

Structure, Supervision and Services: The Best Educational Environment for Juvenile Offenders

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The majority of people, parents and scholars would agree that youth should receive some form of education growing up. There is also a general consensus of what characteristics create a best in school educational environment. These include: a qualified, skilled and effective faculty, relatively small classes and schools, a diverse student population and an active parent community.¹ While it is easy to understand why many of these best school traits are effective educational tools, it may be a mistake to think that these are the only school characteristics needed by all youth.

There are some youth populations that have unique needs and obstacles that must be met by particular educational environments in order to succeed. One of these populations is the juveniles who have been adjudicated delinquent, spent time in a secure confinement institution and are now attempting to successfully reenter their communities. These youth often have learning disabilities, mental health issues, are behind academically and are expected to avoid criminal behavior despite the fact they are returning to the same environments that partly bred their delinquency to begin with. While the agreed upon best education characteristics would benefit these youth, juvenile offenders reentering society require more to avoid recidivism and to succeed academically. The best school for juvenile offenders is different from other schools because, unlike general education schools, those for juvenile offenders should have structure, support and supervision.

I. The Benefits of Education

¹ Michael J. Kaufman & Sherelyn R. Kaufman, *EDUCATION LAW, POLICY, AND PRACTICE: CASES AND MATERIALS* 2d, 3-4 (Aspen Publishers 2009).

The benefits that all youth receive by obtaining an education are widely accepted. Throughout time, philosophers have written on the topic of education and with varying reasons why, have always concluded that obtaining an education is vital. Receiving an education provides more opportunities later in life and being active in school lowers a youth's likelihood of being involved in crime. Harold Hodgkinson, an education analyst has written "that dropping out of school as a youth is a factor closely related to being a prisoner as an adult."² Additionally, Wald and Losen cited a 2002 study that reported that "school connectedness, defined as a student's feeling part of and cared for at school, is linked with lower levels of substance use, violence, suicide attempts, pregnancy, and emotional distress."³

Based on this information it is easy to appreciate the importance of being enrolled and succeeding in school for juvenile offenders. School provides an environment for learning both academics and social skills that will help students to become productive members of society.⁴ Furthermore, mandatory school attendance is often a part of the juvenile offender's sentencing order. If courts and society expect cooperation with this order, then the school the juvenile offender attends should be structured to allow for success.

Education provides all youth with several benefits: more opportunities post graduation, and a lower chance of delinquency, substance abuse, violence and emotional distress while in school. These benefits are just as, if not more important for juvenile offenders. However the design of a best school to obtain an education for a student not involved in the juvenile justice system looks different than the best school for a juvenile offender.

² Ronald D. Stephens & June Lane Arnette, FROM THE COURTHOUSE TO THE SCHOOLHOUSE: MAKING SUCCESSFUL TRANSITIONS 3 (Department of Justice: Office of Juvenile Justice and Delinquency Prevention 2000).

³ Johanna Wald & Daniel J. Losen, *Defining and redirecting a school-to-prison pipeline*, NEW DIRECTIONS FOR YOUTH DEVELOPMENT, January 2004 at 12.

⁴ *Supra* note 2 at 2.

II. Why Juvenile Offenders are Different

Juvenile offenders often leave secure confinement with a myriad of issues and obstacles that need to be addressed. Juvenile offenders reentering society have statistically high rates of mental health issues and learning disabilities, are generally behind academically, and are transitioning from a highly structured environment directly to one with a much lower degree of supervision and structure. In order for juvenile offenders to not reoffend and to succeed in school, every one of these issues needs to be addressed individually.

There are two categories of mental health issues that juvenile offenders have been known to leave secure confinement with: internalizing and externalizing.⁵ A recent study of juvenile detainees in Cook County, Illinois estimated that about 66% had one of these types of disorders.⁶ Examples of internalizing disorders are major depressive disorder, bipolar disorder and anxiety disorders.⁷ Examples of externalizing disorders are attention-deficit/hyperactivity disorder, conduct disorder and substance abuse disorders.⁸ Both of these categories of mental disorders can involve problematic and/or disruptive behaviors.⁹ Although there are medications to assist with these disorders and the consequential behaviors, prescribing the youth with medication only adds another reason why most juvenile offenders reentering society require a different school setting. “These youth may feel singled out if they must take the medication during school hours or simply refuse to take the medication on a regular basis.”¹⁰

⁵ Ralph J. Wood, Angela R. Wood & Daniel T. Mullins, *Back to School: Recommendations to Assist Mentally Ill, Post-Incarcerated Youth Return to School*, JOURNAL OF SCHOOL HEALTH, September 2008 at 514.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 515.

In addition to having some type of mental disorder, a majority of juvenile offenders also have intellectual/academic disabilities such as mental retardation or learning disabilities.¹¹ Obviously, a student with a learning disability needs special services, and most mainstream schools are equipped with these services, however the issue is compounded for juvenile offenders. “Youth who are reentering the school system post-incarceration typically have a history of inadequate coping skills and may appear apathetic, defiant, or aggressive when faced with challenges that exceed their capabilities.”¹² The patience and services required to manage mental/emotional disorders compounded with learning disabilities is extraordinary and must be individualized.

Adding to the frustration that juvenile offenders feel reentering school is the fact that many of them are academically behind other students their age. Some of this lag may be due to academic struggles and/or school attendance before confinement. However, more than likely, at least part of the reason juvenile offenders are behind is because of secure confinement. “Because the educational process is sequentially structured and much of the institutional structure of education is age-graded, disruptions resulting from secure confinement are often severe.”¹³ Depending on how great the educational lag is, juvenile offenders reentering school systems might be several grades academically behind their peers. To further complicate the situation, is the obstacle of figuring out just how far behind the juvenile is. There are educational facilities in juvenile secure confinement institutions, but how the instruction translates to the mainstream system can be unclear. Additionally, the process of ensuring records are transferred from the

¹¹ *Id.*

¹² *Id.*

¹³ Mercer L. Sullivan, *Youth Perspectives on the Experience of Reentry*, YOUTH VIOLENCE AND JUVENILE JUSTICE, January 2004 at 61.

secure confinement to the mainstream school can be challenging and only provides more of an obstacle to providing the best education to juveniles offenders.

The last characteristic of juvenile offenders leaving secure confinement that causes them to require a different educational experience is the fact that they are leaving highly structured and individualized environments. Secure confinement institutions are designed to provide juveniles with constant supervision and a variety of services including mental health treatment and counseling.¹⁴ Juvenile offenders are expected to leave this highly structured environment and directly enter a mainstream school setting where the juvenile is expected to be relatively more independent yet also not receive any of the support services that they were receiving while in confinement. To compound this stress is the fact that many juvenile offenders are returning to environments with the same social influences that potentially contributed to the juvenile's participation in the juvenile justice system in the first place.¹⁵

Juveniles are expected to resist peer pressure and succeed academically, probably at a level below students their age. They are supposed to achieve this while struggling with mental health issues, learning disabilities and without the support services they were accustomed to in the highly structured and supervised setting of secure confinement.

III. The Best School for Juvenile Offenders Reentering Society

The variety of issues that juvenile offenders encounter when they return home often require aid from numerous agencies.¹⁶ Scholars have pinpointed “the provision of mental health counseling, substance abuse treatment, medical health care and strength-based services that focus on the development of optimism, self-concept, and self-awareness” as the most vital elements of

¹⁴ *Supra* note 2 at 3.

¹⁵ *Id.*

¹⁶ *Supra* note 2 at 4.

a successful transition.¹⁷ Logically and logistically it makes the most sense to develop an environment where juveniles offenders reentering society can receive all the necessary services in one place. Some programs have been developed to achieve this goal. Both the federal government's Intensive Aftercare Program and some state's transition schools were created to meet the unique needs of juvenile offenders.

The Intensive Aftercare Program ("IAP") was developed with the goal of solving the problem of reintegration of juvenile offenders from secure confinement back into their communities.¹⁸ Ronald Stephens and June Arnette describe the IAP as

“a descriptive, multifaceted, integrated approach designed to closely monitor juvenile offenders, enhance aftercare service delivery based on acknowledged risk and protective factors, forge working collaborations among diverse agencies and individuals, and reduce recidivism.”¹⁹

A vital aspect of the IAP is the combination of intense surveillance and enhanced service delivery.²⁰ This mixture provides juveniles with structured accountability and treatment options.²¹ The surveillance portion keeps juveniles honest by enforcing drug testing, curfew checks and other strict policies.²² Meanwhile, the service aspect is intended to parallel the services that were first provided in the secure confinement institution and to continue toward the same initial goal.²³

This model of dual supervision and service providing can meet several of the needs of the juvenile offender. First, the strict surveillance provides the juvenile with a structured environment to aid in the transition from an environment of constant supervision to community.

¹⁷ *Supra* note 5 at 515.

¹⁸ *Id.* at 5.

¹⁹ *Id.*

²⁰ David M Altschuler & Troy L. Armstrong, *Reintegrating High-Risk Juvenile Offenders into Communities: Experiences and Prospects*, CORRECTIONS MANAGEMENT QUARTERLY, Summer 2001 at 75.

²¹ *Id.* at 75.

²² *Id.* at 77.

²³ *Id.*

Additionally, the service aspect ensures that any counseling or treatment for any emotional or mental disorder the juvenile may have continues. Furthermore, having services such as counseling and treatment easily obtainable is especially helpful in case the stress of reintegrating proves to be too much for a juvenile. Pinpointing a situation where a new service is necessary, such as counseling due to reentry stress, is easy with the IAP because of individual case planning. Another important aspect of the service component is the support it offers for a juvenile offender. Juvenile offenders with learning disabilities and those behind academically would surely benefit from added support and help.

Although the IAP was not developed as an intervention to be applied to education facilities, “the theoretical approaches identified by the IAP model for reintegrating juvenile offenders into the community after confinement are suitable for the reintegration of juvenile offenders into transitional education settings.”²⁴ There have been several attempts at applying the IAP theoretical framework in the development of transition schools.

The Gateway Academy was developed by a New Jersey task force for juveniles returning to their communities after secure confinement.²⁵ The Academy serves as a one year stop for those juveniles that will be returning to mainstream educational facilities.²⁶ All of the various necessary service agencies are housed on campus at the Academy to work with the juveniles; this includes mental health services, drug and family counseling and probation.²⁷ Another example of a transitional educational placement is the Franklin Transitional High School in Kentucky.²⁸ Franklin was developed by the County Public Schools, the State’s Juvenile Justice Department

²⁴ *Supra* note 2 at 5.

²⁵ *Id.* at 8.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 9

and the State mental health authority.²⁹ This corroboration was created with the goal of serving as an aid to help juveniles returning from secure confinements to return to mainstream education.³⁰ However, the length of time a juvenile stays at Franklin is individually determined, and some juveniles eventually graduate directly from Franklin.³¹ Franklin is also known for its very high staff-to-student ratio, family and individual counseling services and its team of service coordinators for each student.³² Another example of a transitional school is Community Prep High School in New York which offers service such as individual counseling, and after school tutoring.³³ All of these transitional education facilities include supervision and services in their educational environments. These combinations of purposes are necessary for juvenile offenders and are a part of the vital characteristics of a best school environment for them.

For some communities, the creation of an entirely new school for juvenile offenders may not be plausible. However, the principles of the IAP and transition school could be applicable to mainstream education settings. Mainstream schools could specify certain classrooms for juvenile offenders that include more structure, supervision and services. This type of approach could be especially successful in ensuring the creation and implementation of individualized transition plans. As long as a reintegration plan has been created before the juvenile reenters the school environment, schools can take steps to make sure the best educational environment is implemented for the juvenile offender. Part of successfully implementing such a plan would likely include collaboration with community resources.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Leslie Brock & Natalie Keegan, STUDENTS HIGHLY AT RISK OF DROPPING OUT: RETURNING TO SCHOOL AFTER INCARCERATION, (The National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk 2007), <http://www.neglected-delinquent.org/nd/resources/spotlight/spotlight200701b.asp>.

³³ *Id.*

The Coordinated School Health Program (“CSHP”) provides a model for the implementation of such support into a mainstream educational environment to transform it into a school better suited to meet the needs of juvenile offenders. An important part of the CSHP is the role of the school nurse.³⁴ A school following the CSHP should have a school nurse coordinate with the juvenile justice staff to “develop a health care plan, and monitor any psychotherapeutic mediation.”³⁵ Another key element of the CSHP is the collaboration between school counselors and service providers in the juvenile justice setting to ensure continued counseling and social services.³⁶ Additionally, the developers of the CSHP suggest that school counselors, psychologists and social workers should communicate methods for meeting the needs of the juvenile offenders to the classroom teachers.³⁷ A school that follows the CSHP is on the path to ensuring that juveniles are provided with the necessary services to reach academic success. However, the supervision and structure part of the environment would still need to be met.

Ensuring that juvenile offenders are educated in the best school environment involves planning and coordination. The education environment can be created in an entirely new school or steps can be taken to provide structure, supervision and services within a mainstream environment.

Conclusion

Education is a vital part of every youth’s childhood. The traditional characteristics of a school designed to provide the best educational environment are: a qualified, skilled and effective faculty, relatively small classes and schools, a diverse student population and an active

³⁴ *Supra* note 5 at 516.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

parent community.³⁸ A school with these traits creates the ideal situation for an average student to gain academic success. While it is reasonable to state that all students can benefit from an environment with these characteristics, there are some students who require more.

Juvenile offenders leaving secure confinement institutions and reentering their communities have special needs. A majority of juvenile offenders have some form of mental or emotional disorder that requires counseling and treatment. Most juveniles receive counseling/treatment while in secure confinement, but continued services are required for success. Additionally, juvenile offenders often have learning disabilities that compound with both the mental/emotional disorders and the fact that most juvenile offenders are also behind academically.

Considering these needs, it is unreasonable to expect a juvenile offender to reenter a mainstream school and achieve academic success. Returning to an environment filled with peer pressure and a lack of support does not breed achievement. Juvenile offenders are accustomed to receiving their education, counseling, medication and treatment at the same time, from the same place all while under constant supervision. This structured environment is often the first time many juvenile offenders experience academic success.

To be sure this success continues, educational environments should create a gradual step down from secure confinement to mainstream school. One method of providing these conditions is the Intensive Aftercare Program designed by the Federal Government which provides intense supervision and individualized services. Transitional schools have also been created to meet the unique needs of juvenile offenders. Lastly, the Coordinated School Health Program is a framework for mainstream schools to use in an effort to provide the necessary services for juvenile offenders. Whether the first education experience for juvenile offenders post

³⁸ *Supra* note 1.

confinement be in a transitional school or in a mainstream school, the environment should include structure, supervision and services.