

EDJJ NOTES

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In the News

Juvenile Transfers to Criminal Court in Florida Examined

A recent study funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) compared the number of youth transferred from juvenile to criminal court in 1993 and 1995. These years were chosen to assess the effects of legislative changes that occurred in 1994.

In 1994, the Florida legislature passed three provisions broadening state laws concerning transfer of juveniles to criminal court. The first provision allows for criminal court charges to be brought against youth as young as 14. These youth must be charged with one of 14 serious felony offenses.

Second, prosecutors are required, "to file charges directly in criminal court against any juvenile being prosecuted for a new offense who had already been adjudicated delinquent on at least three occasions and for whom three separate residential placements had been previously ordered" (Bishop et al., 2001, p. 1).

Third, a prosecutor must request a waiver for youth with three prior felony delinquency adjudications or adjudications withheld, when one or more included violence against a person or use of a firearm. The judge is required to accept this waiver, unless he/she provides a written explanation.

Researchers note a 20% increase in the number of juveniles referred to the juvenile justice system from 1993 to 1995. However, 7% of the youth were transferred in 1993, compared to 6% in 1995. The limited effect of the legislation could be the result of two issues: (a) slow progress toward implementation by judges and prosecutors; (b) differences in approaches between legislators and judges and prosecutors. Continued data collection and analysis will help identify the long-term effects of these legislative changes.

For full text of study, see Bishop, D. M., Lanza-Kaduce, Frazier, J. D., & Frazier, C. E. (2001). *Juvenile transfer to criminal court in Florida: The 1994 reform* [On-line]. Available: www.ojjdp.org

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About EDJJ

EDJJ is a technical assistance, training, research, and dissemination center designed to develop more effective responses to the needs of youth with disabilities in the juvenile justice system and those at-risk for involvement with the juvenile justice system.

The center is a collaborative project of the University of Maryland, University of Kentucky, Arizona State University, American Institutes for Research, and The Pacer Center.

Research to Practice

Direct Instruction in Corrections

Providing instruction to a diverse group of students challenges teachers in juvenile corrections. Commonly, teachers are faced with students who function on a wide range of academic levels and many who have learning difficulties. Compounding the challenge, recent legislation (i.e., the Individuals with Disabilities Education Act) supports access to the general education curriculum for all students.

One effective method for instructing students with and without disabilities in juvenile corrections is Direct Instruction (DI). Defined as, “the systematic analysis, selection, and sequencing of examples that effectively present generalized rule relationships to students”¹ (p. 22), DI includes six components (pp. 4-5):

1. Explicit strategy instruction (i.e., teaching a strategy that can be generalized to many examples or problems);
2. Mastery learning (i.e., having students reach a criterion before advancing to a new step);
3. Error correction (i.e., immediate teacher correction if a student errs via prompting or repeating the fact);
4. Fading teacher involvement as the student assumes more responsibility for learning the material;
5. Wide range of examples and nonexamples to enhance generalization; and
6. Cumulative reviews of previously learned skills.

DI is just one approach to educating youth in juvenile corrections. However, for students in this setting, and especially those with disabilities, effective teaching practices are critical. Through validated teaching practices students will receive the necessary

support to achieve academic success.

FOR FURTHER READING

For a discussion of using DI with secondary students in mathematics, see Maccini, P. M., & Gagnon, J. C. (2000). Best practices for teaching mathematics to secondary students with special needs. *Focus on Exceptional Children*, 32 (5), 1-22. In the near future, EDJJ will also be disseminating a *Professional Development Series*; a staff development training manual that includes a module on effective practice for teaching students with disabilities in juvenile corrections. Visit our website for updates. [www.edjj.org]

¹ Nelson, C. M., Scott, T. M., & Polsgrove, L. (1999). *Perspective on emotional/behavioral disorders: Assumptions and their implications for education and treatment* (Third CCBD Mini-Library Series Monograph 4). Reston, VA: Council for Children with Behavior Disorders.

Supporting Families

Accessing Educational Services

Identifying and providing services to youth involved in the juvenile justice system can be difficult. Families, surrogates, guardians, and disability advocates can provide important support to incarcerated youth with disabilities. Therefore, it is important that parents and other supporters are prepared to share information with the court and when a youth is first detained.

The Pacer Center has identified several actions that facilitate providing youth with disabilities appropriate services. Parents and advocates should:

- Have copies of the youth’s latest IEP available to the court

- Have information about the youth's diagnosis and any medication that he/she may require
- Have documentation from a professional suggesting the most appropriate interventions
- In the absence of an IEP, the court should be provided with copies of documentation requesting evaluations or special services
- Information can be presented orally at the time the youth is first detained

Clearly, court and detention professionals will be able to make more informed decisions and assure appropriate services for youth with disabilities if provided critical educational, mental health, and medical information.

For more information on support for families and advocating for youth with disabilities, visit the PACER Center website at www.pacer.org

SPOTLIGHT

I believe that the salvation of the African American people lies in education. I want to be a part of that for African American children - Part of that for all children. (Dr. Edna O'Connor)

Dr. O'Connor, the education director at Oak Hill Youth Center, a correctional facility operated by the District of Columbia, has inspired many detained and committed youth that have passed through her school. Two components of Dr. O'Connor's philosophy stand out when observing the school program at Oak Hill: high academic standards and a supportive environment.

The program emphasizes a multisensorial or hands-on approach to education, a rigorous curriculum that is aligned with district standards, and the integration of technology and academics.

Dr. O'Connor notes, *I want hands-on curriculum. I want to be able to touch into every modality.*



The largest factor that determines the curriculum in DC public schools is what they call content standards. These are the objectives that all the students are required to master in different subject areas. I also advocate a curriculum that is rigorous. In other words, I would like to see a curriculum as challenging for these students as I would want to see in any honors or GT program.

In support of these priorities, each class at Oak Hill has the district content standards, daily activities and objectives posted. Also, student math and science projects, writing assignments, and computer-generated work are commonly displayed.

Dr. O'Connor also places a high priority on caring and respectful interactions between students, teachers, and correctional staff. Positive interactions within the school program at Oak Hill are supported by clear and consistent rules and both positive and negative consequences. Much like any school, behavior management is used to provide the structure necessary for students to learn, rather than as an end in itself.

Respect is a difficult trait to quantify. However, the underlying respect at Oak Hill is apparent through such policies as both students and staff referring to each other as "Mr./Miss _____." Dr. O'Connor

successfully communicates her underlying value of caring and respectful interactions to her receptive staff. "My philosophy," she explains, "is that this is students' last chance at life. And I want the staff to feel that they are deciding the life or fate of an individual. So what we have to do, is work as if we are saving their lives and it's either us or no one. And I believe that.

Perhaps the approach at Oak Hill Youth Center, under the guidance of Dr. O'Connor, can best be illustrated through her final statement, *These students are not limited in their ability to achieve and be productive citizens if there is a solid educational program that supports their knowledge acquisition. The staff must be committed and believe that these students are capable of achieving academically and changing their personality or attitudes to make them more successful in the world at large.*

Your Letters

Dear Members of EDJJ,

*My son is currently incarcerated for misbehaving in school. The judge said he broke his probation. I have repeatedly asked for help, but to no avail. I suppose my question is – When a child is incarcerated, what kind of education is the state required to provide? He is in the 9th grade and is currently taking addition and subtraction. He should be in Algebra. Is it true that children have no rights?
Signed, Concerned Mom*

Dear Concerned Mom,

Students with and without disabilities have rights when they are detained or committed. "The state" or facility is responsible for assuring your son is provided an appropriate education. If he has a current IEP, the correctional education program is required to follow the current plan or develop another plan that is appropriate with

your input. If he does not have an IEP, he does still have educational rights. Your lawyer should be able to advise you. You may also want to contact your local parent information and advocacy center (<http://www.taalliance.org/PTIs.htm>) and visit the PACER Center website (www.pacer.org) for other resources.

EDJJ does not provide legal assistance or attorney referrals. This section provides general comments and resources for parents, educators, and corrections employees related to educating juveniles with disabilities.

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