for their age and intended grade (over-age/under credit). The historical lack of state oversight and regulation of alternative education in Connecticut has contributed to the level of disengagement leading to dropout. Students returning from congregate care have often found themselves placed in alternative programs that were under-staffed, not properly resourced and the subject of neglect from their districts. In concept, alternative education provides a safety net for the most vulnerable students who are at risk of dropping out of school. However, when there is no oversight or accountability for the outcomes of these students, they often can become dumping grounds where students who have been in the juvenile justice and deemed undesirable by their district high schools are sent to fester until they give up and drop out. There needs to be assurances that alternative education programs are provided with the resources necessary to meet the educational, social and emotional needs of this high need group of students. Additionally, there need to be entrance and exit requirements for alternative education that ensure that placements are thoughtful and that youth are not pushed out into programs that cannot meet their needs.

1) Recommendations

In light of these needs, we recommend the following in the areas of alternative education and dropout prevention:

1. Require JJPOC to monitor implementation of new alternative education legislation in those districts that have the highest number of referrals to the juvenile justice system.⁹³
2. Increase the age of withdrawal from school – with or without parental consent—to age 18.
3. Provide students who do withdraw from school a larger window than the currently allowed 10 days to change their mind and reverse the decision.⁹⁴
4. Ensure the development of entrance and exit requirements for the referral of students to alternative education, which would ensure that programs can meet the needs of the student and that all students placed in alternative education

89 See Evans, Douglas and Delgado, Sheyla, John Jay College of Criminal Justice, “Youth Realize Educational Gains Following their Participation in YAP” (July 2014).

90 See description of Becoming a Man and the University of Chicago study at www.youth-guidance.org

91 Center for American Progress, *supra*, at 25.

92 Alliance for Excellent Education. Fact Sheet: High School Dropouts in America. February, 2009.

93 See Public Act 15-133, which defines alternative education, requires enhanced annual data collection, mandates the Department of Education to develop guidelines for alternative education including entrance and exit requirements, and requires children in alternative education to receive “as nearly equal advantages” as traditional schools in the allocation of resources.

94 See Public Act 10-186(d)

have the option to return full-time to their last district public school.⁹⁵

5. Ensure that the transfer of any special education student to an alternative school occurs in compliance with federal and state law, with the convening of a PPT when such a transfer impacts the services and hours provided in a student's IEP.
6. Prohibit, for any student in DCF custody, the transfer to an alternative school without the consent of DCF and/or parent following an in-person meeting between the school, the student, DCF, and when appropriate, the foster parent and service providers unless such transfer is required by the terms of an expulsion.

III. Diverting Students from Court Contributes to Student Success

A. Minimize School-Based Arrests

For many students' educations, the best response of the juvenile justice system is to do nothing—that is, to not get involved. This may seem counterintuitive, given the substantial educational and other needs of the students who currently reach Connecticut's system. However, research is clear that "arrest doubles the probability of dropout *even when controlling for* arrest expectations, college expectations, prior and concurrent delinquency, grade retention, school suspension, middle school grade point average, and a number of demographic factors."⁹⁶ This is due to many factors – the disruption of schooling, the labelling effects, stigma and shame of being arrested, the change to self-perception and identity, the exposure to difficult conditions (if detained), and the exposure to delinquent peers. Accordingly, while some students commit offenses that are sufficiently severe to warrant an arrest in order to protect the community, students whose offenses could effectively be handled in school ---- *and indeed are handled in school in other schools and communities in Connecticut* – should not be arrested. Eliminating school-based arrests except when they are absolutely necessary has the added benefit of helping preserve resources for the higher need students who do need system involvement.

Connecticut has made some progress in recent years in reducing school-based arrests. For instance, the number of juvenile justice court referrals originating from schools has dropped by 10 percent in the last two years although it may have risen again recently.⁹⁷ Additionally, DMC Committee efforts in cities like Bridgeport have resulted in a steady drop in school-based arrests over the last several years.⁹⁸ However, the data are still alarming. Black children were nearly five

times more likely to be arrested in school than white children while Hispanic children were over three (3) times more likely to be arrested in school than white children.⁹⁹ Special education students were nearly three (3) times more likely to be arrested in school than regular education students.¹⁰⁰

In addition, there remains tremendous variation among schools and districts in their rates.

Students in the poorest urban areas were arrested nearly 23 times more often than students in the wealthiest suburban areas.¹⁰¹ Finally, data show that many students are arrested for conduct that could be remedied at the school level. Nearly one in ten (9%) student arrests in 2013 involved non-criminal violations of school policy.¹⁰² As with exclusionary discipline, the wealth of data showing variability across schools and districts – including those with similar resources and demographic factors – as well as the success of some districts in reducing significantly their rates and disparities, illustrates that policies make a difference. In other words, with the exception of a relatively narrow band of conduct, many arrests could be avoided. A full accounting of the unintended costs of arrests on students' educational trajectories counsels in favor of reducing arrests to bare minimums.

95 See Public Act 15-133(2)(a)

96 See Esty, "Arresting Development: Student Arrests in Connecticut" (Connecticut Voices for Children, September 2011) at 2 (quoting Sweeten, Gary, "Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement," 23.4 Justice Quarterly, 462-480 at 478 (December 2006) (emphasis added).

97 See Connecticut Juvenile Justice Alliance, *The Color of Justice* (2015), p. 12 (citing data from Connecticut Judicial Branch, Court Services Support Division). <http://ctmirror.org/2015/08/11/cts-school-to-prison-pipeline-filled-by-black-hispanic-youth/>

98 See DMC report/PowerPoint from Hartford DMC meeting 9/22/2015 (on file with Center for Children's Advocacy)

99 See Iverson, Joseph, and Oppenheimer, *supra*, at 6 (analyzing 2013 data)

100 *Id.* at 7.

101 Iverson, Joseph and Oppenheimer, *supra*, at 8.

102 *Id.* at 3.

1) Recommendations

Accordingly, we recommend the following:

1. Extend the evidence-based School-based Diversion Initiative (SBDI)¹⁰³ to schools and districts that are negative outliers in school-based arrest rates, DMC, or absolute number of juvenile justice referrals, and track and report data regarding the effectiveness of this expansion to the JJPOC.
2. Rigorously implement Public Act 15-168, which provides for an annual examination of data relating to in-school suspensions, out-of-school suspensions, expulsions and school-based arrests disaggregated by school, race, ethnicity, gender, age, students with disabilities, English language learners, students who are eligible for free or reduced priced lunch, type of offense for which the school-based arrests were made and the number of arrests made annually at each school.
3. Rigorously implement Public Act 15-96 which virtually eliminates school-based arrests for children 7 and under, and consider extending these provisions to all children 10 and under.
4. Require SDE to develop a remediation plan with schools and districts that are negative outliers in terms of i) school arrest rates, ii) racial disparities in school arrest rates; or iii) absolute number of students arrested, and provide incentives to any such school or district that makes a significant reduction in school arrest rates or disparities by use of any evidence-based or data-supported alternatives, including, but not limited to, restorative justice models.

Expand the criteria of offenses for which CSSD will “send back” a school-based arrest, and expand the capacity of the Juvenile Review Boards (JRBS) in order to increase the number of youth they can divert for low level offenses.¹⁰⁴

B. Reduce Community-Based Arrests of Students

One of the consequences of exclusionary disciplinary policies is that they take a student who could use intervention and support and push them out into the community, often unsupervised and even more at risk of arrest and system involvement. In at least one urban Connecticut community, 40% of all juvenile community arrests took place between 8 A.M. – 3 P.M. during weekdays, a time when students should be in school.¹⁰⁵ Additionally, when students in the community are arrested on relatively minor offenses such as breach of peace, shoplifting or trespassing, they are at risk of entry and penetration into the juvenile justice system. This places these students potentially at risk for detention, which can disrupt the student’s education, for offenses that do not pose a danger to the community or threat to public safety.

1) Recommendations

Because of the harmful effects of unnecessary arrests of students, we recommend the following:

1. Track community-based arrests of students by race, gender, age, time of day, location, and offense.
2. Expand the work of the CCA/CCLP DMC committees and CSSD to identify communities that are negative outliers in community-based arrests and work collaboratively with police and communities to develop similar DMC committees to reduce arrests.

103 The Connecticut School Based Diversion Initiative (SBDI), an initiative of the Child Health & Development Institute of Connecticut (CHDI), works with schools to reduce juvenile justice involvement among youth with mental health needs. . It was initially developed with grant funding from the John D. and Catherine T. MacArthur Foundation’s Mental Health/Juvenile Justice Action Network. SBDI implementation is jointly funded and overseen by the [Judicial Branch Court Support Services Division](#) (CSSD), the [State Department of Education](#) (SDE), the [Connecticut Department of Children and Families](#) (DCF), and the [Department of Mental Health and Addiction Services](#) (DMHAS). For more information, see <http://www.ctsbdi.org/>

104 CSSD’s policy of “sending back” certain referrals more appropriate for school disciplinary action has had positive results. See Connecticut Health and Development Institute (CHDI), “Improving School Discipline Practice and Reducing School Based Arrests in Connecticut,” Issue Brief No. 28 (1/15/14) at 2 (“Reform efforts at the Court Support Services Division (CSSD): The Juvenile Probation division at CSSD is the gatekeeper to the juvenile court system. In the last few years, supervisors within Juvenile Probation instituted a new intake process that allows them to send back inappropriate court referrals for alternative, non-judicial responses. The new policy has resulted in hundreds of court referrals originating from schools being sent back for in-school discipline.”)

105 New Haven police data, July-December 2013 on file with the Center for Children’s Advocacy.

3. Ensure that juvenile review boards, which provide needed diversionary opportunities for youth who commit minor offenses by routing them from unnecessary involvement in the juvenile justice system, are properly resourced and evaluated.
4. Require jurisdictions with juvenile review boards to implement Memoranda of Understanding between the juvenile review board, police departments and school districts to develop protocols that ensure that all youth who need a diversionary opportunity receive one.

C. Provide Students Diverted from Court with the Educational Supports they Need

For students exhibiting misdemeanor-type behavior that previously would have led to system involvement, Connecticut has developed diversion options, including juvenile review boards and Child Youth Family Support Centers (CYFSC). This stage of the process is a crucial juncture for providing the educational services necessary to get students back on track. In these cases, a referral to a diversionary program can be the catalyst that captures the student and families' attention, and the student's desire to avoid further action can provide a good opportunity for implementing supports. Typically, a student's participation and cooperation with services provided in a diversionary program are required to prevent the matter from moving forward towards more serious system involvement, including arraignment of formal charges in juvenile court.

1) Recommendations

Accordingly, at this stage of the process, we recommend the following:

1. Conduct an in-depth interview with the student and family (and with their permission, school officials) as part of the Juvenile Review Board and CYFSC intake process regarding what academic and extracurricular supports are necessary to assist the student.
2. Require Juvenile Review Boards, CYFSC and a designated official at a city's Board of Education, as part of a Memoranda of Understanding, to work together to review the educational records of each diverted student – and when necessary, administer academic assessments --- to determine what academic supports the student needs, including, but not limited to, tutoring, online courses and credit recovery, summer school, extracurricular and academic enrichment opportunities, school attendance services and/or assistance with applying to school lotteries.
3. Offer at the Juvenile Review Board and CYFSC the opportunity to get an independent evaluation that would determine the availability, access, and quality of all educational services currently offered to diverted students and recommendations for improvement.
4. Require all Juvenile Review Boards and CYFSC to track and make public data regarding the educational progress and outcomes of participating students.
5. Offer for those referred to Juvenile Review Boards or the FWSNs and other cases referred to CYFSCs, the ability to get educational services, including tutors, educational surrogates, transition coordinators, and education tutors.
6. Extend the current capacity of CSSD's Educational Support Services (ESS) contract to provide for Juvenile Review Boards to refer a case to an educational attorney for families who need assistance accessing the appropriate interventions and services in school.

Require CSSD to develop and evaluate the creation of "education coach" services as a pilot. An education coach would be reserved for students who i) have been involved in any stage of the juvenile justice system (including diversion); ii) are not currently on pace to graduate from high school within 5 years or by age 19; iv) do not have parents/guardians who are able or willing to provide the extra academic support needed to make graduation realistic); and v) could realistically graduate from high school with extra supports.¹⁰⁶

¹⁰⁶ The education coach would do the following: i) work with the student and family to make sure the student is enrolled in the best school available to her/him (i.e. entered into charter or magnet school lotteries, applications to technical schools); ii) work with the student, family, and school to eliminate truancy and disciplinary issues; iii) provide hands on tutoring and support re both academic subjects and study skills; iii) coordinate with the school and parents/guardians – and when relevant, educational surrogate— an education plan, in terms of the courses to be taken; iv) work with the student, school, and parents/guardians re: appropriate after-hours and summer programming to make up for the lost time and the skill deficits; v) develop with student, school and family a plan for graduation and post-graduation. The difference between an educational coach and an educational surrogate is that the educational coach would a) not be limited to students with special education needs; b) would see the student much more frequently (up to 3x/week), including at the student's home; c) develop a personal relationship; d) stay very closely on top of the student (checking attendance, discipline, and test scores daily or near daily); e) work with the students' family wherever possible to build their capac-

IV. Court-Involved, Non-Detained Students have Educational Needs that Must be Resolved

Not all students referred to court are detained; some students remain at home on probation with their families in the community and therefore do not experience the level of educational disruption that detained students do. Nonetheless, court involvement provides an opportunity to ensure that the student who has gotten off track is receiving the educational support that he or she needs, especially given the relationship between academic struggles and system involvement.

1) Recommendations

Accordingly, we recommend the following:

1. Require the juvenile court to inquire into the students' education status per a Judicial Checklist.¹⁰⁷
2. Require CSSD, once a youth is placed under supervision, to take the steps outlined in the "JRB" Section above and provide, through its flex funding, the ability to offer the student a tutor, educational coach, etc.
3. Require enforcement and expansion of "Raise the Grade" provisions. See Section VI, *infra*
4. Explore development of school-based probation pilot program.¹⁰⁸

V. Addressing the Educational Needs of Court Involved, Detained Students Improves Student Success

Detained students have a number of significant challenges, detailed in the exhaustive 2010 and 2015 studies by Dr. Grigorenko and the 2015 report by School and College Placement Services.¹⁰⁹ The School and College Placement Report, in particular, makes a number of very concrete recommendations, many of which we reaffirm here.¹¹⁰ In addition, Connecticut's Judicial Branch Court Support Services Division (CSSD) makes a number of recommendations in its July 2014 "Raise the Grade Facilities and Programs Plan: Report to the Achievement Gap Task Force," which we support and echo below.¹¹¹

1) Recommendations

In light of those challenges and identified needs, we recommend the following steps, in addition to those identified in those reports and sections IV and VI.:

1. For detained students who have been identified as needing special education services, immediately notify the home school, the student's educational surrogate or special education attorney and ensure that a PPT is held as soon as possible.
2. Require a timely collaboration between the detained student's school district, educational surrogate or attorney if applicable and the detention center's transition coordinator to perform the records review and educational assessment

ity to support the student; f) not be a lawyer. In other words, the educational coach would act like many parents with resources do (enter students into relevant lotteries; check homework daily, make sure the student doesn't skip school or misbehave; negotiate with the school for extra help, enroll the student in extracurricular activities; plan for future; secure extra help when needed) plus a little bit like a probation officer and social worker, personal coach and mentor. As for in-home mental health services, the education coach needs to meet the student where they are (at home, if the family can be involved, or at school) – not wait for the student to voluntarily show up.

¹⁰⁷ A draft of this checklist has been developed by a subcommittee under the auspices of the Connecticut Court Improvement Project.

¹⁰⁸ For a discussion of evidence of success from some school-based probation programs, see National Criminal Justice Reference Service, at www.ncjrs.gov.

¹⁰⁹ See Macomber, *et. al, supra*, Foundation for Alliance for Education, "Report of the Analyses of the Datasets from the Connecticut Judicial Branch, Court Support Services Division, and the Connecticut State Department of Education," *supra* and School & College Placement Services, LLC, "Interim Report on Educational Consulting Services," Under Contract #02-1327 with Connecticut Judicial Branch Court Support Services Division."

¹¹⁰ *Id.*

¹¹¹ See Connecticut Judicial Branch Court Support Services Division, "Raise the Grade Facilities and Programs Plan: Report to the Achievement Gap Task Force" (July 1, 2014)

as soon as possible, so that the student is given appropriate work in detention.

3. Ensure that all detention educators have immediate on-line access to the electronic educational records of students in detention.
4. Require schools to create a mechanism to email or fax any detained student's homework assignments well as any electronic versions of textbooks.
5. Develop a mechanism to capture and utilize detained students' feedback about the quality of educational services in the detention center.
6. Require a public evaluation by an independent entity of the schools in detention facilities, with particular attention paid to the remediation of any outstanding issues identified in the recent reports, and the Raise the Grade statutes; thereafter require evaluations every three years.
7. Provide access to comprehensive on-line credit recovery options, including any options the student was already using in his or her home school, and provide tutoring and support from educators at the detention school.¹¹²
8. Require school districts to immediately award academic credit for the work performed in detention, and ensure that students have a written copy of their credit and grade status upon release.
9. Ensure that students who leave detention are able to immediately return to school and avoid any barriers or unnecessary further interruption to their education by appointing a CSSD educational liaison for each detention center to check the youth's educational status with the school district and youth within three days of release.

VI. Ensuring Educational Opportunity for those Committed to DCF as Delinquent, including Cross-Over Students, can Address Educational Disparities

A. Students at CJTS, Pueblo, or Other Congregate Care Facilities

A relatively small percentage of students involved in the juvenile justice system are committed to the Department of Children and Families each year, and there has been a considerable drop in average length of stays in DCF facilities and institutions. However, focusing on how best to improve educational opportunities and outcomes for committed students remains a central concern for five reasons, as these students often represent the highest-need students in Connecticut, with the most complex educational trajectories and most extreme trauma and other challenges. First, given their trajectories, these students require the greatest resources, expertise, focus, and interagency collaboration to educate. Second, these students are at highest risk of grave outcomes if they are not provided excellent educational opportunity. Third, these students are by definition removed from the families and communities, meaning that the schools they attend require more rigorous oversight. Fourth, the intensity of commitment gives state agencies greater opportunity to help these students change course; indeed, many students respond well to school in very small, highly structured setting. Fifth, the challenges above make it more difficult for these students to "sustain the gain" after transitioning back into their homes and communities, meaning that the state must work harder to make the transition systems robust.

Historically, Connecticut had neither tracked nor required local school districts to report the academic performance of children in foster care or in the juvenile justice system. This is changing with the Raise the Grade legislation passed in 2013 and 2014, described in more detail below. Although some data gaps remain, we know that youth in state care are often several years behind their peers in academic performance and score extremely poorly on standardized tests, when compared to state averages and even to the average scores in the under-resourced districts from whence they came.

112 Cf. Mastery-Based Learning, Guidelines for Implementation, Connecticut State Department of Education, (June 3, 2015) Describing mastery-based learning options for overage/undercredited students. Online at http://www.kidscounsel.org/wp-content/uploads/2012/06/mastery_based_learning_guidelines.pdf

1) Recommendations

1. Rigorously enforce each of the specific Raise the Grade provisions, from agency planning for professional development, standards-based curriculum and research-based instruction, to obligations to provide duties to proactively conduct individualized educational assessments and review records of all new students for possible special education needs. (Conn. Gen. Stat. Sec. 17a-64).
2. Extend the Raise the Grade pilot initiative (Conn. Gen. Stat. Sec. 17a-64) for another two years and expand it to New Britain and Waterbury to ensure that academic performance of youth in DCF and CSSD care is vigorously and appropriately monitored.
3. Amend the Raise the Grade statutes to include the following provisions, several of which have been adopted in other states:
 - a. duty to provide timely notice to relevant parties of any decision to out-of-school suspend or expel a student committed to DCF and under juvenile justice supervision;
 - b. development of practices that facilitate access by DCF-committed students and students under juvenile justice supervision to extracurricular sports and arts programming; tutoring and academic support services; summer and after-hours academic and extracurricular enrichment programs,¹¹³ including access to SAT preparation courses, online college courses, and assistance with Pell grants;¹¹⁴
 - c. a comprehensive evaluation by DCF, SDE, and CSSD of the effects of the Raise the Grade pilot program, including an analysis of what additional services would be needed to close the achievement gap for students in DCF custody or under juvenile justice supervision;
 - d. affirmative access to credit recovery and remediation courses, whether after school hours, or during school breaks, to any student committed to DCF or under juvenile justice supervision who is behind in credits;
 - e. development of practices that facilitate family engagement in the education of students who are committed or under juvenile justice supervision, including regular teacher-parent conferences and “family nights” whereby students share their work with family members;
 - f. concrete development of vocational and other career-oriented programming, including options for job-shadowing and internship opportunities post-release;
 - g. practices for tracking, reporting, and improving the recruitment and retention of highly-qualified teachers;
 - h. formalized surveying and inclusion of student feedback in teacher and program evaluations,¹¹⁵ as well as in student self-assessments and educational planning;
4. Ensure that current educational stability laws apply not only to children committed to DCF for child protection reasons but also to children who are placed in out of home care situations by DCF or CSSD for juvenile justice reasons.¹¹⁶
5. Ensure that *students* have full access to their updated education records and a description *in writing* of exactly what remaining credits are needed to graduate.
6. Invest in an electronic, web-based system for educational records for immediate access.

113 See, e.g., a recent statute in Iowa that requires districts to “[p]romote practices that facilitate access by a child adjudicated under chapter 232 or receiving foster care services to extracurricular programs, summer programs, and credit transfer services” 2014 Ia. Legis. Serv. 1091 (HF 2388) (West), Sec. 2.

114 See <https://www.oregon.gov/oia/newsroom/OYAInNews/Picturing%20a%20new%20path.pdf> (describing the Oregon Youth Authority’s program giving online access to college-level courses and assistance with Pell grants to students in long-term facilities)

115 The Connecticut Juvenile Training School (CJTS) does not survey students or parents specifically about their educational experiences at CJTS. Youth at CJTS do complete surveys in October and April of each year based on the performance based standards. One question on the survey asks about attending school and a follow up question asks about how helpful has the school been.

116 The current educational stability law, Conn. Gen. Stat. § 17a-16 does not specifically encompass children placed in out of home, congregate care situations, i.e. group home settings, treatment settings without schools, etc. for juvenile justice reasons. An entitlement to educational stability should be expressly extended to them, whether or not they are entitled to special education.

7. Prohibit out-of-school suspensions for students in locked facilities.
8. Ensure access to college prep and post-secondary vocational options.
9. Establish “reintegration” or “transition” teams, to help youth plan for eventual reentry to school in the community *upon arrival in the facility*, and require such teams to ensure that the student:
 - a. is immediately enrolled in appropriate courses;
 - b. receives credit for all work completed;
 - c. has access to all educational records;
 - d. is not released to an alternative school unless there is parental consent;
 - e. connects by phone with representatives from the new school before release;
 - f. is re-enrolled within 2 days of release;
 - g. is greeted by re-enrollment or transition specialists (more below) on the first day back;
 - h. if receiving special education services, receives a PPT with relevant staff, at functional behavior analysis (and BA) plan, and Behavior Intervention Plan (BIP) *before* the transfer;
 - i. if receiving behavioral intervention services in the facility, receives formal documentation of such services, through a Behavioral Intervention Plan, to take to the new school.
10. Conduct and publish rigorous, independent evaluations every three years of the educational programming in DCF and CSSD run or contracted schools, conducted by an independent expert. Evaluations should address in detail each of the requirements of the Raise the Grade legislation and the recommendations above, as well as policies that support PACTT principles as set forth in “Building Brighter Futures,” Improving Academic and Career/Technical Education in the Juvenile Justice System, Juvenile Law Center, 2015.
11. Develop and pilot one high-quality “school” for students committed to DCF or under juvenile justice supervision, like the Maya Angelou school in Washington D.C., the Rancho Cielo school in California, or the Pace Program for Girls in Florida.

B. Re-Entry and Continued Support for Committed Students after Release

Students often encounter significant challenges in enrolling in school when they are released from secure facilities. Even if students are reenrolled immediately and receive full credit for their prior work and appropriate placement, challenges to reengaging them remain. If education in the community school was not working sufficiently well before to prevent their delinquent behavior, the question remains, “What has changed?”

1) Recommendations

1. Appoint an Educational Advocate (with parental consent) for any student returning to the community from a juvenile justice facility;
2. Empower the Educational Advocate to work with families to determine the educational supports that the student needs, based on educational history, evaluations, assessments, and the input of students and parents as to what supports they believe would be most helpful;
3. Provide a menu of concrete academic supports based on national models, including tutoring, after hours programs, summer academic and enrichment programs, credit recovery, extracurricular support and attendance services.
4. Implement all the duties of the reintegration teams, noted above.
5. Develop an educational “passport” so that students can enter school in the community immediately.
6. Develop an electronic educational record system.
7. Designate a liaison in each school district to facilitate immediate enrollment for all juvenile justice involved students
8. Prohibit transfer of a student into an alternative school, unless that is the student’s “home school” and either a) the student is required to attend per expulsion decision; or b) the student and his/her parent or guardian expressly state that they want to attend the alternative school.

9. Interview parents and students regarding their ideas of which supports would make them most successful on parole, and incorporate their feedback into new policies.¹¹⁷
10. Provide “wrap-around” educational services similar to those described in the JRB section above (i.e. tutoring, extra-curricular and summer enrichment activities, education coach, etc.).
11. Consider implementing intensive schooling models from other states that are recognized by the federal Office for Delinquency and Juvenile Justice Prevention.¹¹⁸
12. Repeal the statutory provision¹¹⁹ that requires DCF to notify schools about the dangerousness of a youth who returns to the community.¹²⁰

2) Spotlight on National Model with Evidentiary Support

PACTT (Pennsylvania Academic and Career/Technical Transition Alliance) is featured as a McArthur Model of Change¹²¹. It involves working with community re-entry programs so that students released to the community continue their training. It also involves establishing connections with community colleagues and post-secondary training centers to continue technical skills training and certification. The key to its success are wrap around supports to continue the progress students have made when they return to the community.

117 Parent interviews of Probation clients: CSSD just modified the parent survey in March. The survey goes out once a year and is scheduled to go out again in June. The survey is given to clients and parents of kids who have been placed on a period of supervision (4 or more months). There are 2 questions on the survey about education: one for the parent and one for the client. See below. We do not have the results of these surveys.

The Probation Officer worked with me to get my child the help they needed so they could do their best in school. (Select only one)

Strongly Agree Neither Agree or Disagree Disagree Strongly Disagree

Did your Probation Officer talk to you about school? (Select only one) Yes No

118 See Office of Juvenile Justice and Delinquency Prevention (OJJDP), Model Program Guide, available at: www.ojjdep.gov

119 Conn. Gen. Stat. Sec.10-233k Notification of school officials of potentially dangerous students. Provision of educational records of children returning to school from detention centers. (a) If the Department of Children and Families believes, in good faith, that there is a risk of imminent personal injury to the person or other individuals from a child in its custody who has been adjudicated a serious juvenile offender, the department shall notify the superintendent of schools for the school district in which such child may be returning to attend school or was attending prior to the adjudication of such determination, prior to the child’s return. The superintendent of schools shall notify the principal at the school the child will be attending that the child is potentially dangerous. The principal may disclose such information only to special services staff or a consultant, such as a psychiatrist, psychologist or social worker, for the purpose of assessing the risk of danger posed by such child to himself, other students, school employees or school property and effectuating an appropriate modification of such child’s educational plan or placement and for disciplinary reasons. (b) The Department of Children and Families and the Judicial Department or the local or regional board of education shall provide to the superintendent of schools any educational records within their custody of a child seeking to enter or return to a school district from a juvenile detention center, the Connecticut Juvenile Training School, or any other residential placement, prior to the child’s entry or return. The agencies shall also require any contracting entity that holds custody of such records to provide them to the superintendent of schools prior to the child’s entry or return. Receipt of the educational records shall not delay a child from enrolling in school. The superintendent of schools shall provide such information to the principal at the school the child will be attending. The principal shall disclose such information to appropriate staff as is necessary to the education or care of the child.

120 See Center for Juvenile Justice Policy, Georgetown University, “Preliminary Report for the State of Connecticut DCF” (June 2013) at 23 (noting that this provision presents a “challenge,” that dangerousness is not defined, and that best practice “would support the transfer of information as an active on-going part of transition planning and stability” and should “take place throughout the term of a parolee’s congregate care.”)

121 MacArthur Models of Change, 2012 (citing increased graduation rates in some PACTT areas and highlighting educational success as crucial to reducing recidivism)

VII. Ensuring Student Success Will Require Closer Interagency Collaboration

Implementing the recommendations above will require extensive interagency collaboration between SDE, CSSD and DCF. Various Memoranda of Understanding¹²² and projects to share and analyze data represent an excellent start.¹²³

1) Recommendations

1. Require SDE, CSSD, DCF and DOC to work together to develop a data gathering and information sharing system to determine:
 - a. What percentage of students who touch Connecticut's juvenile justice system graduate from high school?
 - b. At what points in the juvenile justice system are students more likely to drop out?
 - c. Are students more or less likely to graduate from high school as a result of juvenile justice involvement?
 - d. What percentage of students who are involved in Connecticut's juvenile justice system move on to post-secondary education or gainful employment?¹²⁴
 - e. What do students think about the quality of education in the juvenile justice system and the services they need for future success?
2. Require SDE, CSSD, DCF, and LEAs work together to create a mechanism by which full educational records can be accessed electronically on a web platform, all educators and education-decision-makers can access such records in a timely fashion with one single parental consent, and students themselves have full access to their educational records, educational credit summaries, and a description of which credits they are missing for graduation ("the educational passport").
3. Require SDE, CSSD, DCF, and LEAs to work together to develop or adopt the same assessment tools, so that skill levels, education gaps, and progress can be measured accurately and efficiently across systems.
4. Require SDE, CSSD, DCF and LEAs to work together on professional development specifically designed for educators who work with students in the juvenile justice system.
5. Require SDE, CSSD, DCF, and LEAs to work together on securing funding for education-related juvenile justice reforms and innovations from federal sources, private corporations, universities, and private philanthropic sources.
6. Require SDE, CSSD, DCF and LEAs to work together to create the menu of educational support services noted above (including the "education coach", tutoring services, summer academic enrichment, support for extracurricular activities, etc.) that would be made available to students at all stages of juvenile justice system post-assessment (described above).

122 See, e.g., Memorandum of Understanding between DCF and the Connecticut State Board of Education (2014) and Memorandum of Agreement between the State of Connecticut Judicial Branch Court Support Services Division and the Connecticut State Department of Education (June 2015).

123 One of the goals of the Foundation for Alliance for Education work is to "create common data-sharing platform accessible to SDE and CSD" See also MOU between CSSD and SDE. CSSD currently has in the works various data collection and sharing plans. See Email from Cathy Foley-Geib to Martha Stone, from June 12, 2015. For more information about inter-agency collaboration underway, see Cathy Foley-Geib (CSSD), Sergio Rodriguez (SDE), and Steven Tracy (DCF), June 11, 2015 PowerPoint presentation, "Raise the Grade Update" (detailing collaborations).

124 CSSD reports that Dr. Elena Grigorenko of the Foundation for the Alliance for Education will be conducting a study that addresses some of these questions.

VIII. Improving Educational Opportunity: Top Four Action Steps from November 19, 2015 Presentation to the Juvenile Justice Policy and Oversight Committee

1. Address Chronic Absenteeism

- a. Evaluate Connecticut-specific and national truancy reduction models and expand availability to highest feeder schools
- b. Eliminate absenteeism in congregate care facilities
- c. Provide same school stability provisions for students in the juvenile justice system as exist in the child welfare system
- d. Monitor the implementation of Public Act 15-225
- e. Expand availability of tutors and educational advocates for youth served by CYFSCs and JRBs.

2. Address Unmet Special Education Needs

- a. Evaluate the Educational Surrogate and ESS programs and expand if they demonstrate positive outcomes
- b. Establish a quality assurance system to implement Raise the Grade provisions, including rigorous compliance with Child Find obligations
- c. Implement evidence-based education models (eg: AMI Kids, Pace Center for Girls)

3. Provide Concrete Academic Supports for Success, Especially during Transition back to the Community

- a. Establish “reintegration” or “transition” teams upon arrival at facility
- b. Appoint Educational Advocate or Educational Coach (with parental consent) for any student returning to the community from a juvenile justice facility and enable the Educational Advocate to determine the necessary academic supports
- c. Provide a menu of concrete academic and vocational supports based on national models (eg: PACTT), including tutoring, after hours programs, summer school, credit recovery, extracurricular opportunities

4. Increase interagency collaboration among SDE, DCF, and CSSD

- a. Create a robust mechanism to solicit and incorporate student and parental feedback into individual educational program decision
- b. Improve data gathering, sharing, and research so as to create a dashboard of measurable benchmarks and determine graduation rates and points in the system when students are most likely to drop out
- c. Create compatible electronic databases for real time access of educational records and electronic “student passports” that ensure students immediate enrollment in school when they leave the juvenile justice system
- d. Require SDE, CSSD, DCF and LEAs to create a menu of educational support services (including education coach, educational surrogate, tutoring services, summer school, credit recovery) for all students at all stages of juvenile justice system post-assessment.

IX. Conclusion

Almost every adult in Connecticut remembers a time a close friend or family member committed a delinquent act in their youth. Every adult in Connecticut knows someone who has struggled socially or academically in school and who has acted out as a result. And every adult in Connecticut knows a young person who has survived mental illness, trauma, or loss and who has struggled through the difficult period of adolescence.

Indeed, the overwhelming majority of young people who break the law grow out of their misbehavior. And the overwhelming majority of young people who struggle in school or find themselves in trouble do so because they have the safety net of adults – parents, teachers, coaches, neighbors, friends--- who help remind them of who they are, and who they can be.

But unfortunately, some students in Connecticut do not have such a robust safety net. For these students, it is the duty of the state and community to construct or repair one– to make it strong and seamless enough to protect them against falls, big and small alike. The first step is to treat these young people as the serious and talented students that they are --- or can become --- and to invest fully in their educations. For it is not the purpose of education to keep young people out of jail or to reduce recidivism. The purpose of education is to give young people freedom: the freedom to become their “best selves” – the creative, smart, thoughtful, hard-working community members they were meant to be.



Students First: Ensuring Excellence and Opportunity for Students in Connecticut's Juvenile Justice System

Center for Children's Advocacy ©Dec.2015
kidscounsel.org and speakupteens.org