



# Factsheet

## Youth Transitioning from the Juvenile Justice System

*Increasing opportunity for successful reentry, higher education, and sustainable employment*

In the United States, the rate at which children and youth are incarcerated far exceeds international norms. There are currently more than 60,000 people under the age of 21 who are being held in facilities throughout the nation. Of the youth released from juvenile justice facilities, 55% are rearrested within a year. The youth in confinement, many of whom are SWD and ELL, have the greatest need for academic, emotional, and behavioral support. African American, Latino, and students with disabilities are more likely to be referred to law enforcement from school staff than their peers. With this in mind, the goal should be to focus on solutions pertaining to the classroom, not the courtroom.

### **Juvenile Justice Federal Civil Rights Laws**

#### **Receiving Federal Funds:**

1. Title VI (6) of the Civil Rights Act of 1964
  - i. Prohibits discrimination based on race, color, or national origin
2. Title IX (9) of the Education Amendments of 1972
  - i. Prohibits discrimination based on sex
3. Section 504 of the Rehabilitation Act of 1973
  - i. Prohibits discrimination based on disability

**Public Entities:** ADA applies regardless of whether they receive federal funds or not

4. Title II of the Americans with Disabilities Act of 1990
  - i. Prohibits discrimination based on disability

### **Laws Enforced by the Department of Justice**

1. Title IV (4) of the Civil Rights Act of 1964
  - i. 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 level that are operated by a State or local agency or operated wholly or predominantly from or through the use of government funds and property.
2. Equal Educational Opportunities Act of 1974 (EEOA)
  - i. Prohibits discrimination on the basis of race, color, national origin, or sex by State and local education agencies and requiring them to take appropriate action to overcome language barriers that impede equal participation by students in their instructional programs.

## Juvenile Justice Facilities

### Legal obligations of Juvenile Justice residential facilities and any entities that receive federal funds:

#### 1. Educational Services:

- a. Supported by Title I, Part D of the Elementary and Secondary Education Act of 1965 (ESEA)
- b. Requires that State agencies and school districts that serve youth in juvenile justice residential facilities provide services to meet the educational needs of such youth

### Obligations under IDEA part B:

1. Absent to specific exception, all IDEA protection applies to students with disabilities in correctional facilities
2. 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

## 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. For example, incarcerated youth are **not** eligible to receive federal student loans.

### When Special Education & Juvenile Justice Collide:

Typically delinquency judges do not have jurisdiction over special education issues and special education hearing officers do not have jurisdiction over delinquency (with exception to change of placement).

## Mentoring

Mentoring can act as both a form of prevention for at-risk youth and as intervention for incarcerated youth. The benefits of mentoring include:

### For the student:

- |   |   |
|---|---|
| <input type="checkbox"/> Creates positive attitudinal changes | <input type="checkbox"/> Improves interpersonal skills        |
| <input type="checkbox"/> Increases self-esteem                | <input type="checkbox"/> Improved behavior at school and home |
| <input type="checkbox"/> Improved academic performance        | <input type="checkbox"/> Improves self-confidence             |
| <input type="checkbox"/> Increases school attendance          | <input type="checkbox"/> Gives hope for the future            |

### For the Adult:

- A sense of accomplishment
- Insight into childhood, adolescence, and young adulthood stages
- Increases patience
- An inexpensive and easy way to positively impact the life of students of all backgrounds
- Increase awareness of diversity and disability
- Help the adult understand that the negative behavior is separate from the person

### Information on this factsheet is from the following 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
- Annie E. Casey Foundation
- Council of Parent Attorneys and Advocates (COPAA)