

Serving Incarcerated Youth

A faint, stylized image of a pair of scales of justice is visible in the background, centered behind the text. The scales are rendered in a light blue color, matching the overall theme of the slide.

Increasing opportunities for successful reentry,
higher education, and sustainable employment

Derek Flake

STEP Inc. Juvenile Justice & Civil Rights Liaison

STEP: who we are & what we do

STEP, Inc. is a not for profit organization serving families who have children and youth with disabilities, ages birth through 26.

Support and Training for Exceptional Parents, Inc. administers and partners on:

- Tennessee's Parent Training & Information Center (PTI)
- TN Department of Education Family & Youth Information and Involvement (FYI)

Our services are funded by:

- The State Personnel Development Grant (SPDG)
- Grants from the US Department of Education, Office of Special Education Programs through Part D of IDEA
- Tennessee Department of Education grants
- Donations, Foundations, and Fund Raising Events.



Our Mission

To empower parents through information, training and support to become effective partners with professionals in planning appropriate educational programs for their children.



a brighter future for children with disabilities

Our Services

- Trainings across TN
- Webinars and electronic information
- One on One Assistance
 - Phone and In Person
- IEP/504 Preparation
 - Record Review and Strategy Planning
- Some attendance at IEP/504 meetings
- Letter writing help
- Referral to other agencies
- Information and awareness events/conferences
- Conflict resolution assistance
 - Communication strategies, building relationships, training on procedural safeguards



Our Website Rocks!

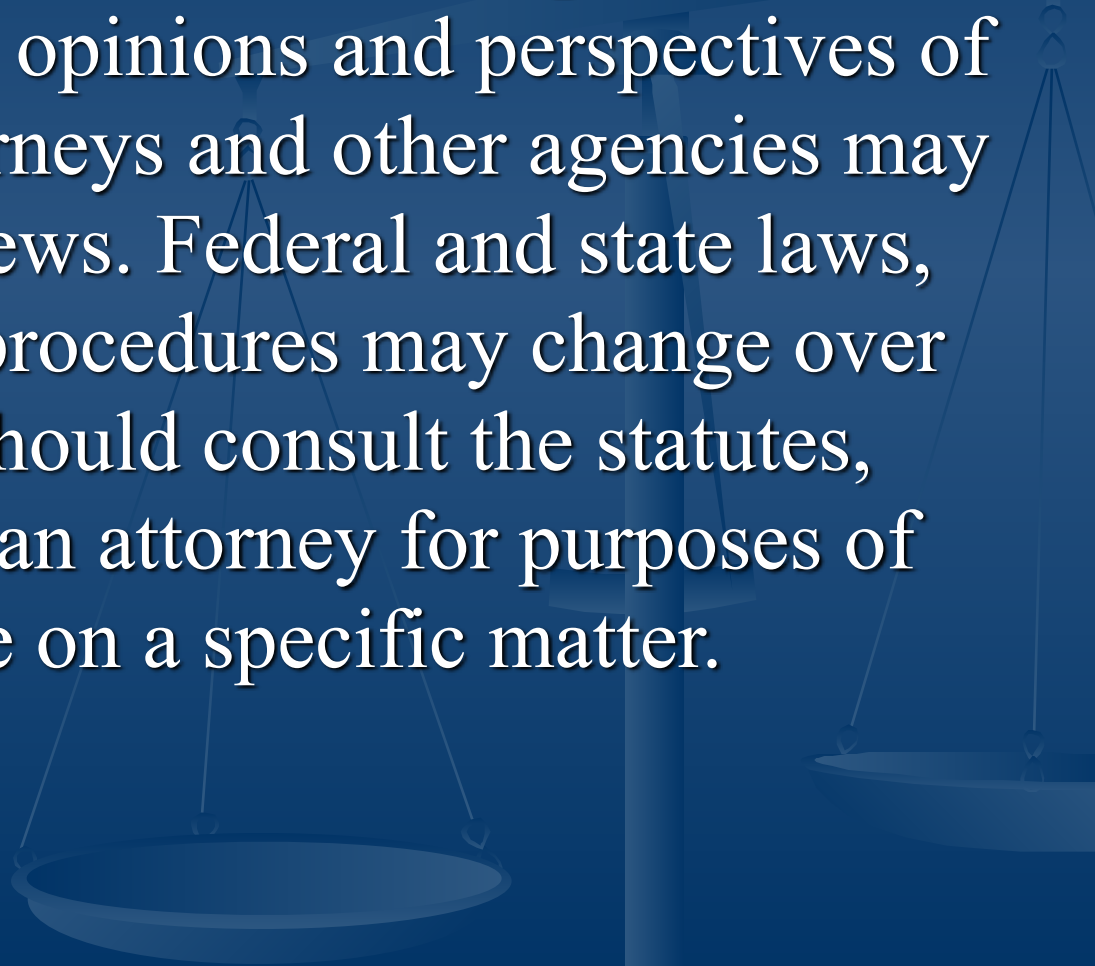
- Latest News
- Upcoming Events
- Links to Agencies
- Tons of Resources

We provide statewide support, information, and training to parents of children with disabilities, professional development services to school districts, and information to youth with disabilities.

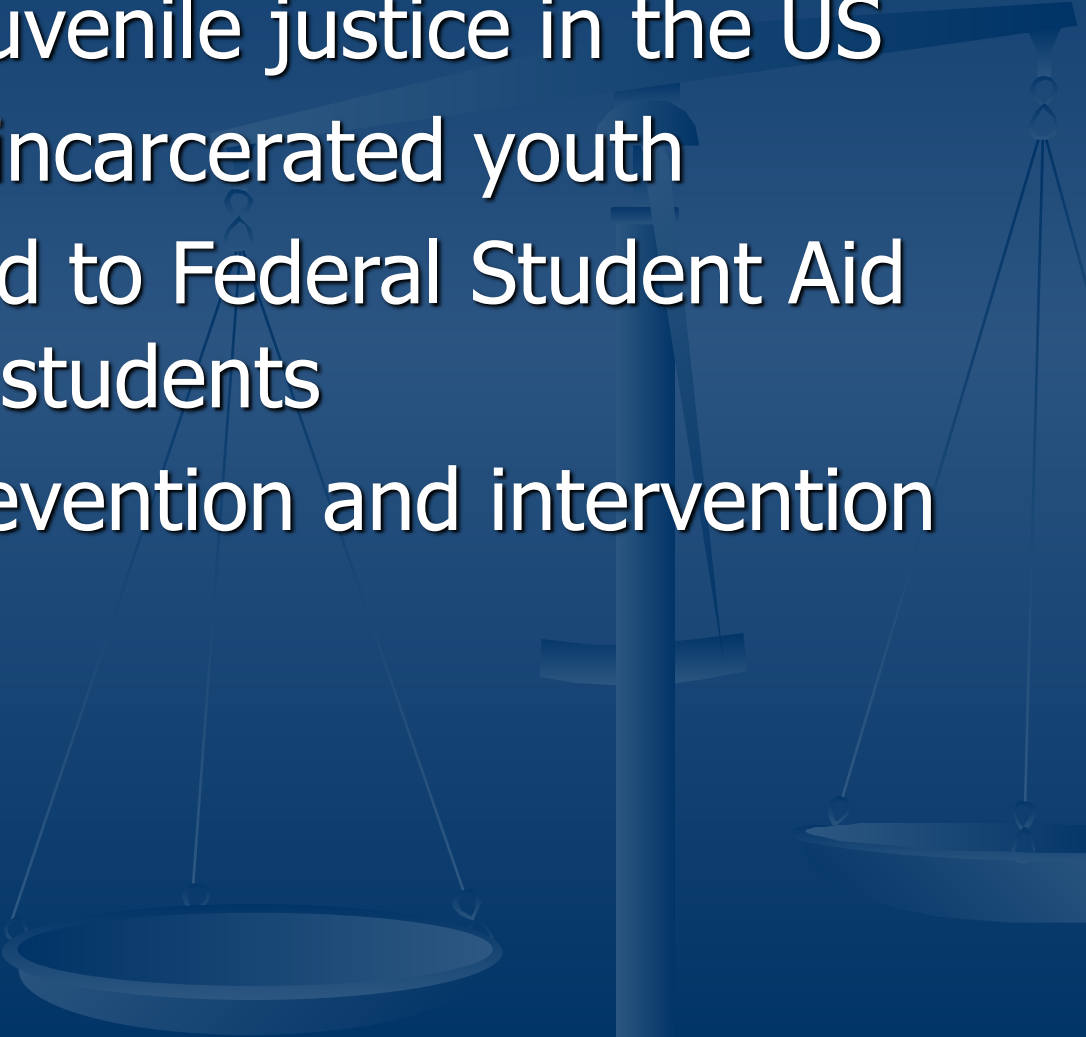


Disclaimer

The general interpretations in this presentation are based upon the opinions and perspectives of the presenter. Attorneys and other agencies may have differing views. Federal and state laws, regulations, and procedures may change over time. Persons should consult the statutes, regulations, and an attorney for purposes of compliance on a specific matter.

A faint, semi-transparent image of a scale of justice is visible in the background, centered behind the text. The scale consists of a vertical pillar supporting a horizontal beam with two pans hanging from it. The image is rendered in a light blue color that blends with the dark blue background.

Today's take a ways...

- A snap shot of juvenile justice in the US
 - Laws related to incarcerated youth
 - Highlights related to Federal Student Aid for incarcerated students
 - Mentoring as prevention and intervention
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- A faint, semi-transparent image of a scale of justice is visible in the background, centered behind the text. The scale has two pans hanging from a central beam, and the entire scene is set against a dark blue gradient background.

The Goal Should be Classrooms not Courtrooms



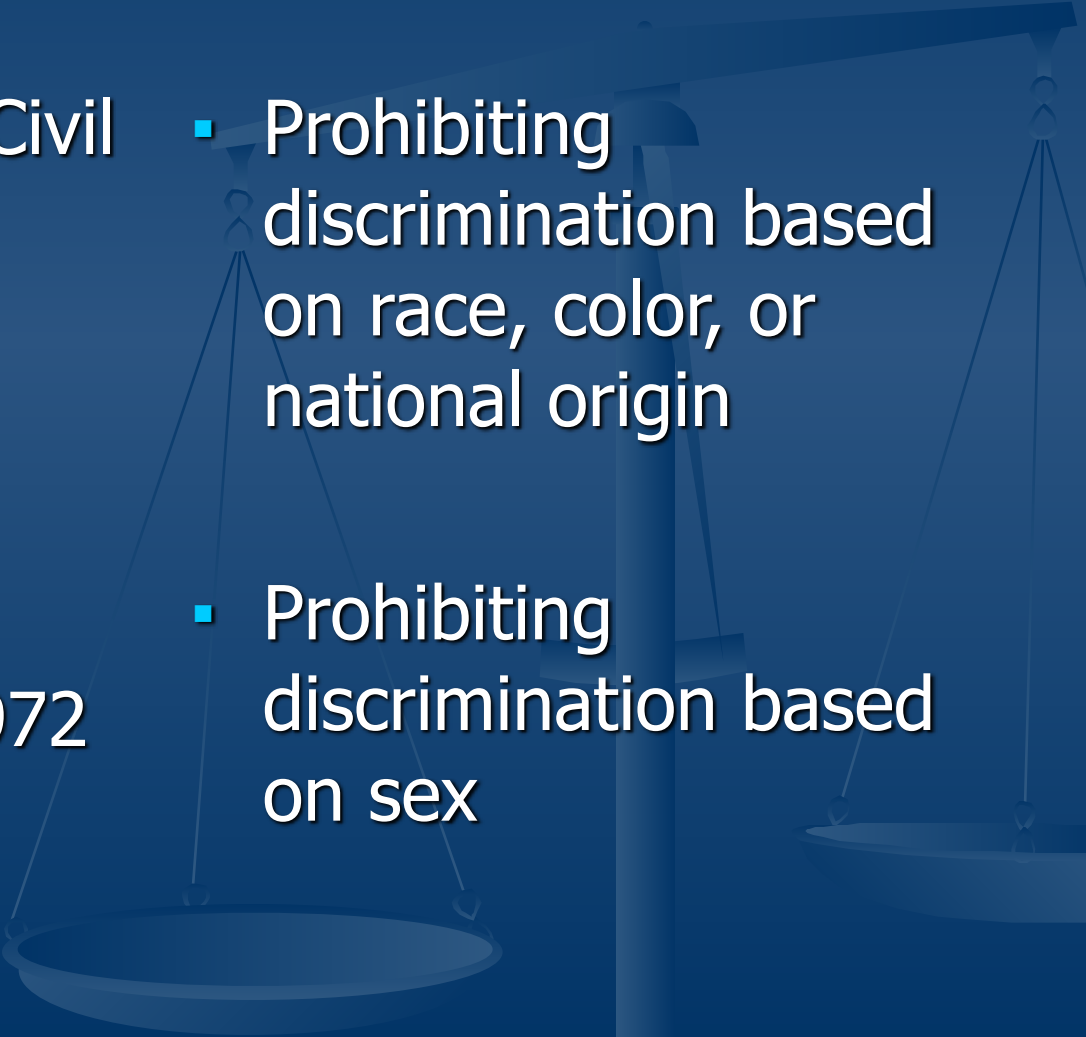
Where we Stand as a Nation

- More than 60,000 young people under 21 are locked up in facilities throughout the US
- The rate at which we lock up children & youth far exceeds international norms
- African American, Latino, and Students with Disabilities are more likely to be referred to law enforcement from school staff than their peers

Where We Stand As A Nation

- The average cost to confine a young person is around \$88,000 per year
- 55% of youth released from juvenile justice facilities are rearrested within a year
- Youth in confinement, many of whom are SWD and ELL have the greatest need of academic, emotional, and behavioral supports

Federal Civil Rights Laws applicable to juvenile justice residential facilities receiving Federal funds

- Title VI (6) of the Civil Rights Act of 1964
 - Prohibiting discrimination based on race, color, or national origin
 - Title IX (9) of the Education Amendments of 1972
 - Prohibiting discrimination based on sex
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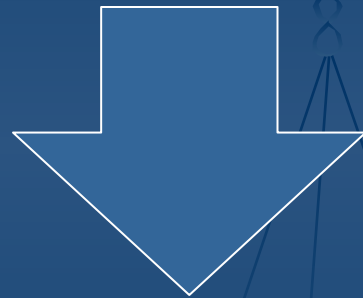
Federal Civil Rights Laws applicable to juvenile justice residential facilities receiving Federal funds

- Section 504 of the Rehabilitation Act of 1973
 - prohibit discrimination based on disability



Federal Civil Rights Laws applicable to juvenile justice residential facilities that are Public Entities

ADA applies regardless of whether they receive federal funds or not



Title II of The Americans with Disabilities Act of 1990-prohibits discrimination based on disability

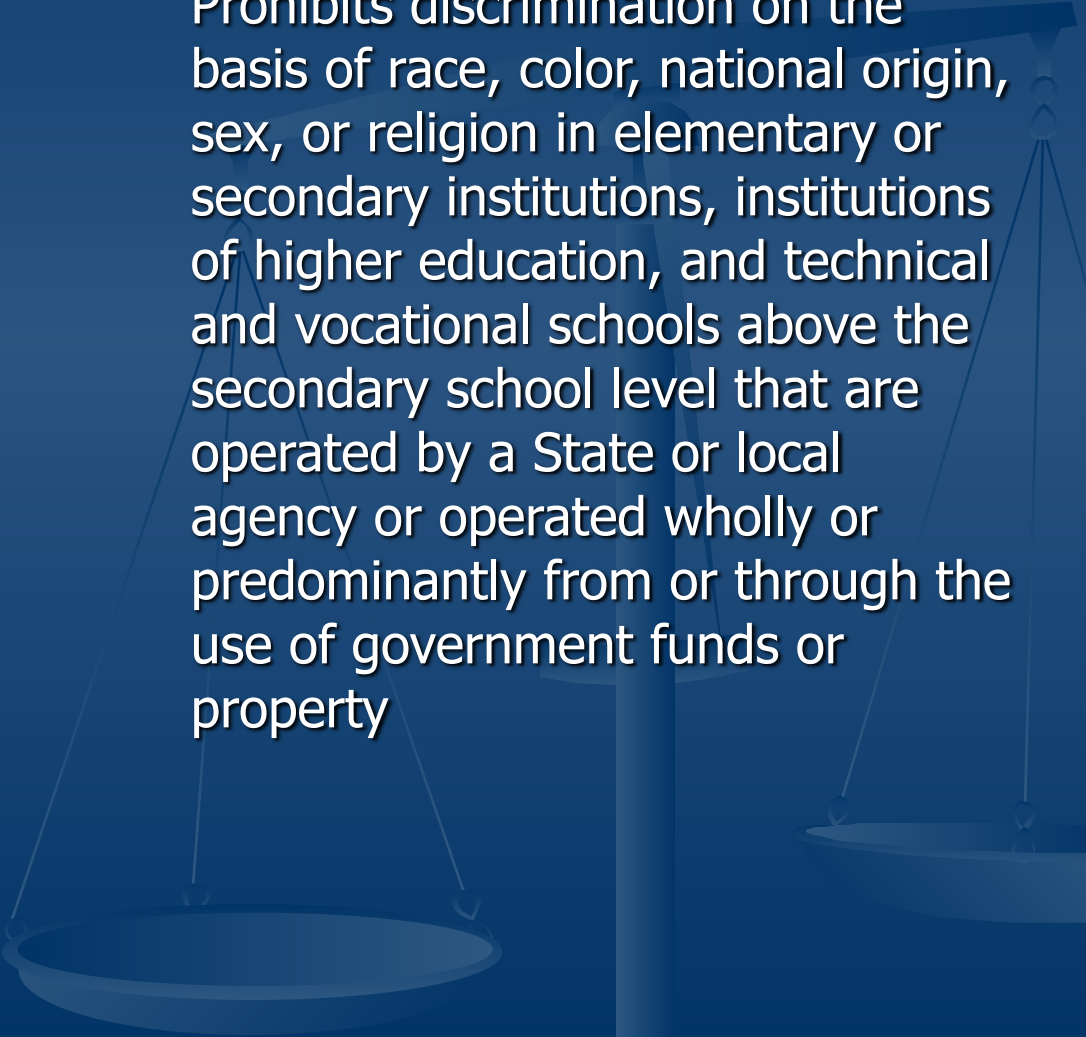
Other Laws that DOJ enforces...



Enforced by The Dept. of Justice

Title IV (4) of the Civil Rights Act of 1964

Prohibits discrimination on the basis of race, color, national origin, sex, or religion in elementary or secondary institutions, institutions of higher education, and technical and vocational schools above the secondary school level that are operated by a State or local agency or operated wholly or predominantly from or through the use of government funds or property



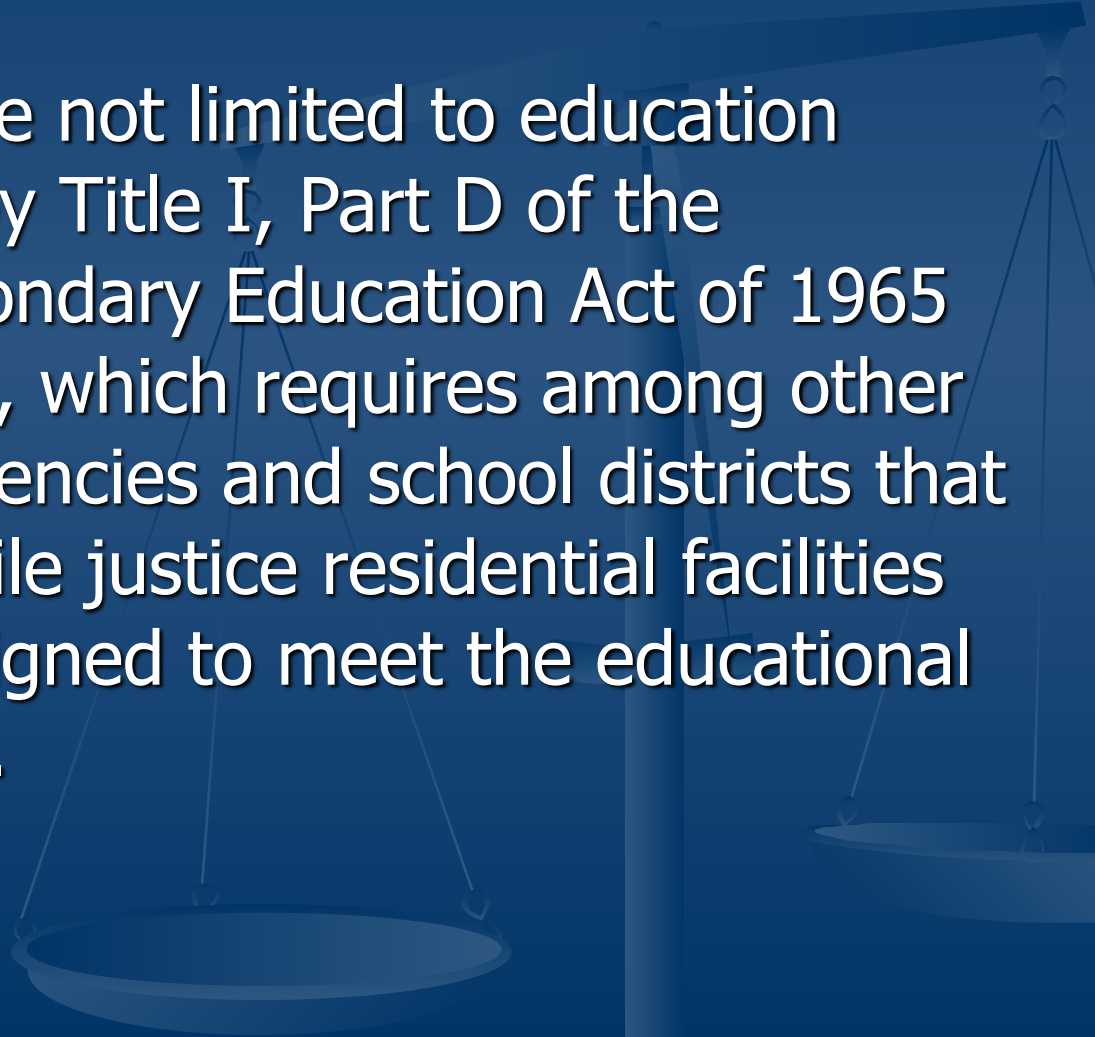
Enforced by The Dept. of Justice

Equal Educational
Opportunities Act of
1974 (EEOA)

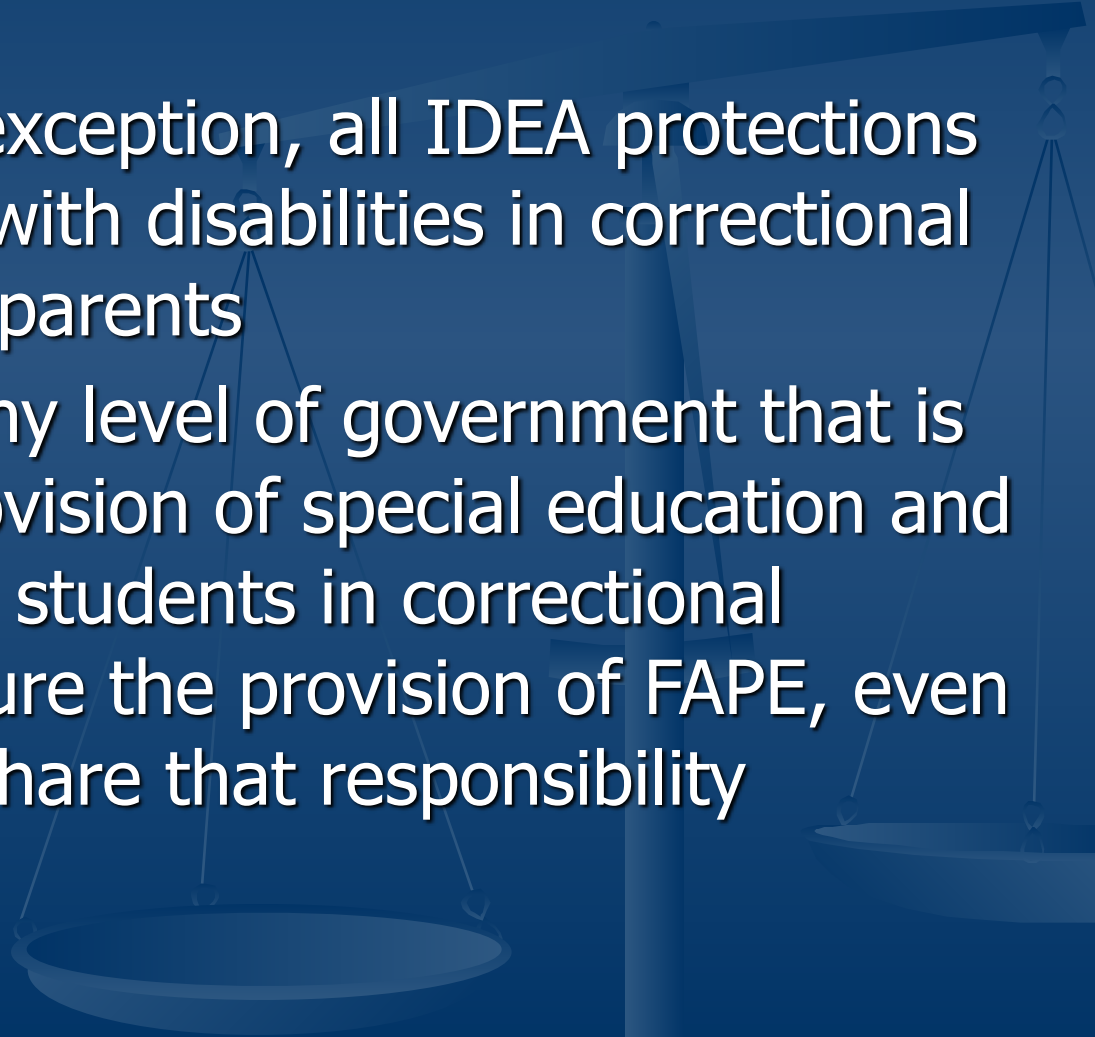
Prohibits discrimination on the on the basis of race, color, national origin, or sex by State and local educational agencies and requiring them to take appropriate action to overcome language barriers that impede equal participation by students in their instructional programs

Juvenile Justice residential facilities and other entities that receive federal funds have legal obligations

Those include but are not limited to education services supported by Title I, Part D of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, which requires among other things, that State agencies and school districts that serve youth in juvenile justice residential facilities provide services designed to meet the educational needs of such youth.



Juvenile Justice Facilities Also have Obligations under IDEA part B

- Absent a specific exception, all IDEA protections apply to students with disabilities in correctional facilities and their parents
 - Every agency at any level of government that is involved in the provision of special education and related services to students in correctional facilities must ensure the provision of FAPE, even if other agencies share that responsibility
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General Flow Chart of Justice Involved Youth

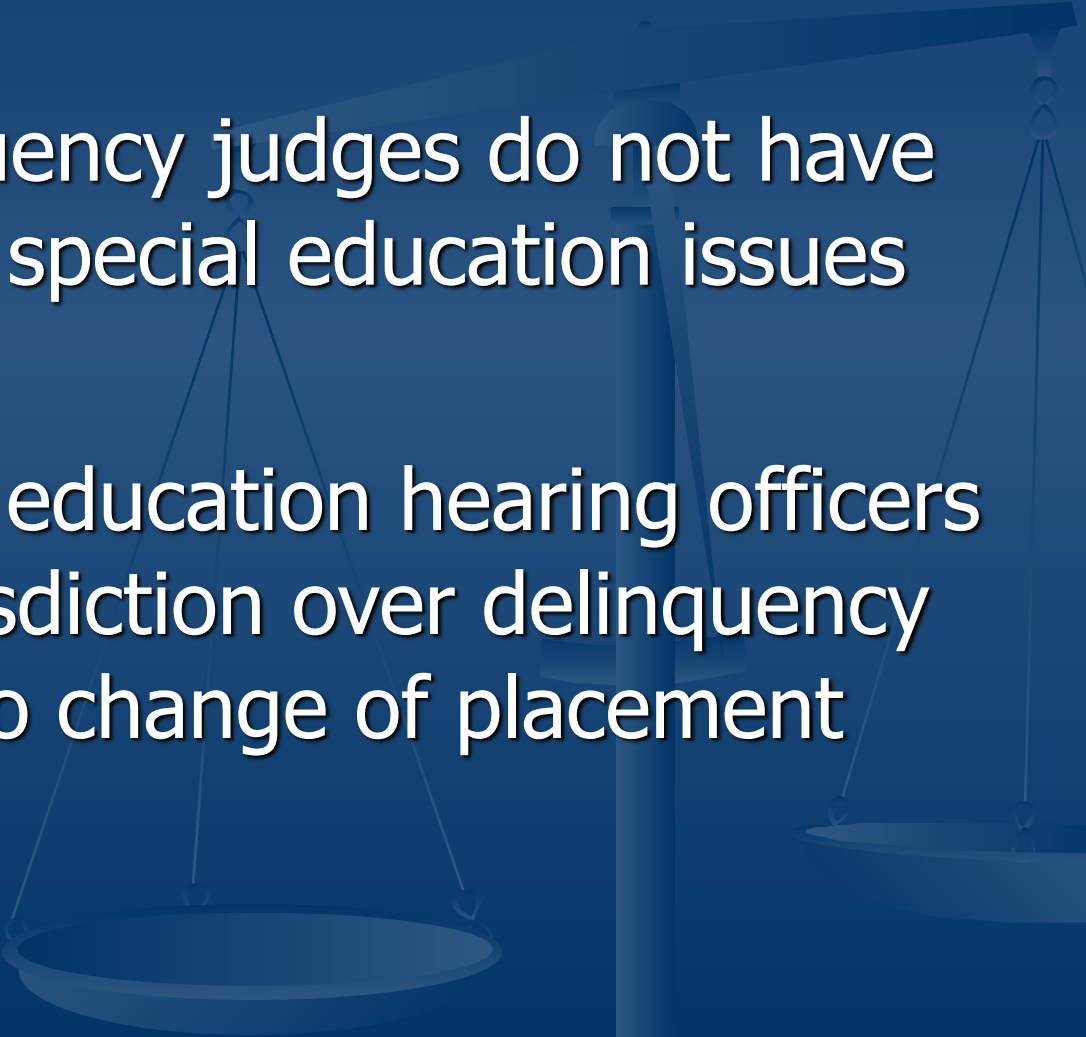


Source: Annie E. Casey, Two Decades of JDAI "A Progress Report," 2009.

Federal Student Aid Eligibility for Incarcerated Students

- ✓ If a youth is confined in a correctional or juvenile justice facility, there are limits on their eligibility for federal student aid based on where they are confined. Generally, most of these limitations apply only while they are confined
- ✓ Incarcerated youth are **not** eligible to receive federal student loans

When Special Education & Juvenile Delinquency Collide

- Typically Delinquency judges do not have jurisdiction over special education issues
 - Typically special education hearing officers do not have jurisdiction over delinquency with exception to change of placement
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Quote

**Prevention of the School
to Prison Pipeline is
worth more than the cure**

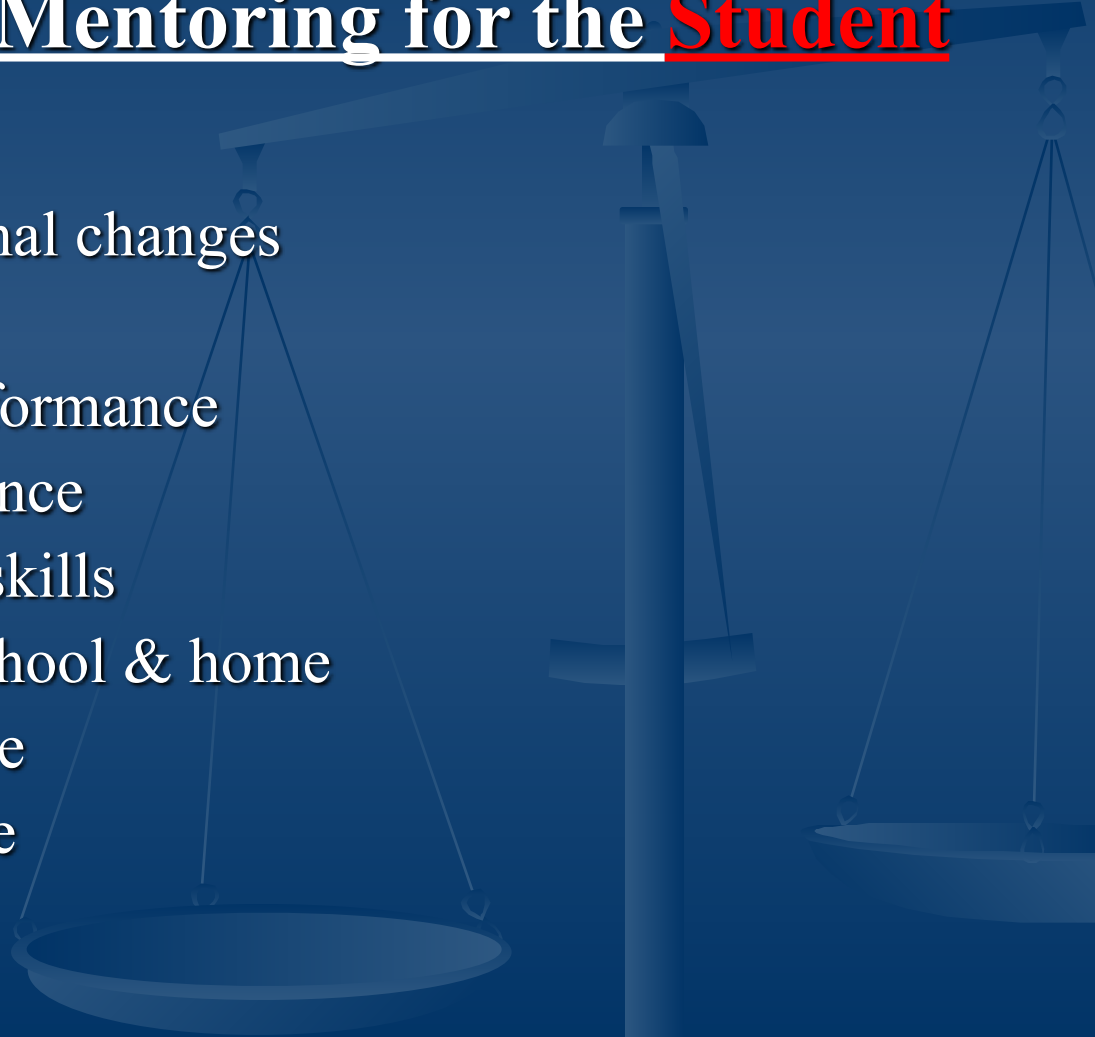
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Mentoring-Prevention for at-risk youth & Intervention for incarcerated youth



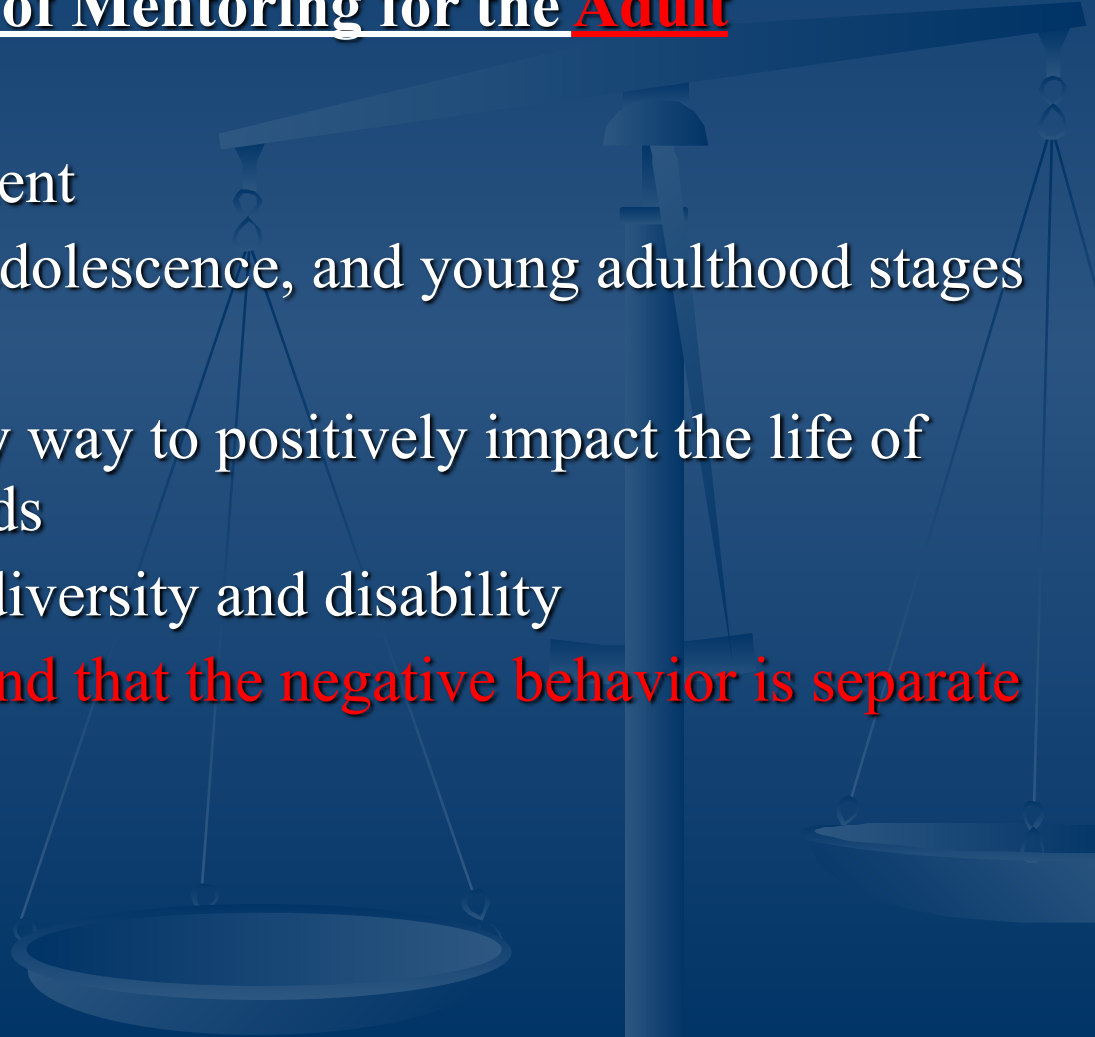
Mentoring

The Benefits of Mentoring for the **Student**

1. Creates positive attitudinal changes
 2. Increases self-esteem
 3. Improved academic performance
 4. Increases school attendance
 5. Improves interpersonal skills
 6. Improved behavior at school & home
 7. Improves self-confidence
 8. Gives hope for the future
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Mentoring

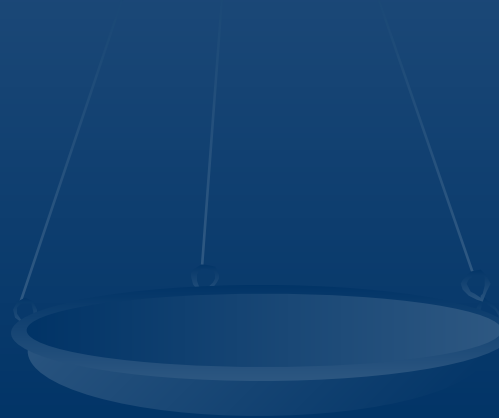
The Benefits of Mentoring for the **Adult**

1. A sense of accomplishment
 2. Insight into childhood, adolescence, and young adulthood stages
 3. Increases patience
 4. An inexpensive and easy way to positively impact the life of students of all backgrounds
 5. Increases awareness of diversity and disability
 6. **Helps the adult understand that the negative behavior is separate from the person**
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Sources

- US Dept. of Education-Office of Civil Rights
- US Dept. of Justice- Civil Rights Division
- US Dept. of Education- Office of Special Education and Rehabilitative Services
- US Dept. of Education- Federal Student Aid Office
- Annie E. Casey Foundation
- Council of Parent Attorneys and Advocates (COPAA)
- Morgan v. Chris L., 927 F. Supp.267 (E.D. Tenn. 1994),
aff'd, 106 F.3d 401 (6th Cir. 1997) unpublished opinion),
cert. denied, 520 U.S.1271 (1997)

Questions



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