

Virginia Juvenile Justice Summit

on

Children and Youth with Disabilities

EXECUTIVE SUMMARY

**Parents and Professionals Sharing Ideas to
Improve Outcomes for Virginia Youth**

October 16, 2001

**University of Richmond
School of Law
Richmond, Virginia**

**Coordinated by PEATC
Parent Educational Advocacy Training Center
6320 August Drive, Suite 1200
Springfield, VA 22150
1 - 800 - 869 - 6782**

**Funded by
The United States Department of Education**

**Individuals and Organizations in Collaboration to
Plan and Support
the
Juvenile Justice Summit**

Court Services Unit, Alexandria Juvenile and Domestic Relations Court, Lillian Brooks

Court Services Unit, Charlottesville Juvenile and Domestic Relations Court, Carol Hernandez

East District Family Resource Center, Johnette Walker

JustChildren, Andy Block

PADDA, Community Parent Resource Center, Mark Jacob, Sheila Marble

Parent Advocate, Barbara Willard

PEATC, Pierre Ames, Bellen Joyner & Betty Karp

University of Richmond Mental Disabilities Law Clinic, Adrienne Volenik

Virginia Coalition for Juvenile Justice, Don Bush

Virginia Department of Correctional Education, Reta Camp, Judy Philpott, Sharon Trimmer

Virginia Department of Education, Lissa Power deFur

Virginia Department of Juvenile Justice, Dennis Waite

Virginia Institute for Developmental Disabilities, Virginia Commonwealth University, Pat Purcel

Virginia Treatment Center for Children, Jerri Baker

Table of Contents

EXECUTIVE SUMMARY	2
Issues Surrounding Juvenile Justice and Youth with Disabilities	2
Addressing the Issues.....	3
The Summit.....	3
Focus Group Recommendations	4
Next Steps	6
Youth Perspective	7
SUMMIT PROCEEDINGS	9
Morning Session - <i>Speakers and Panel Presentations</i>	9
Afternoon Session - <i>Summaries of Focus Groups</i>	13
▪ Prevention	13
▪ Alternatives to Incarceration.....	14
▪ Family Partnerships	17
▪ Access to Appropriate Special Education.....	18
▪ Successful Transitions.....	21
Experiences, Ideas, Concerns and Trends.....	24
Summit Evaluations	25
<i>Appendix</i>	26
▪ Biographies of Presenters.....	27
▪ Transcription of Focus Groups	30
▪ Juvenile Justice Resources.....	54
▪ Powerpoint Presentation – Dr. Leone	57
▪ Session Handouts – Dr. Waite	61

EXECUTIVE SUMMARY

Issues Surrounding Juvenile Justice and Children with Disabilities

Youth experiencing failure in school are most at risk of behavioral issues that are associated with children who are in the juvenile justice system or at risk of becoming involved in the system. Some of these behaviors are:

- Impulsiveness
- Poor social skills
- Poor decision making skills
- Aggressiveness

Many children with learning disabilities, emotional disturbances, ADHD and other disabilities have those same traits. Also, school failure, one of the highest risk factor for involvement with the court system, is no stranger to students with disabilities.

Nationally, estimates of the number of children and youth who are involved with the juvenile justice system and have identified disabilities range up to 90%. While behavioral disorders are the most frequently identified disabilities, other disabilities are widely represented. A study by The Institute on Mental Disability and the Law at the National Center of State Courts (1987) reported that 36% of incarcerated children met the diagnosis criteria for learning disabilities. Another source suggests that 46% or more have ADD/ADHD. In 1999, the National Center on Education, Disability and Juvenile Justice reported that many youth in correctional systems who have disabilities have not been identified or they have been identified inappropriately.

The following is a profile of youth in Virginia's correctional facilities:

- 75% have at least one diagnosable mental disorder.
- 50% have moderate to severe disabilities.
- 70% are four or more years behind their same-aged peers in reading.
- 78% are five or more years behind in writing.
- 82% are four or more years behind in math.
- 24% have ADHD
- 47% have a history of use of psychotropic drugs
- 30% have had prior psychiatric hospitalizations

These children may or may not be identified as special education students under IDEA (the Individuals with Disabilities Education Act) or as eligible for services under Section 504 of the Rehabilitation Act of 1973. Sharon Trimmer, Director of Special Education for the Virginia Department of Correctional Education indicated at the conference that 42% of incarcerated youth are receiving special education services.

Addressing the Issues

These statistics relating to youth with disabilities in the juvenile justice system, calls from Virginia parents concerned about the treatment of their children in correctional and detention centers, and discussions with local, state, and national experts working in the field of juvenile justice led PEATC to begin dialogue with other public and private agencies about how parents and professionals could collaborate to improve outcomes for youth with disabilities who are involved with the justice system.

Representatives from advocacy organizations, parent groups, university programs, professionals serving children and state agencies came together as a planning group. Over a nine-month period, they planned a summit at which parents and professionals would address some of the issues surrounding youth with disabilities and the juvenile justice system and share their experiences, knowledge, ideas and priorities about:

1. Prevention
2. Alternatives to Incarceration
3. Family Partnerships
4. Access to Appropriate Special Education
5. Successful Transitions

The Summit

More than 125 parents and professionals from public and private schools, universities, social services agencies, state and local correctional facilities, advocacy organizations, state agencies and private professionals serving youth came to the Juvenile Justice Summit for Youth and Children with Disabilities at the University of Richmond School of Law in October 2001 to express their concerns and recommend solutions. In addition to parents, attendees included advocates, educators, school administrators, juvenile justice administrators, professionals from correctional facilities, probation officers, therapists, social workers and members of the legal profession.

- **Dr. Peter Leone, Director of the National Center for Education, Disability and Juvenile Justice** opened the Summit by presenting a clear picture of the forces shaping educational policies, national statistics relating to students with disabilities and next steps that advocates can take to support youth with disabilities.
- **Expert Panelists** from the Virginia Departments of Education, Juvenile Justice and Correctional Education were joined by an attorney from JustChildren and two parents offered information, facts and perspectives.
- **Judge Eric Andell, Senior Policy Advisor and Juvenile Justice to the Secretary of the U.S. Department of Education**, shared his experiences and advice as an attorney, juvenile court judge and parent.

Summit Focus Groups - Recommendations

Focus groups met in the afternoon to address the five issues identified by the Summit Planning Group (Prevention, Alternatives to Incarceration, Family partnerships, Access to Appropriate Special Education and Successful Transitions). Below are highlights of each group's recommendations.

1. Prevention

What are the possibilities and opportunities for preventing youth with special needs from becoming involved with the justice system?

- Identify disabilities and change the attitudes about disabilities by both the system and community.
- Involve community and faith-based organizations in prevention by encouraging them to provide mentors, tutors, jobs and recreational opportunities.
- Use public and private funds to set up appropriate alternative programs.
- Change public policy from “getting tough on crime” to healing and re-integration in the community.
- Invest more proactive resources for parents before youth are involved with the justice system.
- Identify eligible youth with disabilities through the “Child Find” requirement of the Individuals with Disabilities Education Act (IDEA).

2. Alternatives to Incarceration

What are the possibilities and opportunities for serving juvenile offenders with special needs in their communities?

- Use Comprehensive Services Act (CSA) funds to fund services, local treatment centers, and other family supports for custodial parents and foster parents.
- Ask Drug Courts to promote local treatment as an alternative to a state facility.
- Encourage community groups and faith-based organizations to provide role models or mentors and scholarship programs.
- Get businesses involved in providing scholarships, successful role models and job opportunities.
- Educate the community about these youth and their disabilities.

3. Family Partnerships

What are the possibilities and opportunities for parents to be effectively involved on behalf of their children in the Juvenile Justice System?

- Make parent-friendly information available to families about juvenile justice services, parent involvement, partnerships and advocacy.

- Distribute information to families through Court Service Units, probation officers, truant officers, social workers, intake workers and correctional facility officers.
- Resolve the difficulty of parental participation in meetings that are located at state correctional facilities by providing transportation and overnight stays for parents; conference call participation and, conducting meetings at places nearer to the family.

4. Access to Appropriate Special Education

How do we ensure that children with disabilities involved in the Juvenile Justice System, incarcerated or not, receive a Free Appropriate Public Education (FAPE)?

- Utilize a statewide curriculum for all school programs.
- Train all teachers about special education.
- Provide adequate funding to meet the requirements of IDEA.
- Improve communication between all those who are involved in any assessment of a child, including the parents.
- Transfer children's records in a more timely manner for youth entering and exiting detention facilities.
- Include impartial advocate on staff to advise all parents of their rights.
- Make available court-mandated parent advocates to train parents.

5. Successful Transitions

What are the possibilities and opportunities for successful transition from placement in the juvenile system to school and community?

- Require the same continued relationships by local schools when students are incarcerated as they do for out-placed CSA (Comprehensive Services Act) students.
- Share what is working between local agency and facility staff through preplanning and ongoing communication (including site visits).
- Fund a transition clerk in each facility to assist with scheduling meetings with school and staff and to monitor student after returning.

Next Steps

The Summit participants identified a great need for the additional education and training of all those working with children and youth about effective practices and resources available to address the needs of children and youth in the Juvenile Justice system and their families.

1. To raise public awareness in support of this need, Summit Report findings and recommendations will be presented to State leadership (Governor, Education, Juvenile Justice, Public Safety, etc.) and to General Assembly committees. In addition, results will be shared with juvenile, domestic relations and circuit court judges and statewide organizations.
2. The Virginia Juvenile Justice Coalition will provide the organizational leadership needed to advocate for Summit recommendations by working with state and community leaders to promote effective practices and needed policy changes and raising public awareness.
3. PEATC will work closely with the Coalition to strengthen and support its efforts to improve outcomes for Virginia youth.

Youth Perspective

Giuseppe Luisi is a seventeen-year-old young man with disabilities who was a detainee in the Virginia Juvenile Justice system. He was released this past year and is now gainfully employed. He currently holds a responsible position within a family enterprise. Giuseppe responded candidly to questions posed regarding his personal experience in a Virginia juvenile correctional facility. Giuseppe and his parents granted PEATC permission to interview and identify him and publish his response. His mother, Lorri Luisi was a panelist at the Juvenile Justice Summit for Virginia Children and Youth with Disabilities. This interview was conducted as a follow up to the summit.

Q. Please describe your experience as a young person with special needs in the Virginia Juvenile Justice.

A. Overall, I learned a lot about myself, my family and others. It was a rude awakening.

Q. Why do you think you ended up in juvenile detention?

A. I ended up in juvenile detention because I had substance abuse issues that I didn't know how to cope with, and kept making the same mistakes over and over. I ended up breaking the law or getting in trouble in school a total of about ten times, beginning at age 13 to 17. Juvenile detention was the only option left to remove me from the environment that contributed to my downfall.

Q. How do you feel your educational needs were met in juvenile detention? How about other detainees?

A. My needs were well met because I had information and family [support] and I initiated a lot on my own. I knew what the outside world had to offer. Others didn't fare as well. Most did not have basic reading, writing or math skills; most seemed to have learning and other disabilities much worse than mine but no one addressed them. Many classrooms were just day care, you know, babysitting and busy time. Also, they were not encouraged to develop academic skills. They were told to do just enough to get a GED or seek vocational training, no matter what their potential. If you didn't care, no one else seemed to.

Q. Do you feel that you benefited or suffered as a result of your detention?

A. I benefited. Why? Because I got a grasp of a lot of opportunities to change my life, unlike my peers, who don't have the same opportunity to make their lives better. I realized that education is the key, and unlike most of them, I know which doors it unlocks. It was a sad eye-opener.

- Q. Did your family provide you with support while you were detained? If so, how?*
- A. Yes. My entire immediate and extended family, including children, visited me on a regular basis. They never turned their backs on me. I came to realize that my family are my true friends. Others were just acquaintances or accomplices.
- Q. Do you feel that families are encouraged or encountered barriers in their efforts to support young people who are detained?*
- A. The system actually encourages visits and support. However, many families do not have the flexibility or resources to visit as much as mine did. I found it very upsetting that often times, even on weekends, my family and I were the only ones in the visitor's areas. I think a lot of the families have problems at home that are so big they don't find a way to make visiting a troubled family member a priority. The system offers little or no support in this area. To my knowledge, no one looks at visitor records and asks why families are not supporting loved ones or offers assistance for them to do so.
- Q. What advice would you offer to other young people and their parents?*
- A. If they find themselves in the same situation as I, was make the most of it, get or learn something from it even if it's just finding out who your real friends are and who really supports you.
- Q. What changes, if any, would you recommend for improving the system?*
- A. Provide realistic career guidance and relevant curriculum to detainees.
Give them something to motivate them. Get staff that is more prone to emphasize correcting behaviors than administering punishment.