



UNITED STATES DEPARTMENT OF JUSTICE
UNITED STATES DEPARTMENT OF EDUCATION



June 9, 2014

Dear Chief State School Officers and State Attorneys General:

For youth who come into contact with our juvenile justice systems, it is imperative that they obtain the skills and competencies necessary for a smooth transition back into their communities. The academic and career outcomes of our youth in confinement make clear, however, that most have not received the supports and services necessary for their success. Thus, in recent years, the U.S. Departments of Education (ED) and Justice (DOJ) have partnered to promote improved supports for adults and juveniles who are, or who have been, in confinement. In an effort to encourage both juvenile justice and educational agencies to strengthen educational services for these youth, we are pleased to share our latest efforts to clarify the approaches and practices that are needed to appropriately serve these youth.

While incarcerated youth, many of whom are students with disabilities, are among those in greatest need of academic, emotional, and behavioral supports, they often lack access to high-quality educational services. A significant number of these youth are below grade level in both reading and mathematics at the time they enter correctional facilities, and few make meaningful educational progress during their confinement. During the 2011-2012 school year, only 47 percent of the youth served by ED's Title I, Part D program who were between the ages of 13 and 21 in juvenile correctional facilities (for an average stay of 4 months) earned high school course credits. Moreover, among those aged 14-21, only 8.2 percent of the youth were enrolled in a General Educational Development (GED) program, and only 6.6 percent earned a GED or obtained a high school diploma. For more information about the Title I, Part D data, please see http://www.neglected-delinquent.org/sites/default/files/NDTAC_Ann_Perf_2011-12_2_508.pdf.

To address the educational challenges faced by these youth, ED and DOJ are working together to help communities reduce the number of youth entering the justice system and to ensure that those who have entered the system return to their communities with dignity, skills, and viable educational and employment opportunities. A number of notable actions reflect our recent and ongoing commitment to these goals:

- In 2014, ED and DOJ jointly released a *School Discipline Guidance Package* to (a) clarify schools' civil rights obligation to not discriminate on the basis of race, color, or national origin in the administration of school discipline, and (b) provide a set of principles to help schools improve school climate and discipline practice. (Please see www.ed.gov/school-discipline.)
- In 2014, ED released the results of the 2011-2012 Civil Rights Data Collection, which includes school discipline data from every school in the country and certain juvenile justice facilities (including long-term secure facilities), and announced plans for future collection of juvenile justice data regarding facility type, school year length, educational

program duration, and the number of students participating in the educational program for varying lengths of time.

- ED and DOJ have engaged with various philanthropies to commission a School Discipline Consensus Project, led by the Council of State Governments, to bring together practitioners from the fields of education, juvenile justice, behavioral health, and law enforcement, to develop recommendations to address the school-to-prison pipeline, including recommendations for strengthening services to youth in confinement. (See <http://csgjusticecenter.org/youth/school-discipline-consensus-report/>.)
- DOJ sponsored a 2013 National Academy of Sciences report, *Reforming Juvenile Justice: A Developmental Approach*, which clarified that the harsh, punitive practices that characterize most juvenile facilities do not meet the developmental needs of the youth in their care and often interrupt the provision of effective correctional education.
- In 2012, ED published *A Reentry Education Model*, which outlined strategies designed to meet the educational needs of adults in, and returning from, correctional confinement that are currently in use by several demonstration projects, funded by DOJ and administered by ED (see <http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/reentry-model.pdf>). ED is also planning to make a new round of correctional education grants to help develop evidence of effectiveness in a variety of institutional contexts. ED and DOJ are also developing a pilot youth aftercare/reentry education model for use in several sites in 2015.
- ED funded three model demonstration projects in 2012 to improve the reentry of youth with disabilities from juvenile justice facilities into education, employment, and community programs.

While it is imperative that communities strengthen school, family, and community supports to prevent youth from having any contact with the justice system in the first place, educational and juvenile justice agencies must also ensure that youth who are already confined receive the services they need to meet their educational goals, obtain employment, and avoid recidivism. ED and DOJ both administer programs to support improved educational services in juvenile justice facilities. ED administers the Title I, Part D State agency and local education agency programs under the Elementary and Secondary Education Act of 1965, as amended, which provide youth in confinement with increased access to educational services. These programs also support the provision of reentry services for youth returning from confinement. During the 2011–2012 school year, ED-funded programs helped to provide educational services to over 187,474 youth in juvenile detention facilities, and nearly 60,000 youth in juvenile correctional facilities (see http://www.neglected-delinquent.org/sites/default/files/NDTAC_Ann_Perf_2011-12_2_508.pdf). States may also use DOJ funding for aftercare/reentry and education programs through its formula grant appropriations. DOJ has used its Second Chance Act funds to support comprehensive educational programs in juvenile facilities to help participants obtain a high school diploma, its recognized equivalent, a vocational certificate, or a postsecondary degree or credential.

It is also important to note that, with regard to students with disabilities, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 (as amended) obligate specific public agencies, in certain instances, to provide educational services to eligible youth in confinement. In addition,

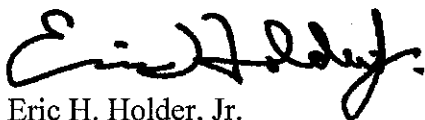
Title VI of the Civil Rights Act of 1964 requires facilities to provide services to English language learners to ensure that they can fully participate in educational programs.

To strengthen educational services for youth in confinement, we are engaging with communities and practitioners to develop a set of overarching characteristics for providing high-quality educational services for youth in long-term secure care facilities. We will focus on the following characteristics in a forthcoming joint resource guide that will include core activities related to each characteristic and offer additional information to aid implementation:

- 1) A safe, healthy facility-wide climate that prioritizes education, provides the conditions for learning, and encourages the necessary behavioral and social support services that address the individual needs of all youth, including youth with disabilities and English learners.
- 2) Necessary funding to support educational opportunities for all youth within long-term secure care facilities, including youth with disabilities and English learners, comparable to opportunities for peers who are not system-involved.
- 3) Recruitment, employment, and retention of qualified educational staff with skills relevant to juvenile justice settings who can positively impact long-term student outcomes through demonstrated abilities to create and sustain effective teaching and learning environments.
- 4) Rigorous and relevant curricula aligned with State academic and career/technical standards that utilize instructional methods, tools, materials, and practices that promote college and career readiness.
- 5) Formal processes and procedures – through statute, memoranda of understanding, and practice – that ensure successful, navigable transitions across multiple child-serving systems, and smooth reentry into communities.

We look forward to collaborating with you to implement these principles so that we can provide all youth, across the country, with high-quality educational services.

Sincerely,



Eric H. Holder, Jr.
Attorney General
of the United States



Arne Duncan
Secretary of Education

cc: ESEA Title I, Part D State Directors; State Directors of Special Education; Office of Juvenile Justice and Delinquency Prevention State Program Managers; Second Chance Act Project Directors; State Planning Agency Directors; State Advisory Group Chairs; Juvenile Justice Specialists