

EDJJ NOTES

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In the News

Immaturity and Juvenile Offenders

Between 1992 and 1997, 45 states passed laws making it easier to transfer juvenile offenders from the juvenile to criminal justice system.¹ The issue of whether juveniles should be treated as adults in the justice system has been widely debated and is the focus of a recent article by Scott and Steinberg (2003). These authors address the issue of immaturity as it relates to youthful offenders and raise the question, “whether, and in what ways, the immaturity of adolescent offenders is relevant to their blameworthiness and to appropriate punishment for their criminal acts” (p. 2).²

The authors discuss several points to answer the research question, including two important issues concerning psychological development of adolescents as they relate to criminal culpability. First, research suggests that typical adolescents exhibit immature judgment and are less competent than adults to make autonomous choices, calculate future consequences, and manage their own behavior. As adolescents move through a process of identity development that requires exploration and experimentation, they may use drugs, engage in unprotected sexual activity, and exhibit criminal conduct. However, such behavior is more commonly a function of a transitory stage than an established criminal identity. As such,

psychological knowledge and research evidence indicates that adolescents are less culpable than adults.

Scott and Steinberg (2003) also note that their support for a model in which immaturity mitigates responsibility for youthful offenders is consistent with criminal law doctrine and practice. They acknowledge that excuse and mitigation are available to those that are very different from others (i.e., those that have a mental disorder) and those ordinary people that are exposed to extraordinary circumstances. Adolescents
(Article continues)

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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.

may be included within both groups. Specifically, compared to adults, adolescents have difficulty with decision-making due to less psycho-social maturity. In this sense, they are different from adult offenders. Additionally, adolescents are more vulnerable to peer influence and other coercive components of their social context (e.g., inability to move from a difficult neighborhood, physical threats for refusing involvement in a crime). This commonality among adolescents supports the assertion that certain high risk behaviors may be within normal parameters for adolescents. Thus, the behaviors could be considered *ordinary*. Yet, the inability to move from a difficult neighborhood, for example, may be considered extraordinary circumstances.

While the authors recognize the importance of protecting society and incapacitating recidivist violent offenders they also assert the need for a framework for understanding mitigating circumstances associated with immaturity versus a completely individualized approach. Unlike youth with identified disabilities (e.g., emotional disturbance, mental retardation) there is greater consistency within the development of adolescents. Thus, the authors support, “A developmentally-informed boundary constraining decision-makers [that] represents a collective pre-commitment to recognize the mitigating character of youth in assigning blame” (p. 38).³ Further, they assert the continued importance of a separate juvenile system that allows youth to develop into productive adults. Lastly, they emphasize the importance of appropriate aftercare services.

¹Snyder, H. N., & Sickmund, M. (1999). Juvenile offenders and victims: 1999 national report. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

^{2, 3}For full text of article, see Scott, E. S., & Steinberg, L. (2003, February). Blaming youth. Texas Law Review, 81 Tex. L Rev. 799.

Mt. McKinley School Reform Efforts

By Lindy Khan

“Children are likely to live up to what you believe of them.”

-Lady Bird Johnson

There are immense barriers to reform in juvenile correctional schools. Short-term enrollments, cognitive distortions, negative behaviors, emotional disturbances, and tremendous skill deficits can certainly diminish a correctional educator’s faith in the potential for making a positive impact. However, great achievements are possible as long as teachers and administrators maintain belief in the potential of every student..

Mt. McKinley School in Martinez, CA is one of two Court Schools run by the Contra Costa County Office of Education. It is located in Juvenile Hall and two residential treatment programs – Summit Center and Chris Adams Girls Center. The journey towards school reform at Mt. McKinley School began six years ago and the staff has embraced many new challenges along the way. Just as with our students, some of the instructional staff welcomed these challenges as opportunities, while others exercised great effort to block any change. Four key components have been necessary to improve the school: (a) use of initial and continuous assessment; (b) block scheduling; (c) standards-based curriculum development; and (d) recognition of student progress.

All students in the Court Schools begin in Juvenile Hall. Since they arrive suddenly and do not typically bring their educational records, the first question was, “How can one design a meaningful instructional program without any information regarding the students’ needs or strengths?” This

apparent void prompted the design and implementation of the Assessment Center.

There are four goals for the Assessment Center: (a) gather information regarding the students' academic levels, learning styles, and behavioral information to share with the student and instructional staff; (b) provide a safe place for students to become oriented to the facility, the school, procedures, and policies; (c) determine a baseline of data to measure academic growth; and (d) gather data regarding the student population to inform curriculum and other program planning decisions.

The development of the Assessment Center was completed with relative ease and has become a significant foundation for program improvement. While the initial goals remain, some have been added and the processes are continually refined to accommodate changing program and/or student needs. Currently, all students entering the facility are pretested within one week and post tests are administered at regular 6-, 9-, and 12-week intervals.

The second step of reform proved to be one of the most daunting challenges. Aside from a few self-contained classes, the previous schedule included six periods each day and students had six different teachers. Each period was scheduled for 40 – 45 minutes. However, given the movement of students to and from class, the instructional time was actually closer to 30 – 35 minutes per class. This was hardly sufficient time to engage students in meaningful instruction.

Additionally, since each student had six teachers, no teacher was specifically responsible for any particular student. This was not an effective model to foster learning or accountability. Thus, a modified block schedule with 90-minute instructional periods, and designated homeroom teachers, was adopted.

Changing the school schedule was controversial. The process took two years of

staff training and discussion, and three draft models prior to its first implementation. However, as with most changes, the anticipation generated far greater anxiety than the reality of a new block schedule. Continued challenges remain for teachers to plan a variety of activities within the block to ensure student involvement. However, the benefit is the opportunity to provide more meaningful, in-depth instruction and practice activities.

Once the schedule was adjusted, the staff began to focus on curriculum. Statewide content standards had been adopted, and staff spent considerable time developing a manageable method of incorporating standards in multi-age, multi-grade and multi-level classrooms. One thing was clear – the priority was language arts and that would be our starting point.

Fortunately, staff participated in training with Brother Steve Johnson from Santa Clara University regarding the nature of correctional educators and characteristics of students in Court Schools. At the same time, he was applying his tremendous expertise towards the development of a comprehensive curriculum to teach the 8th, 9th and 10th grade language arts standards through literature, while promoting core values, such as respect, responsibility, and integrity.

Through acquisition of a grant from the Walter S. Johnson Foundation, initial training on the implementation of this curriculum was provided free of charge. Also, there is on-going training including workshops and on-site coaching.

The curriculum is organized into 6 two-month units focused on a value theme and specific language arts standards. Teachers develop lesson plans to teach the standards and promote the core concepts based on an extensive reading list of novels, short stories, poems, and plays. A vast array of instructional strategies are introduced and

reviewed in the trainings, and they are typically selected due to their ability to tap into student strengths in auditory and visual tasks.

A standardized, school-wide curriculum adopted for language arts in a Court School? As expected, there was a great deal of resistance at first. Again, tremendous anxiety prevailed with numerous reasons to delay implementation. However, books were selected and all were encouraged to just get started and try one new strategy.

The students' response to the new language arts curriculum was an unexpected, yet very pleasant surprise. They became truly immersed in the stories. Students were excited about reading complete novels - many for the very first time. They frequently engaged in meaningful discussions about choices, decision-making and real-life issues. These conversations began safely in the context of characters from the stories, but soon moved on to incorporate the real challenges students confront. Their positive involvement spurred teacher enthusiasm and eventually this became the primary topic of conversation in the school office.

The introduction of award ceremonies was the fourth key component along a consistent continuum of change leading towards effective school reform. At the 7th Mt. McKinley Awards Ceremony in February of this year, 2 high school graduates were honored and 61 certificates of achievement in reading and math and 15 certificates of achievement in writing were awarded. Since the first ceremony was held about a year ago, there have been 8 high school graduates, 26 students recognized for completing their GED, and 491 certificates awarded to students for demonstrating learning gains in either reading or math.

There is great power in raising the expectations and believing in the potential of our troubled youth. And, there is a lot more work to be done.

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Research to Practice

Grouping for Instruction

This is Part 1 of a two-part series on promoting positive student interaction and academic achievement through student grouping

Many juvenile correctional classrooms look the same to an outside observer; students sit quietly and complete individual assignment with a textbook and a worksheet or paper. In this setting, there is typically little or no student interaction and rarely any enthusiasm toward the assignments. The wide range of student abilities within a single class may justify this approach to some correctional educators. However, other methods do exist that address individual student needs, yet also provide an opportunity for instruction and structured peer interaction.

Promoting positive prosocial behavior among detained and committed youth requires structured opportunities for peer interactions. The classroom is an excellent forum for this interaction because students can work together toward a common academic goal. One effective approach to promoting positive student interaction and active learning is reciprocal peer tutoring.¹ Within this approach, students work on flashcards that are based on their individual levels. First, the peer teacher presents the flash card to the other student. On the back of the flashcard (and in view of the tutor) is the answer and a strategy for solving the problem. The student completes problem on a worksheet that is divided into three sections (i.e., Try #1, Try #2, Try #3). If the student is correct, the peer teacher praises

him/her and presents the next problem. However, if the student is wrong, the peer teacher provides structured help using the strategy listed on back of card. For example, the peer teacher may provide a list of steps necessary to solve the problem. The student attempts the problem again in the *Try #2* section of the paper. If the problem is still incorrect, the peer teacher completes the problem and explains the procedure in a separate *Help* section of the worksheet. The student makes one more attempt to solve problem in the *Try #3* section. If the student has continued difficulty, the peer teacher is encouraged to obtain additional assistance from the teacher. This procedure continues with various problems for 10 minutes (although teachers may want to vary the length of time), at which point the students change roles. Following the tutoring session, both students take a quiz on the information and grade each other's quizzes using an answer sheet. Using their quiz scores, students compare their team score with their team goal. If the score exceeds the team goal, then the students score a point for that day. After a certain number of points, the team may earn a reward

A similar process can be used for student writing assignments. In reciprocal peer revising,² the teacher should introduce a peer editing strategy, share its importance, teach the steps and rationale for each step, model the steps, and provide practice. Once students have an understanding and some experience with the process, peer revising may be implemented. In the first step, the peer editor listens and reads along as the peer author reads his/her writing. The peer editor then summarizes the main idea of the piece and tells the author which part he/she liked best. The next task for the peer editor is to reread the paper and take notes on the extent to which the material is clear and provides enough detail. Finally, the editor discusses any suggestions with author. Once

the process is completed, the students switch roles.

These examples provide just a few approaches to fostering positive student interaction through peer tutoring. The focus on academics and structure of peer tutoring provides students with the necessary support for a positive social and academic experience. Particularly important, is the organization of specific behavioral expectations during peer tutoring. For example, note that positive statements toward peers are included as specific steps in the process. Structured peer tutoring is one effective approach to increasing student achievement, enthusiasm toward academic tasks, and promoting positive peer interactions within classes for detained and committed youth in juvenile corrections.

¹Olson, J. L., & Platt, J. M. (2000). *Teaching children and adolescents with special needs* (3rd ed.). Upper Saddle River, NJ: Merrill.

³MacArthur, C. A., Schwartz, S. S., & Graham, S. (1991). Effects of a Reciprocal Peer Revision Strategy in Special Education Classrooms. *Learning Disabilities Research & Practice, 6*(4) p. 201-210.

Supporting Parents of Youth with Mental Health Problems

By Lili Garfinkel

More than half of youth who enter the juvenile justice system have one or more mental health problems.¹ Many of these youth and their families have experienced difficulties, such as school failure and inadequate or inconsistent mental health treatment. In addition, they may interact with professionals who believe that the child and/ or the parent is the problem. Additionally, as the juvenile justice system has become *the* mental health provider where no other system will step in, parents have become even more marginalized.

Interventions for juvenile offenders that integrate parent or surrogates in planning, information sharing, and decision-making can be successful. However, most juvenile court and corrections professionals acknowledge that they have been unsuccessful in making these vital connections.

Advocates for youth with disabilities in the juvenile justice system cite fear, frustration and isolation as typical of families' interactions with judges, public defenders, probation officers, and other corrections professionals. Additional barriers to family involvement for a youth in the corrections system are considerable. Here are just a few:

- Juvenile court takes place during the day, when many parents cannot take time off from work. When parents do come, they may be asked to appear in court at a certain hour, yet wait for hours before their case is called.
- Many parents have no access to transportation and childcare for younger siblings, so attendance at court is problematic. Others have difficulty reading or understanding the notices sent by the court and these notices may not arrive in a timely manner.
- Public defenders represent the child, and often have neither the time nor obligation to interact with parents.
- When a child is arrested and charged, his/her parents may be overwhelmed with fear and anxiety about what will happen to their son or daughter. To add to their fear, many parents do not understand the court process. Parents may not understand how and when to share vital information with the court about their child's mental health, educational needs, school experiences, or their child's strengths.
- Parents are commonly uninformed about the child's rights, and unknowingly look

on as their children sign documents or answer questions that are incriminating.

In those cases where families of origin have not been available to their child, efforts are rarely made to appoint legal guardians or surrogates. These advocates are important to assist the youth in addressing the complexities of the court process or accessing services to which he/she is entitled under federal law.

Why Involve Parents and Families?

Despite these barriers, it is essential that parents and families maintain involvement throughout the process. Benefits of familial involvement include:

- Families have a wealth of information about their child. When a youth has a disability, parents may provide insight into the impact of the youth's disability.
- Families of youth in the justice system can share information about what interventions have been successful and those that have not. This will result in the development of more appropriate and well-crafted responses to student academic issues and problem behaviors.
- When family participation is valued and respected, the information they bring can reinforce the efforts made by the correctional staff.
- Reintegration into the community is most successful when the family is involved in the transition plan. Parent support is needed to reinforce mental health and behavioral programs and assist the child in maintaining gains in these areas. Families will be part of the youth's life long after the professional's role has ended.

How Professionals Can Help

- Listen to parents and avoid judgmental statements.
- Acknowledge parents' fear, anger, and frustration and refer them to advocates from parent organizations, disability organizations and other resources.

- When a youth is placed out of the home, use teleconferencing, faxing, and other technologies, so parents may maintain ties to their child and the program staff.
- Let parents know the rules and routines of the program to which their child is sent.
- Stay in touch with families and answer their questions openly and honestly.
- Seek private funding to enable families to visit their child on a regular basis. Consider providing transportation, a light meal, or child care and make visits an opportunity for families to discuss strategies for helping themselves and their child.
- Become informed about the child's rights under the Individuals with Disabilities Education Act (IDEA) and the American's with Disabilities Act, so that you can assist parents during interactions with the school district.

¹ABT Associates, Inc. (1994). *Conditions of confinement: Juvenile detention and correctional facilities*. Washington DC: Office of Juvenile Justice and Delinquency Prevention; Shelton, D. (1998). *Estimates of emotional disorder in detained and committed youth in the Maryland juvenile justice system*. Report to the Maryland Juvenile Justice Advisory Council.

Book Review: Legacy of the Blue Heron: Living With Learning Disabilities¹

Reviewed by: Mary H. Adkins

Many incarcerated youth with disabilities have painful memories of public school. In *Legacy of the Blue Heron*, Harry Sylvester shares his experience as a student with an unidentified learning disability (LD) in Maine. In the introduction Sylvester compares himself to the blue heron. He recounts a time as a young boy when he

strikes one with a rock in the head and it dies. He explains that growing up in a farming community, people viewed blue herons as useless animals. During the course of his life, however, Sylvester comes to see the beauty in this animal. Just as the blue heron is misunderstood and spends its life trying to go unnoticed and steer clear of trouble, so has Sylvester.

Sylvester begins *Legacy* with a heartbreaking and emotional account of his childhood school failures and embarrassments. He states, "I am 68 years old, and when I look back over 60 years to my first schooling, it still hurts". He relates that during the first grade, his inability to complete a reading assignment caused his teacher to keep him in during recess. When this didn't make him a better reader, he spent many hours standing in the hallway, missing out on valuable instructional time. Perhaps even more upsetting is a story Sylvester shares about fifth grade, when he recognized his teacher's disgust with him for the quality of work completed.

While his trouble with reading and writing continued through high school and college, Sylvester found great success in math and science. He was the best in his class in physics and chemistry.

As an undergraduate at the University of Maine he tutored others in algebra and trigonometry. This confused his teachers who again attributed his lack of success in English to his poor effort. This attitude from educators, employers, and colleagues is a theme throughout the book.

Sylvester tried countless times to explain his difficulties in language, yet his teachers failed him in English without trying to understand why he struggled or offering remediation. His worst experience occurred in college when a teacher put his essay on the board for other students to read. While she did not name him, she said the person who wrote the essay had no business being

in college. It is astounding that he graduated after enduring such humiliation.

Yet, Sylvester did succeed against the prejudicial view that his failure was due to his own lack of effort or attention. In fact, Sylvester became a very successful mechanical engineer and eventually ran his own boat building business. Even in these successes, Sylvester admits to finding ways to hide his disabilities. He resigned from jobs or sidestepped promotions to avoid the difficult language aspects required. Not until he began his own business did Sylvester realize he was not alone.

In his early 50's Sylvester discovered that he wasn't the only adult who struggled with language. His wish to learn more led Sylvester to organizations that dealt with learning disabilities, such as the International Dyslexia Association (IDA) and the Learning Disabilities Association of America (LDA). Sylvester describes his journey of enlightenment with these organizations and how, after many years of service, he became the first President of LDA with a learning disability.

Once Sylvester understood how his learning disabilities affected his life, he began to get involved with many groups to explore solutions for effectively educating students with LD. He used his own experiences, work as a counselor, and the 10 years he spent teaching mechanics and engineering in a juvenile facility as the basis for many of his recommendations.

Sylvester does not pretend to know all the answers, but in *Legacy* he offers many viable approaches to assisting students with LD. Sylvester offers these solutions to better the lives of all individuals with LD. His brave account of a life lived with LD is one that should not be missed.

¹Sylvester, H. (2002). *Legacy of the blue heron: Living with learning disabilities*. Farmington, ME: Oxtan House Publishers.

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