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Special Education in Correctional Facilities

This paper presents data on incarcerated youth with disabilities; describes the range of special education services available; reviews issues involved in providing special education in correctional facilities, including problems related to the supply of qualified personnel; and reports selected outcomes of special education for youth who are incarcerated. The source of the paper is as follows:

Office of Special Education Programs. (1999). Special education in correctional facilities (pp. II-1 through II-22). *21st Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*. Washington, DC: U.S. Department of Education.

The following glossary of terms is included with the paper:

- *Adjudicated*: Judicial determination (judgment) that a youth is a delinquent-status offender or an adult offender.
- *Committed*: A court decision to place an adjudicated child in a juvenile justice program or adult corrections system.
- *Delinquency*: Acts of conducts in violation of criminal law. When the act is committed by a juvenile, it may fall within the jurisdiction of the juvenile court, or the courts may adjudicate the individual as an adult in the adult court system.
- *Detention*: In State or local custody, whether through secure, nonsecure, or home detention while awaiting an arraignment, adjudication, or judicial order.
- *Detention center*: Comparable to a jail in the adult system; a temporary, secure holding facility for juvenile offenders.

Special Education in Correctional Facilities

More than one in three youths who enter correctional facilities have previously received special education services, a considerably higher percentage of youths with disabilities than is found in public elementary and secondary schools (Leone, 1997). Under the Individuals with Disabilities Education Act (IDEA), youths with disabilities in correctional facilities are entitled to special education and related services. Providing appropriate services for these students, however, can be extremely challenging. Several issues have been identified as having an impact on the provision of appropriate special education services in correctional facilities, including transience of the student population, conflicting organizational goals for security and rehabilitation, shortages of adequately prepared personnel, and limited interagency coordination.

This module synthesizes available information on youths with disabilities in correctional facilities and efforts to provide this population with a free, appropriate public education (FAPE). The first section describes the number and characteristics of incarcerated youths with disabilities. The second section portrays special education services in correctional facilities. The third section discusses particular challenges associated with the provision of services in correctional facilities, and the fourth reports results for incarcerated youth with disabilities.

NUMBER AND CHARACTERISTICS OF STUDENTS WITH DISABILITIES IN CORRECTIONAL FACILITIES

Researchers generally agree that students with disabilities are over-represented in the juvenile justice system. However, estimates of the number and percentage of students with disabilities in correctional facilities vary considerably (Perryman, DiGangi, & Rutherford, 1989). Data from the U.S. Department of Education, Office of Special Education Programs (OSEP), indicate that, on December 1, 1996, 15,930 students with disabilities were served in correctional facilities.¹ Youths with emotional disturbance and learning disabilities made up the majority of those incarcerated -- 42 and 45 percent respectively. . . . (The percentages were: speech or language impairment, 3 percent; mental retardation, 7 percent; emotional disturbance, 42 percent; specific learning disability, 45 percent; other disabilities, 3 percent. Other disabilities include visual impairment, hearing impairment, other health impairment, orthopedic impairment, autism, traumatic brain injury, multiple disabilities, and deaf-blindness.) In a 1985 study, Rutherford, Nelson, and Wolford estimated that 9,293 youths in State adult and juvenile correctional facilities had disabilities (28 percent of the juvenile population). Of those, 80 percent were receiving special education and related services. OSEP is currently sponsoring a study that replicated the 1985 study.

Two of the reasons it is difficult to pinpoint the number and percentages of students with disabilities in correctional facilities are the wide range and varying jurisdictions of correctional facilities across the country. Incarcerated youths with disabilities may be housed in jails, detention facilities, group homes for young offenders, adult or juvenile prisons, ranches, private programs, or treatment facilities. In most instances, jails are administered by local governments.

The majority of individuals confined in jails are awaiting arraignment or trial. Others are serving sentences or are awaiting transfer to other correctional facilities. Incarceration in jails is often very short; in most jails, the average incarceration is less than 72 hours (Wolford, 1987).

(1) ¹ OSEP has been collecting data on the number of students with disabilities in correctional facilities since 1987-88.

Prisons, on the other hand, are operated at both the State and Federal levels and typically house inmates for longer periods of time (Snarr, 1987).

Juvenile halls, detention centers, and camps or ranches are specifically designed to serve juveniles. The education programs in juvenile halls and detention centers are typically modeled after secondary schools, including the provision of special education services to students with disabilities (Leone, 1987). Camps or ranches are usually smaller, and youths often split their time between school and work related to operating the facility. Smaller juvenile corrections programs, such as ranches, camps, private programs, or treatment facilities, frequently do not provide special education. OSEP monitors for these services and requires corrective action when States are not ensuring that these services are provided. Efforts are ongoing and have not yet resulted in complete compliance.

What accounts for the disproportionate representation of students with disabilities among incarcerated youths? There are various theories about the relationship between delinquency and disability, but none have been adequately tested by research. One theory holds that school failure is the common link between delinquency and disability. Learning and behavioral disabilities may lead to academic failure and dropout which, in turn, lead to delinquent behavior (Hirschi, as cited in Fink, 1990b).

A second theory postulates that youths with disabilities exhibit certain cognitive, behavioral, and personality deficits that predispose them to delinquent behavior. These deficits -- lack of impulse control, poor reception of social cues, and a diminished ability to learn from experience -- may increase susceptibility to delinquent behavior (Murray, as cited in Fink, 1990b). In a study by Keilitz and Dunivant (1986), youths with learning disabilities reported committing more acts of delinquency, including stealing from a home, stealing from school, shoplifting and damaging property, than did their peers without disabilities. Youths with learning disabilities were also more likely to commit violent acts, use marijuana and alcohol, and experience problems with school discipline (Bryan, Pearl, & Herzog, 1989).

A third theory regarding the disproportionate percentage of youths with disabilities in correctional facilities suggests that, at all stages of the juvenile justice system, offenders with disabilities are treated differently from other offenders who engage in the same types of delinquent behaviors (Keilitz & Dunivant, as cited in Fink, 1996b). Consequently, delinquent youths with disabilities may be more likely than those without disabilities to be apprehended by the police because they lack the skills to plan strategies, avoid detection, interact appropriately, and comprehend questions and warnings during police encounters. Wagner and associates (1992) found that 19 percent of all youths with disabilities were arrested by the time they had been out of school for two years. This was much higher than the overall juvenile arrests: 5 percent of all juveniles aged 10 to 17 were arrested in 1992 (Snyder & Sickmund, 1995).

The over-representation of offenders with disabilities in the juvenile justice system may be explained by some combination of these theories (Leone, Rutherford, & Nelson, 1991b) or by some reason or reasons yet to be determined.

Doren, Bullis, and Benz (1996) explored factors predicting arrest for students with disabilities. They found that, holding other variables constant, males with disabilities were 2.4 times more likely than females with disabilities to be arrested during their school careers. Students with emotional disturbance were 13.3 times more likely than other students with disabilities to be arrested while in school. Students with learning disabilities were 3.9 times more likely than other students to be arrested. Dropout status and personal/social achievement also contributed to the

likelihood of arrest. Youths with disabilities who dropped out of school were 5.9 times more likely than other students to be arrested, and youths with disabilities who scored low on personal/social achievement skills were 2.3 times more likely to be arrested. Furthermore, youths with disabilities who had been arrested once were far more likely to be arrested again.

Over the past several years, the number of students with disabilities in correctional facilities has risen to over twice the rate of the overall special education population. From 1992-93 to 1996-97, the number of students aged 6 through 21 with disabilities increased 13 percent; the number in correctional facilities increased 28 percent. The increase in incarcerated youths can be seen most in juveniles with learning disabilities and emotional disturbance; these two disabilities also account for the largest percentage of juveniles with disabilities in correctional facilities The number of incarcerated youths with other disabilities has remained relatively stable over time. It is not clear whether this increase is due to an actual rise in the number of youths with these disabilities committing crimes or a result of correctional facilities' greater efforts to identify and serve a higher proportion of IDEA-eligible youths.

PROVIDING A FREE, APPROPRIATE PUBLIC EDUCATION FOR STUDENTS WITH DISABILITIES IN CORRECTIONAL FACILITIES

IDEA ensures that students with disabilities will receive FAPE, and these assurances clearly extend to students in correctional facilities. In the landmark case *Green v. Johnson* (1981), the U.S. District Court of Massachusetts ruled that students with disabilities do not forfeit their rights to an appropriate education because of incarceration (Grande & Oseroff, 1991). However, the provisions of IDEA were developed with school settings in mind. This can make the implementation of IDEA in correctional facilities particularly challenging. Furthermore, the IDEA Amendments of 1997 limited the State's obligation somewhat in providing special education in correctional facilities. The IDEA Amendments of 1997 revised the eligibility provisions so that States may choose not to provide special education services to youths with disabilities, ages 18 through 21 who, in the educational placement prior to their incarceration in an adult correctional facility: (a) were not actually identified as being a child with a disability under IDEA or (b) did not have an individualized education program (IEP) under IDEA. The new Act provides that youths with disabilities who are convicted as adults and in adult prisons need not participate in general educational assessment programs conducted by the State and that the transition planning and services provisions of IDEA do not apply to these individuals if their eligibility under IDEA will end because of their age before they will be released from prison. The educational program and placement of youths with disabilities who are convicted as adults and in adult prisons can be modified by their IEP teams to accommodate bona fide security or compelling penological interests. A State also may provide that, when individuals with a disability reach the age of majority under State law, all rights accorded to their parents transfer to those individuals who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

The availability of special education services varies considerably by type of correctional facility and also from state to state. Thirty-six states responding to a national survey reported providing special education services in an average of 92 percent of their State's juvenile correctional facilities (Kirshstein & Best, 1996). Educational programs in adult jails and prisons are generally less extensive than those in juvenile facilities; special education services are only occasionally provided, and with varying levels of intensity (Leone, 1987; Rutherford et al., 1985; Wolford, 1987). In 1990-91, 33 of 42 states reported providing special education services in some adult correctional facilities. On average, 33 percent of institutions in those states provided special education services (Kirshstein & Best, 1996). An interesting footnote to these figures is a 1998

ruling by the U.S. Supreme Court. In *Pennsylvania Department of Corrections v. Yeskey*, the court ruled in favor of an inmate with high blood pressure who was denied access to a boot camp program, which would have reduced the length of his incarceration. The court ruled that inmates are covered under the Americans with Disabilities Act of 1990 and, as such, regardless of their age, they may be entitled to accommodations in education programs offered in correctional facilities. The impact of this decision, if any, on the provision of special education services in correctional facilities remains to be seen.

States also differ in the structure of their corrections education programs. In some states, corrections schools are decentralized, and a warden or institutional superintendent directs each school. In these cases, non-educators are responsible for making educational decisions. In other states, a corrections education supervisor within a bureau oversees education across institutions. The State education agency (SEA) may also extend rights and responsibilities of a local education agency to the corrections education organization. In 1990, 21 youth and adult corrections education programs were characterized as decentralized, 48 were overseen by State bureaus, and 18 were housed in school districts (Gehring, 1990).

Below, literature on efforts to provide FAPE for youths with disabilities in correctional facilities is summarized. Issues associated with identification and assessment, IEP development, provision, of services, and personnel are addressed.

Identifying and Assessing Children with Disabilities

IDEA requires that states identify, locate, and evaluate all children with disabilities residing in the state who need special education and related services. Education agencies are responsible for conducting a full, individual evaluation to determine whether a child is eligible for services under IDEA and to determine the educational needs of the child. This requirement generally applies to youths in correctional facilities, as well as to those in more typical educational settings.

Youths with disabilities in correctional facilities may have received special education services in their previous school, or they may have a disability that was not previously identified. Without access to school records, it can be difficult for corrections personnel to identify youths previously served in special education because the exchange of information between public schools and correctional facilities can be problematic (Lewis, Schwartz, & Ianacone, 1988). In one study, school officials reported learning about a youths' incarceration through informal means of communication. Staff in correctional facilities reported that some school districts refused to release student records without parental permission, delaying the identification of students with disabilities and the provision of appropriate services (Leone, 1994). In fact, Moran (1991) found that it was not uncommon for youths to have exited the correctional system by the time their school records arrived.

Identification and assessment may also be difficult if corrections educators do not have adequate support for identifying youths with disabilities (e.g., school psychologists, social workers, special education administrators). In a case study of one State's juvenile justice facilities, Leone (1994) found that juvenile correctional facilities provided special education services only to youths who had been previously identified for special education. The juvenile justice department made no independent efforts to evaluate youths' eligibility for special education. Furthermore, at the time of the interviews, staff revealed that there was a backlog of over four months in the processing of files for students previously identified as having disabilities. For example, one student who had received special education services in public school waited nine months after his

incarceration before a multidisciplinary team met and placed him in an appropriate program. During the study, the State department of juvenile justice took steps to address these delays (Leone, 1994).

More than a dozen class action suits brought against correctional facilities since 1990 have addressed the issue of identification and assessment (e.g., *John A. v. Castle* [1990]; *C. B. v. Casey* [1991]; *W. C. v. DeBruyn* [1990]; *Horton v. Williams* [1994]). In *Andre H. v. Sobol* (1984), the plaintiffs claimed that the detention holding facility did not conduct any screening or child find activities, did not convene any multidisciplinary team meetings, and did not make any attempts to get records from youths' previous schools. The case was settled out of court seven years after initiation (Leone & Meisel, 1997). In *Smith v. Wheaton* (1987), a school was accused of failing to meet timelines for evaluating youths for special education eligibility or developing IEPs. The plaintiffs also asserted that major components of IDEA were not being followed, such as providing related services (e.g., counseling, occupational therapy), and creating transition plans. After an 11-year legal battle, the courts ruled that juvenile detention facilities must provide a broad array of educational and rehabilitative services (Becker, 1999). Furthermore, school districts must promptly release school records to the facility when a child is incarcerated, as well as ensure appropriate special education placements upon the child's release (Connecticut Legal Services, 1999). These cases demonstrate the nature of the difficulties in identifying and assessing the special education needs of students with disabilities in correctional facilities.

When the school district is the entity responsible for serving incarcerated youths, some of the identification problems can be avoided. For example, in the Fairfax County, Virginia, Juvenile Detention Center, a youth's most recent school -- referred to as the base school -- is contacted immediately upon a youth's arrival, and the process for obtaining records is initiated. Because the school program in the Detention Center is officially part of the county school system, the school system's messenger service delivers records from the base school to the detention center. This speeds the identification of students previously served in special education. In many cases, records arrive the same day. If a youth is suspected of having a previously unidentified disability, the base school is contacted to schedule an assessment by county school system personnel. Staff at the juvenile detention center stress the importance of maintaining good personal relations with staff in community schools to facilitate the identification and assessment process (Markowitz, 1998).

IEP Development

Once youths are found eligible for special education services under IDEA, they are entitled to an IEP. This written plan must include statements of (a) the child's present levels of performance; (b) annual goals, including short-term objectives; (c) special education and related services; and (d) program modifications or supports. For youths aged 14 and older in juvenile facilities, the IEP must also include a plan for the transition from secondary school to post-secondary roles. The IEP team -- including teachers, parents and, when appropriate, the youth -- is required to meet annually to update the student's present levels of performance, goals and objectives, services, and supports.

Providing Special Education and Related Services

The curriculum used in juvenile facilities often parallels that used in local school districts; curriculums in adult facilities are usually modeled on adult education programs, with the GED or high school equivalency as the credential earned. Regardless, the curriculum and service delivery

system may not meet student needs. Researchers suggest that the components of an effective corrections special education program include: (a) a functional assessment that uses ongoing measurement to identify discrepancies between a predetermined curriculum or program standard and the youth's level of educational achievement, social / vocational adjustment, and ability to function independently; (b) a functional curriculum that meets a student's individual needs, including social, daily living, and vocational needs; (c) functional instruction that uses positive and direct instructional strategies; (d) vocational training opportunities; (e) transition services; (f) a full range of educational and related services; and (g) professional development for educators and staff (Bullock & McArthur, 1994; Forbes, 1991; Leone, Rutherford, & Nelson, 1991a; Leone, Rutherford, & Nelson, 1991b; Rutherford, Nelson, & Wolford, 1985).

Further, research suggests that effective and ineffective rehabilitation programs differ in a variety of ways. Effective programs are distinctive in the types of intervention they provide, their duration and intensity, the characteristics of staff, the relationship between the staff and offenders, and the extent to which the programs address the social and economic factors affecting offenders (Gendreau & Ross, as cited in Ross & Fabiano, 1985; MacKenzie, 1997). By identifying changeable behavior characteristics, the conceptualization of delinquent behavior is also a critical factor driving the development and implementation of rehabilitation programs. In addition to addressing the offender's environment, feelings, behavior, and vocational skills, effective programs also use a cognitive behavioral and social learning approach. They include techniques to improve reasoning skills, empathy, and awareness of behavioral consequences (MacKenzie, 1997; Ross & Fabiano, 1985).

Research suggests that these ideals are rarely met. In his case study of one state's juvenile corrections system, Leone (1994) reported that few IEP meetings were held. Staff reportedly prepared IEPs based on school records and circulated the IEP to several staff members who reviewed and signed it. Involving parents in IEP meetings was particularly difficult. Parents were frequently sent notices of IEP meetings but they rarely attended, and this was also true of surrogate parents appointed by the State. Similar issues were noted in a number of suits against juvenile and adult correctional programs (e.g., *Melvin v. Schilling* [1991]; *T. Y. v. Shawnee County* [1994]; *E. R. v. McDonnell* [1994]). Parents of youths in correctional facilities are reported to miss many hours of work handling court-related matters and may not have the flexibility to attend IEP meetings (Markowitz, 1998).

Furthermore, Leone found that students with disabilities in correctional facilities received considerably less intensive special education programming than they had in public schools (7 to 7-1/2 class periods per week, compared to 19-1/2 to 22-1/2 periods per week). It appeared from the review of records that students received one or two periods of special education service per day, regardless of their level of need. Few students received speech therapy, and none received counseling or psychological services, despite the fact that a number of these youth had received such services prior to incarceration. Leone also found that none of the IEP goals or objectives addressed the transition of students from correctional facilities to their home communities or other institutions (Leone, 1994).

Moran (1991) described some of the difficulties associated with providing special education services within correctional facilities. The time available for providing special education services often conflicted with higher priority activities, such as meeting with attorneys, meeting with probation counselors, appearing in court, or attending other scheduled classes. Depending on the availability of staff and scheduling in residential units, special education teachers would sometimes have to escort youths from the residential unit to the school facility. Limitations on the number of youths who could be escorted without assistance reduced the number served at any

one time. In addition, dormitory confinement was used as a common disciplinary tool, and during confinement youths, in many cases, did not attend school or receive special education services. Services are provided to students in confinement in some systems.

Much attention has been given to the interpretation of the IDEA Amendments of 1997 requirement that students with disabilities be served in the least restrictive environment. The law holds that:

To the maximum extent appropriate, children with disabilities, including children in public and private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the general educational environment occurs only when the nature or severity of the disability of a child is such that education in general classes with the use of supplementary aids and services cannot be achieved satisfactorily. (Section 612[a][5][A])

Interpreting the application of this mandate within the confines of a correctional facility is particularly difficult. Some researchers have labeled correctional facilities *the most restrictive environment* (Rutherford et al., 1985). Nonetheless, youths with disabilities in correctional facilities may receive educational services with nondisabled incarcerated peers.

IDEA does provide some flexibility for placing adjudicated youths with disabilities in the least restrictive environment. The Act states that, if a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the IEP team may modify the child's IEP or placement if the State demonstrates a bona fide security concern or compelling penological interest that cannot otherwise be accommodated (Section 614[d][6]). However, this has the potential to magnify existing tensions between security and education, especially if there are funding cuts. With budget constraints, a correctional facility could seek to reduce special education and/or regular education services in order to ensure proper security.

The IDEA Amendments of 1997 specify that requirements for transition planning and transition services do not apply to children convicted as adults and incarcerated in adult prisons whose IDEA eligibility will end, because of their age, before they are released from prison. However, for youths 14 and older in *juvenile* facilities, IEPs must include a statement of transition needs and, if appropriate, services. Transition services may be the most neglected aspect of corrections special education programs, as cooperation among public schools, community agencies, and correctional facilities is rare (Leone et al., 1991b). Virtually every facility in Florida reported deficiencies and fragmentation in the transition of incarcerated youths with disabilities back to their communities (Florida Department of Education, 1995).

Few States have education laws or regulations for corrections education, few corrections education programs are accredited, and there are no mandatory standards for corrections education programs in adult institutions, except those requirements of IDEA applicable to students with disabilities. The lack of standards makes it difficult to provide quality special education services because the necessary general education infrastructure and supports on which special education rests are often inadequate. They may not meet such basic State requirements as professional development, space, or ventilation (Leone & Meisel, 1997).

Monitoring the quality of corrections education programs or corrections special education programs is also difficult without accepted standards of practice (Leone & Meisel, 1997). While

State education agencies are responsible for monitoring the implementation of IDEA in correctional facilities, such monitoring has been limited (Leone, 1994; Wolford, 1987). In response, the courts have become a mechanism of last resort for securing services for youths in correctional facilities under IDEA.

Ensuring an Adequate Supply of Personnel

Providing appropriate special education services requires an adequate supply of qualified personnel. Under IDEA, each State must have in effect a comprehensive system of personnel development (CSPD) that is designed to ensure an adequate supply of qualified special education, general education, and related services personnel. The SEA must establish and maintain standards to ensure that personnel are appropriately and adequately prepared, and personnel standards must be consistent with State-approved or State-recognized professional requirements. This section summarizes literature on the need for administrators and general and special education service providers to work with incarcerated students with disabilities.

Providing special education services for youths in juvenile and adult correctional facilities is relatively new, and many corrections administrators may not have the necessary experience or expertise (Schrag, 1995). In a survey of nine states, a number of administrative factors were found to be crucial for providing appropriate special education services in correctional facilities. These included: (a) removing barriers that restrict the access of students with disabilities to general education programs, classrooms, and activities; (b) ensuring that all facilities and/or programs are in full compliance with Federal and State laws, including procedural safeguards; (c) ensuring that corrections education programs have written philosophies and clear goals developed in coordination with all staff and communicated to students, legislative and community agencies, public schools and the community at large; (d) ensuring that administrators have adequate education credentials and the authority to make budgetary, personnel, and programmatic decisions; (e) using teacher recruitment practices that attract highly qualified staff; and (f) providing school staff with access to ongoing professional development in the area of legal developments, research, and evaluation (Schrag, 1995).

In light of the range of disabilities that young offenders exhibit, direct services personnel in correctional facilities must be specifically prepared to address a diverse array of educational needs. The fact that these students are incarcerated calls for special educators to supplement their skills with a better understanding of the subculture of offenders (Nelson, Rutherford, & Wolford, 1987) and learn skills to teach adaptive behavior (Western Regional Resource Center, 1993), conflict resolution and goal setting (Florida Department of Education, 1995).

Leone (1987) delineated competencies for corrections special educators. These competencies include the ability to:

1. Apply knowledge of legislation and regulations governing the education of incarcerated students with disabilities;
2. Identify and assess students suspected of having disabilities;
3. Develop instructional goals and objectives for individual students;
4. Use a variety of instructional strategies for presenting material;
5. Monitor student progress and adjust instruction accordingly;

6. Teach students to monitor their own academic progress and assume greater responsibility for their learning;
7. Design and adapt instructional materials to meet student needs; and
8. Effectively use behavioral strategies to promote prosocial behavior.

Bullock and McArthur (1994) listed similar skills but added vocational education and team skills as necessary components in a correctional educator's repertoire. Finally, Leone (1987) identified political skills as critical for successful corrections special education personnel, in that teachers must understand the relationships among agencies and work within the system to improve the quality of educational services they provide.

Obtaining accurate information about the number of special education teachers working within juvenile correctional settings, as well as the projected need for these specially trained teachers, is challenging. Surveys suggest that the number of certified special education teachers in juvenile corrections is not adequate for the number of students identified (Leone et al., 1991b; Rutherford et al., 1985). Hiring new personnel who are qualified to provide special education and related services in correctional facilities can be extremely difficult (Fink, 1990a), and the lack of definitive personnel data has inhibited the emergence of specialized programs in corrections special education at institutions of higher education.

Litigation against juvenile and adult correctional facilities has been one mechanism for addressing shortcomings in the availability of adequately qualified special education personnel. Personnel issues have been addressed in at least ten such cases since 1990. An example is *T. I. v. Delia* (1990), in which plaintiffs alleged that Kings County Detention Center in Washington was overcrowded, understaffed, unsafe, and failed to provide adequate education, treatment, and recreation. As part of the consent decree, the Seattle School District agreed to employ two full-time certified special education teachers in addition to six full-time general education teachers at the facility, encourage general educators to obtain special education certification, and fill new teacher vacancies with certified special educators. The district agreed that the facility's two special education teachers would teach only those youths eligible for special education services unless the population of students with disabilities diminished.

Some promising strategies have been developed to address the professional development needs of teachers in correctional facilities. For example, computer-based expert systems are one approach to addressing the information and training needs of general educators who work with incarcerated students with disabilities. Expert systems are programmed to arrive at decisions using information provided by the user and the expert. For example, one system --SNAP (Smart Needs Assessment Program) -- was specifically designed for general education teachers who had special education students in their classes. To use SNAP, teachers identify problem situations in their classrooms and query the expert system for recommended behavioral strategies or teaching/learning strategies. An evaluation of SNAP showed positive results in an adult corrections education program, and teachers responded favorably to the system (Fink, 1990a).

Challenges to Providing a Free Appropriate Public Education in Correctional Facilities

Meeting the requirements of IDEA in correctional facilities is a daunting task. Coffey and Gemignani (1994) suggest that there is a poor fit between Federal rules and regulations and the reality of correctional facilities. There are many unique and significant challenges associated with the provision of services in these settings, which are often not conducive to learning (Florida Department of Education, 1995). Some of those challenges are discussed below.

Custody and supervision are often seen as the primary functions of correctional facilities. Conflict between the goals of rehabilitation and punishment can have far-reaching consequences. Judges, for example, rarely make sentencing or placement decisions that account for the offender's need for special education services (Rutherford et al., 1985). Youths identified in school as having a disability receive special education and related services based on their educational needs. In the juvenile justice system, youths are likely to be served according to the severity of their crime and the length of their sentence. Institutional security and housing or work assignment take priority over educational needs (Nelson, 1996; Wolford, 1987). Disciplinary procedures within correctional facilities may not take into account the needs and characteristics of youths with disabilities, and corrections industries may not provide adequate vocational training (Leone, 1994).

Compared to youths without disabilities, youths with disabilities in correctional institutions receive a disproportionate number of disciplinary actions (Buser, as cited in Leone, 1994; Walter, as cited in Leone, 1994). On average, youths with disabilities receive a major disciplinary action once every 25.8 days, compared to once every 35.3 days for students without disabilities (Leone, 1994). The types of disciplinary action used in correctional facilities may also limit access to educational services. Segregation or confinement is a common form of discipline; it typically includes temporary removal from educational services. Youths with disabilities spend more time in disciplinary confinement than youth without disabilities (Buser, as cited in Leone, 1994; Buser, Leone, & Bannon, 1987; Leone, 1994). This can be particularly problematic for youths with potential mental health problems, who spent 20.4 percent of their time in disciplinary confinement, as compared to 12.3 percent for the youths in special education and 5.6 percent for those not in special education (Leone, 1994).

Correctional facilities often stress employment in corrections industry rather than vocational education, providing further evidence of the relatively low priority afforded to education. Very few correctional facilities have formal vocational education programs that provide offenders with marketable skills and assistance in employment planning (Rutherford et al., 1985). Furthermore, the existing vocational education programs often exclude youths with disabilities because they do not have a high school diploma, adequate reading skills, or other prerequisite skills (Rutherford et al., 1985).

The provision of appropriate special education services in correctional facilities is also confounded by the high rate of mobility among incarcerated youths. A young person may be incarcerated for a short period of time or may be transferred frequently. For example, in the Fairfax County, Virginia, Detention Center, youths typically stay two to three weeks (Markowitz, 1998). This is consistent with the national average length of confinement of 14 days in juvenile detention centers (Abt, 1994). Identification of disabilities may be difficult if youths do not stay in any one correctional facility for very long. The special education assessment and eligibility determination process can be lengthy, and it may not be complete when youths are transferred. The mobility and varying length of time spent in facilities may interfere with educational programming and the continuity of special education services provided (Schrag, 1995). As youths move from one facility to another or from community schools to correctional facilities, they likely face changes in curriculum, instructional techniques, and educational expectations. These may all interfere with the teaching and learning process.

This high rate of mobility also contributes to difficulties with interagency coordination. Youthful offenders are served by numerous public agencies as they work their way through the juvenile justice or adult corrections systems. These agencies may include the courts, social service agencies, detention centers, group homes, rehabilitation programs, school programs, and correctional institutions. When schools are not informed that youths are incarcerated, information about special education needs cannot be transferred. Even when schools are informed of incarceration, IEPs and other pertinent information may not be transferred because of poor or inadequate coordination with the school system (Schrag, 1995). This presents a problem for the correctional facility because resources needed for assessment of such youths typically are not readily available in the facility. A lack of guidelines or written procedures for the exchange of information (e.g., notification of incarceration and exchange of records) interferes with the transition of students into and out of correctional facilities.

Transition of youths from the correctional facility back into school and/or the community is extremely difficult (Leone, 1994). A successful transition to the community requires coordinated efforts of institutional staff, families, probation and aftercare professionals, and educators (Leone et al., 1991a). The availability of integrated support services (e.g., counseling, career planning, and social work services) to improve this transition is limited. Corrections education programs that serve a large region or a whole state are further challenged by interagency coordination because this necessitates working with personnel and procedures from multiple schools and agencies (Markowitz, 1998).

Results for Students with Disabilities in Correctional Facilities

An important part of the discussion regarding students with disabilities in correctional facilities is their academic achievement and transition back into the community. Unfortunately, minimal data are available on results for this population, such as high school completion, postsecondary enrollment, employment, or recidivism. This section summarizes the information that is available.

Data from a variety of sources suggest that students with disabilities in correctional facilities are less likely than other youths with disabilities to complete high school or to make a successful transition from a corrections education program to a community-based school. In Pennsylvania, of the 959 youths with disabilities through age 21 in juvenile and State correctional facilities, 3.1 percent had a high school diploma or GED, compared to 21.7 percent of incarcerated youths without disabilities (N. Heyman, personal communication, April 7, 1998). Of students with

disabilities exiting correctional special education programs in Maryland, 6.4 percent graduated from high school, compared to 64.0 percent of all students with disabilities in the State. A far greater percentage of Maryland's youths with disabilities in correctional facilities reached the maximum age for special education services without completing high school, 83.0 percent (E. Featherstone, personal communication, March 17, 1998.) Incarcerated students with disabilities may also have difficulty with the transition to a community-based high school once they are released. In a Florida study, 25 to 45 percent of incarcerated students with disabilities did not return to a comprehensive public high school after their release (Florida Department of Education, 1995).

Some efforts to improve transition services have shown promise, however. An intermediate school district in Wisconsin developed the Youth Re-entry Specialist (YRS) program. This program employed a trained re-entry specialist to foster the transition of youths with disabilities from correctional facilities to public schools, vocational rehabilitation, vocational education, job training programs, or work programs. An evaluation found that, of white youths *without* YRS services who left the correctional facility school with 5 high school credits, only 13 percent made a successful transition into a special education program and were in a vocational program three months after release. Of white youths with YRS services, 40 percent made a successful transition into special and vocational education. Black males were somewhat more likely than whites to have a successful transition -- 25 percent without YRS services and 60 percent with YRS services (Karcz, 1996).

In a similar effort, the Networking and Evaluation Team (NET) was designed to help local schools and the Washington State Division of Juvenile Rehabilitation coordinate and plan for youths' educational needs as they moved to and from corrections education programs. This was done by building awareness of other agencies' activities, enhancing the transfer of educational records, conducting preplacement planning before youths left correctional facilities, and maintaining communication between community and corrections educators. Available data suggest that the NET model was associated with improved student retention (Webb & Maddox, 1986).

CONCLUSIONS

Efforts have been made to improve corrections education by implementing a national policy for corrections education and developing standards for administration. However, no formalized process has been established for measuring compliance with these standards or for using measures as the basis for certification or accreditation of corrections schools or school systems (Coffey & Gemignani, 1994). Furthermore, no specific standards have been developed for guiding development of corrections special education programs.

State, regional, or national efforts are required to provide standards of best practice and resources for technical assistance. Given the relatively small number of special educators within correctional facilities and the broad scope of their responsibilities, these individuals cannot be expected to design, implement, and evaluate their own special education programs. Rather, this is an area in which State education agency personnel or regional staff might provide assistance and leadership. Technical assistance to correctional facilities could be provided to design educational programs that comply with curriculum standards and graduation requirements, as well as meet the unique needs of the students with disabilities (Florida Department of Education, 1995). Furthermore, coordination among State agencies that work with incarcerated youths could be enhanced through new channels of communication and timely exchange of records.

State and local education agencies may also facilitate transition of incarcerated youths back into the community. A comprehensive transition program requires referral, program placement, and follow-up. Each phase is important in enhancing the odds of a successful transition. Selected studies have shown the benefits of transition services for youths with disabilities moving from correctional facilities to community-based school or work sites.

The professional development needs of the academic staff in correctional facilities are well documented, most specifically in the area of special education (Coffey & Gemignani, 1994; Rutherford et al., 1985). Teachers need specialized training to work with offender populations. Because relatively few prospective teachers enter corrections education, institutions of higher education cannot justify preservice programs geared toward this particular sub-specialty. Consequently, inservice training is essential. A state or regional comprehensive personnel development program that is aligned with State standards is required for enhancing the skills of correctional special educators.

Finally, to better assess the adequacy of corrections special education programs, State and local agencies should consider conducting results-based evaluations of their programs. These evaluations might include data on an array of results for youths with disabilities, including successful transition to community-based education programs, high school completion, mastery of State content standards, postsecondary employment, social adjustment, enrollment in postsecondary education programs, and recidivism. The evaluations could be linked with State standards so evaluation results can be used to inform professional development activities, guide reforms in curriculum and instruction, and generally improve corrections special education programs.

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