

ALTERNATIVE EDUCATION

Alternative Education Overview: Disabilities and Alternative Education

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~ Introduction, Session 2~ Lecture Notes

Objective: Students will gain insight into the overrepresentation of youth with disabilities in alternative education settings and what is being done to serve this population.

Intro: Students with disabilities comprise a large percentage of students in alternative education. Since there are numerous alternative educational environments calculating a percentage of youth with disabilities in these settings remains a challenge. However, as noted below, approximately 30-50 percent of incarcerated youth have disabilities. Using this percentage as a rule of thumb, one can wager that the percentage will be around the same for less restricted environments such as continuation or community schools. In the aforementioned alternative education settings formal Individualized Education Plans (IEPs) and other records may or may not be available, therefore services are compromised.

Sometimes students who attend continuation or community schools prefer that their special education status not be identified making it difficult to track and record numbers of special needs students served in these settings. Similarly, school records for incarcerated youth may not be easily accessible due to a host of competing factors such as relocating wards to facilities far away from their home county or school. However, if one asks a teacher in these settings if most of the students they are working with have special needs they invariably answer affirmatively. If you follow the previous question with a query about their preparation, they will tell you they are woefully unprepared to deal with the exigencies of these students' needs.

Preparing well-trained teachers in alternative education continues to present formidable obstacles. San Jose State University in California through federal dollars offered special education certification for teachers working with **all** alternative education students. The thought behind this innovative program was to

prepare teachers to deal directly with students who often are credit deficient, lack social skills, read two to five grades below grade level, and have intense emotional needs. Training in special education is a match for students formally or informally identified as having learning challenges. Certification requirements nationwide lack attention to this growing population of students.

Let's take a look at some research on youth with disabilities in juvenile correctional facilities compiled by the Center for Education, Delinquency, and Juvenile Justice and by authors Mary Quinn, Robert Rutherford, and Peter Leone in order to comprehend the scope of the problem. As a follow up, promising educational practices will be noted. Promising practices for the four alternative education settings are clearly spelled out in the following sessions

Youth with Disabilities are Over-represented in Juvenile Corrections

Approximately 10 percent of youth are identified as disabled and in need of special education by public school systems nationally. In contrast, 30 to 50 percent of incarcerated youth have disabilities (Casey & Keilitz, 1990; Murphy, 1986). In other words, the prevalence of youth with disabilities is three to five times greater in juvenile corrections than in public school populations. This troubling phenomenon, called overrepresentation or disproportionate representation, occurs most frequently among incarcerated youth with emotional or behavioral disorders (EBD), attention deficit hyperactivity disorder (ADHD), learning disabilities (LD), and mild mental retardation (MR) (Rutherford, Bullis, Anderson, & Griller, 2000). These disabilities often occur together. Other disabilities including traumatic brain injury and speech and language disorders are found among incarcerated youth but are less common.

Establishing actual prevalence rates for disabling conditions in juvenile corrections is difficult and the reasons for overrepresentation of youth with disabilities in correctional settings are complex. There have been no recent, large-scale, representative studies of the prevalence of disabilities in the juvenile justice system. Access to records and differences in assessment practices in various jurisdictions are among the formidable barriers to confirming prevalence within juvenile corrections.

Disabling conditions do not cause delinquent behavior. However, some behaviors associated with disability may also be associated with delinquent behavior. Researchers and advocates have advanced various understandings about the link between disability and delinquency. Some suggest that youth with disabilities may be

more susceptible to engaging in delinquent behavior than their non-disabled peers. Others propose that child-serving agencies are more likely to identify youth with disabilities as delinquent and to refer them to the juvenile justice system. Regardless of the specific approach, the overrepresentation of youth with disabilities in correctional facilities is consistently associated with school failure, marginal literacy, poorly developed social skills, and inadequate school and community supports (Rutherford, Nelson, & Wolford, 1986; Leone & Meisel, 1997).

Problems implementing quality academic programs within juvenile corrections are frequently associated both with characteristics of incarcerated youth, and with the operation of the facilities themselves. Youth enter correctional settings with skill deficits, behavior problems, and substance abuse issues that present difficulties in educational programming. At the same time, juvenile correctional institutions often have limited capacity to support appropriate educational interventions for the youth confined to their care and custody. Major systemic impediments include overcrowding, insufficient fiscal resources, ineffective governance structures, isolation of correctional schools from education reform practices and from public schools, inadequate transition and aftercare services, and lack of collaboration with treatment and security components within the juvenile facility.

Special Education in Juvenile Corrections

Although incarcerated youth eligible for special education services are entitled to the same substantive and procedural rights afforded to youth in public schools, correctional facilities have been slow to respond to the requirements of the Individuals with Disabilities Education Act (IDEA), Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and other applicable laws. In the twenty-five years since the passage of the IDEA, the predominant concern in public schools has shifted from providing access to special education services to ensuring quality outcomes for youth with disabilities. In contrast, providing basic access to adequate special education services continues to be problematic in many juvenile correctional facilities, for several reasons.

Special education services in juvenile corrections are implemented in the larger context of general academic and vocational programs. Moreover, juvenile correctional education programs may fail to adequately educate youth with disabilities when they lack effective processes to screen, evaluate, and identify youth for special education; implement instructional strategies to address learning or behavioral problems; involve parents, guardians, or surrogates;

implement appropriate instructional strategies to address learning or behavioral problems; and organize transition services for youth released to the community. In addition, accommodations for youth with disabilities are not always implemented in the school. Youth with disabilities who do not receive appropriate special education and related services may be more vulnerable to exclusion from school for alleged disciplinary infractions in the correctional education program and within the larger institution.

Students with Disabilities in Correctional Facilities

The following article by Quinn, Rutherford, & Leone corroborate the findings by the National Center on Education, Disability, & Juvenile Justice (EDJJ) in their 2002 publication entitled *Youth with Disabilities are Over-represented in Juvenile Corrections*.

The most notably disturbing finding is the lack of educational opportunities for students with disabilities in correctional facilities and the lack of trained special education teachers.

Youth with disabling conditions are overrepresented in juvenile correctional facilities (Burrell & Warboys, 2000). Many special educators, parents, and advocates are interested in ensuring that these youth receive the education and related services to which they are entitled under federal and state statutes. Until recently, however, the nature and extent of overrepresentation, the educational services provided, and the credentials of teachers in juvenile corrections have not been adequately examined.

The Center for Effective Collaboration and Practice, in collaboration with the National Center on Education, Disability and Juvenile Justice (CECP/EDJJ), recently completed a national survey of the prevalence of youth with disabilities in juvenile detention, and in juvenile and adult correctional facilities in the United States. Preliminary analysis of findings from the survey of public and private facilities and state agencies sheds light on the status of education services to youth with disabilities in juvenile detention, and in juvenile and adult correctional facilities (Quinn, Rutherford, Wolford, Leone, & Nelson, 2001). This digest presents the survey's major findings on the prevalence of students with disabilities in correctional facilities and the educational and related services offered to them.

Prevalence

In the mid 1980s, Rutherford, Nelson, and Wolford (1985) conducted a national survey of state special education and correctional education agencies to determine the need for, and provision of, special education services to incarcerated youth with

disabilities. Rutherford and his colleagues found that youth with disabilities were substantially overrepresented in the juvenile justice system. Casey and Keilitz (1990) conducted a meta-analysis of studies of the prevalence of youth with learning disabilities and mental retardation in juvenile corrections and found that students with learning disabilities and mental retardation were overrepresented (average weighted prevalence estimates were 35.6 % and 12.6%, respectively). More recent studies have also found disproportionate representation in juvenile corrections (e.g., Bullock & McArthur, 1994).

While the mechanisms associated with overrepresentation are not well understood, some evidence suggests that police officers, attorneys, judges, corrections staff, and probation officers are typically unaware of characteristics associated with youths' disabilities (Keilitz & Dunivant, 1986). That is, youth may be more vulnerable to involvement in the juvenile or criminal justice system when poorly developed reasoning ability, inappropriate affect, and inattention are misinterpreted by professionals as hostility, lack of cooperation, and other inappropriate responses.

A conservative, preliminary estimate of the prevalence of youth with disabling conditions in juvenile corrections is 32%. This finding is notably higher than the prevalence of disabilities among school-age children in the United States, which is about 9% (U.S. Department of Education, 2000).

The results of this survey suggest that youth with a specific learning disability or an emotional disturbance are more vulnerable to placement in juvenile or adult corrections than youth not identified as disabled. The survey found that 46% of youth with a disability in corrections had a primary diagnosis of specific learning disability and 45% were identified with an emotional disturbance.

This phenomenon has several implications. First, local schools and communities must recognize that youth placed at risk for involvement in the juvenile justice system, including students with disabilities, must receive support and preventative services to minimize their vulnerability. Early identification of youth placed at risk can lower the odds of incarceration and assist youth, their families, and their communities in developing more productive relationships and experiences. In addition to prevention, community-based services in lieu of incarceration can provide appropriate sanctions for youth while avoiding the negative outcomes associated with imprisonment. With daily costs as high as \$200 to \$500 per day for youth placed in juvenile corrections, financial incentives to develop alternatives should exist (South

Dakota Department of Corrections, 2001).

Educational Programs and Related Services

In their 1985 survey, Rutherford, Nelson, and Wolford found that although services offered in most states varied widely, not all youth with disabilities in juvenile corrections were receiving the special education services to which they were entitled. Findings from the current CEC/EDJJ survey indicate that most juveniles who are detained or incarcerated are enrolled in an educational program, with the type of facility affecting the availability of education. Respondents reported that

The finding that only 29% of juveniles in adult corrections facilities were enrolled in education programs is disturbing, particularly as states have increased the number and percentage of youth transferred from juvenile to criminal courts and from juvenile to adult correctional facilities (Juszkiewicz, 2000). This finding may also confirm the difficulty that adult correctional facilities have had in providing educational services, especially to youth with disabilities.

Most facilities reported that they had procedures in place to determine whether incarcerated youth were eligible for special education and related services. While 89% of juvenile and adult correctional facilities reported procedures for identification and placement, only 73% of the local detention facilities had procedures in place. Within the 27% of local detention facilities lacking these procedures are approximately 3,400 youth.

The CEC/EDJJ survey found variability in the credentials of teachers serving special education students in juvenile and adult correctional facilities, as well as in the related services students received. Facilities reported that only 17% of their teachers were fully certified to teach special education. Of the related services offered to detained or incarcerated youth, counseling and speech and language services were the most prevalent. For all types of facilities, about 60% offered related services for counseling; 34% for speech and language services; 21% for occupational therapy; and 39% for other types of services.

These findings imply that correctional facilities need to develop programs and services that meet statutory requirements. The Individuals with Disabilities Education Act (IDEA) entitles eligible youth to special education services in juvenile and adult corrections, with some limitations. Similarly, Title II of the Americans with Disabilities Act (ADA) requires that public entities, including detention facilities and prisons, provide accommodations

in programs and services for individuals with disabilities. However, the record of class action litigation during the past 20 years in this area suggests that in many jurisdictions, correctional facilities have provided inadequate services until they were sued (Leone & Meisel, 1997). Providing adequate services to youth in corrections involves communicating with the home school, developing effective screening and assessment procedures, and providing quality special education and related services.

- Clearly, more research is needed to understand the impact of disability on delinquent behavior. Currently, a number of hypothesized relationships exist but empirical evidence is scarce. Further, information about the adequacy of education services for youth with disabilities in correctional settings is limited to a description of compliance with statutory requirements and not a review of the implementation of empirically based instructional practices and outcomes for youth.

The overrepresentation of youth with disabilities in corrections raises questions for policymakers and the public. Alternatives to incarceration and more widely available prevention services can reduce the number of youth with disabilities in juvenile and adult correctional institutions.

Students with Disabilities in Correctional Facilities

Authors: Mary M. Quinn, Robert B. Rutherford, Jr., and Peter E. Leone, December 2001 ERIC EC Digest #E621

Promising Practices and Needs

Promising practices for youth with special education needs in alternative and correctional settings involve:

- communicating with the home school, district or state to obtain records to ensure seamless delivery of services,
- developing effective screening and assessment procedures,
- providing sustained curriculum and instruction,
- meeting the IEP goals and objectives,
- obtaining the necessary resources to deliver instruction in the core general education, core curriculum,
- ensuring that special needs students in alternative education environments receive instruction from a qualified special education teacher,
- providing quality special education (administrative support) and related services,
- ensuring that transition from school to work plans are in place,

- helping students obtain gainful employment through vocational training, and
- teaching social and survival skills in order to reduce recidivism.

Reflections/Activities:

- San Jose State University's website encourages individuals interested to explore the interface of special education in alternative education environments. Review the website and determine one area that is of interest to you and how it responds to the need of quality special education services in alternative education. Write a 1-3-page summary of your review. alternativeed.sjsu.edu
- Read one of the three attached articles and write a one-page reaction paper. Include on thoughtful question at the end for your instructor to respond to.
- Respond to this question: Given the prevalence of special education students in correctional facilities, do you think that special education certification in correctional facilities should be mandatory? Why or why not?

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