If one deliberately set out to construct an underclass, an especially effective method would be to inflict ignorance, even illiteracy, on an already-disadvantaged population. Education privation is also an excellent way to make a person feel fungible and insignificant. It is a formula for subtracting self-esteem and substituting the disdain of others.\(^1\)

There has long been a connection between education and incarceration; an individual who experiences failure within the education system is more likely to engage in delinquency or crime.\(^2\) “[E]ducation is the most cost-effective crime prevention program available, and . . . studies confirm that investment in prisoner education more than pays for itself.”\(^3\)

One can infer that as education decreases, crime can be expected to increase.\(^4\) “There is a demonstrated correlation between the lack of secondary education and criminal behavior, a connection aggravated by expulsions that produce unsupervised free time, bleak future prospects, and feelings of unjust treatment.”\(^5\) Despite the evidence of the impact that education has on youth in the criminal justice system, or those at risk to enter the system, many states do not

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1. Eric Blumenson & Eva S. Nilsen, How to Construct a Underclass, or How the War on Drugs Became a War on Educ., 6 J. GENDER RACE & JUST. 61, 75-76 (2002).
5. Blumenson & Nilsen, supra note 1, at 78.
provide enough funding to meet even the minimum requirements of federal statutes and constitutional guarantees with respect to free public education.\(^6\)

Studies have shown that confined youth who participate in educational and vocational training programs have a lower risk of recidivism; therefore, educational programming should be at the forefront of delinquency treatment and rehabilitation.\(^7\)

Statistics support the connection between a lack of education and delinquency, which contributes to a class disparity in the criminal justice system.\(^8\) “[I]n federal court, only 30.5% of [people] with less than a high school diploma were released prior to trial, while 77% of defendants with a college degree were released.”\(^9\)

Ensuring quality education for juveniles, especially at risk juveniles, is vital because a lack of education is a predominant characteristic among offenders.\(^10\) There needs to be a focus on education within the system in order to transition juvenile offenders into programs that provide them with the necessary skills to return to state education programs upon their release.\(^11\) Additionally, collaboration between juvenile justice officials and school officials is necessary to ensure the success of these programs because the challenges faced by each group are not mutually exclusive.\(^12\)

“When research is available, it collectively shows that, rather than receiving collaborative care from multiple systems, the needs of these youths are often neglected as a result of dividing lines between the educational system, behavioral health systems, the child welfare system, and the juvenile justice system.”\(^13\)

Juveniles are held to different standards, both in the criminal and civil context, because juveniles are much more likely to be successfully rehabilitated than


\(^7\) Id. at 1081-82.

\(^8\) Id.


\(^12\) Id. at 12.

adult offenders.\textsuperscript{14} Civilly, courts have acknowledged that juveniles are different from adults and tailor their opinions accordingly.\textsuperscript{15} For example, in abortion cases, juveniles may have to obtain parental consent or receive a judicial bypass to forego consent.\textsuperscript{16} Regarding First Amendment jurisprudence, the court has applied different obscenity standards to juveniles.\textsuperscript{17} The court has also allowed states to restrict working hours for minors.\textsuperscript{18} Furthermore, the courts proceed with caution when dealing with school prayer because “there are heightened concerns with protecting freedom of conscience from subtle coercive pressures in elementary and secondary public schools.”\textsuperscript{19}

In the criminal context, several Supreme Court cases outline why courts generally consider juveniles less culpable for their actions than adults. “[J]uveniles have a ‘lack of maturity and an underdeveloped sense of responsibility’[]; they ‘are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure’; and their characters are ‘not as well formed.’”\textsuperscript{20} Adults and juveniles are at different stages of brain formation and, as a result, juveniles are more capable of change.\textsuperscript{21} In comparison to an adult, a developing juvenile lacks “experience, perspective, and judgment,”\textsuperscript{22} as well as impulse control.\textsuperscript{23}

“Through information-sharing and the implementation of research-based practices, the rehabilitation of violent juvenile offenders is not a theoretical possibility, it is a practical reality.”\textsuperscript{24}

This paper proceeds in three parts. Part one discusses policies contributing to mass juvenile incarceration and suggestions for ways to improve these policies, using both personal experience gained from teaching at Capital City Public Charter School (Cap City) in Washington, D.C., and research at academic and state levels. Part two discusses problems with the lack of education among the prison


\textsuperscript{15} Id.

\textsuperscript{16} Id. at 13.

\textsuperscript{17} Id.

\textsuperscript{18} Id. at 14

\textsuperscript{19} Id. (quoting Lee v. Weissman, 505 U.S. 577, 593 (1992)).


\textsuperscript{21} Id.

\textsuperscript{22} Brief for Juvenile Law Center, supra note 14, at 12 (quoting Bellotti v. Baird, 443 U.S. 662, 635 (1979)).

\textsuperscript{23} Id. at 15.

population and prison education in general. This section highlights some programs that work, and offers suggestions for potential changes based on methods used in public schools. Finally, part three addresses the education-related problems that a juvenile faces when trying to reenter the community, and suggests policy changes to ensure these juveniles have a successful reintegration into society.

Recognizing the existence of many issues within the criminal justice system regarding juveniles, this paper focuses specifically on education and the vital role it plays both inside and outside the criminal justice system. The purpose of this paper is to provide a cursory overview of the deficits between the school system and the juvenile justice system.

I. JUVENILE INCARCERATION

The juvenile justice system was built on the belief that juveniles are responsive to rehabilitation, but zero-tolerance policies in schools have influenced the system to become more punitive and less rehabilitative. Zero-tolerance policies were initially enacted to curb violent offenses and weapon possession in schools. These goals were accomplished by creating mandatory suspension or expulsion, and often times this would lead to a referral to the criminal justice system for violations of these charges. Most states have broadened the list of offenses covered under their zero-tolerance policies, which has lead to a greater number of expulsions and suspensions, both of which have an extremely detrimental impact on students. “Consequently, the methods of zero tolerance have become a model approach for discipline generally, rather than a specific solution for violent crime.”

While these policies have been in place for a number of years, the American Bar Association opposes any zero-tolerance policy that fails to consider the circumstances surrounding each violation. A Harvard study concluded that zero-tolerance policies produce “devastating consequences,” including education privation, teacher-student confrontation and distrust, and unjustifiable

27 Id. at 1888.
28 Id.
29 Blumenson & Nilsen, supra note 1, at 84.
criminalization of children.” As of 2004, regardless of ineffectiveness, 94% of all public schools had at least one zero-tolerance policy in place.

During the 1998 school year, more than 3.1 million students were suspended and 87,000 were expelled nationally as a result of zero-tolerance policies. Additionally, these polices have a disproportionate impact on minorities; African-American students make up 33% of all suspensions and expulsions, but represent only 17% of students. Under this system, many students do not return to school at the end of their penalty, while those that do return are more likely to fail their courses. Although there may be other contributing factors that keep students from reengaging in school, “researchers postulate that a counterreaction [sic] to punishment-based approaches is actually typical and may escalate deviance.” In addition to escalating deviance, these policies negatively impact academic performance; for example, students fall behind on schoolwork, and many school districts lack alternative-education programs to ensure a continuation of school assignments while serving a suspension or expulsion. As of 2009, there were thirty-six states that provided alternative-education programs for students while on suspension. Only thirteen states, however, provided alternative-education during expulsion.

Policies can have extreme results. During a two-year period in Minneapolis, 500 kindergarten students were suspended for various types of misconduct, while a city in South Carolina suspended more than 200 kindergarten and first-grade students in a single school year. In a single quarter, Philadelphia schools suspended thirty-three kindergarteners. One study on violence in schools found

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31 Anderson, supra note 26, at 1184.

32 Blumenson & Nilsen, supra note 1, at 66.

33 Id.

34 Id. at 66-67.

35 Anderson, supra note 26, at 1190-91.

36 Id. at 1193-94.

37 Id.


39 Anderson, supra note 26, at 1186 (noting that the “exponential growth of zero tolerance has even affected the very youngest students”).

40 Id.
that of the 656,400 arrests that occurred as a result of incidents on school grounds, only 34,300 involved serious, violent incidents.\textsuperscript{41} The bigger concern lies beyond the numbers; individual children have missed valuable school time because of administrator’s enforcement of zero-tolerance policies.\textsuperscript{42}

Minorities are disproportionately impacted by zero-tolerance policies.\textsuperscript{43} African-American students are suspended a rate three times higher than white students, expelled three and half times the rate of white students,\textsuperscript{44} and are more likely to receive punishment for less serious offenses.\textsuperscript{45} “A Task Force of the American Psychological Association concluded that racially disproportionate discipline might be the result of inadequate classroom management training for teachers, lack of culturally competent practices, and racial stereotypes.”\textsuperscript{46}

Capital City Public Charter School, where I had the opportunity to teach for a semester, is one of the top performing public schools in the District of Columbia.\textsuperscript{47} The school has consistently been used as a model for other schools,\textsuperscript{48} both nationally and internationally. The school has had a track record of achievement by its students since it opened in 2000.\textsuperscript{49} In 2008, 78% of students scored proficient in reading compared with 45% of students citywide, and 73% of Cap City students scored proficient in math compared with 41% of students citywide.\textsuperscript{50} Among the school’s accomplishments: recipient of the 2006 Mayor’s High Performing School Incentive Award, recipient of the Chair’s Award from the Public Charter School Board in 2006, and recognition as a finalist for the Quality Schools Incentive Award.\textsuperscript{51} In 2009, President Barack Obama and Secretary of Education Arne Duncan visited the school, and President Obama said that Cap City

\begin{itemize}
  \item \textsuperscript{41} Id. at 1194.
  \item \textsuperscript{42} See Safford Unified Sch. Dist. No. 1 v. Redding, 557 U.S. 364, 380, n.8 (2009) (Thomas, J. concurring and dissenting) (providing a compilation of accounts illustrating the effect of extreme school policies).
  \item \textsuperscript{44} Majd, supra note 2, at 365.
  \item \textsuperscript{45} Id.
  \item \textsuperscript{46} Id. at 366.
  \item \textsuperscript{47} CAPITAL CITY PUBLIC CHARTER SCHOOL, About, http://www.ccpcs.org/about/ (last visited May 18, 2012).
  \item \textsuperscript{48} Id.
  \item \textsuperscript{50} Id.
  \item \textsuperscript{51} Id.
\end{itemize}
was, “an example of how all schools should be.”\textsuperscript{52} During the 2011-2012 academic year, a Cap City senior was the recipient of the Posse Scholarship,\textsuperscript{53} a leadership award for high school seniors at participating schools.

Cap City owes its success, in part, to its teaching model and philosophy. Currently, it is the only high school in D.C. affiliated with the Coalition of Essential Schools, who describe their practice as:

\textbf{Example:} small, personalized learning communities where teachers and students know each other well in a climate of trust, decency and high expectations for all. Modeling democratic practices with a strong commitment to equity, Essential schools work to create academic success for every student by sharing decision-making with all those affected by the schools and deliberately and explicitly confronting all forms of inequity. And, Essential schools focus on helping all students use their minds well through standards-aligned interdisciplinary studies, community-based “real-world” learning and performance-based assessment.\textsuperscript{54}

This education model is bound by ten principles: “1. [l]earning to use one’s mind well[,] . . . 2. [l]ess is more, depth over coverage[,] . . . 3. [g]oals apply to all students[,] . . . 4. [p]ersonalization[,] . . . 5. [s]tudent-as-worker, teacher-as-coach[,] . . . 6. [d]emonstration of mastery[,] . . . 7. [a] tone of decency and trust[,] . . . 8. [c]ommitment to the entire school[,] . . . 9. [r]esources dedicated to teaching and learning[,] . . . 10. [d]emocracy and equity.”\textsuperscript{55} These principles are designed to create a positive learning environment for students while fostering individual confidence and performance.\textsuperscript{56} Additionally, the school has an advisory program, which allows groups of ten to twelve students to engage in daily meetings with a faculty advisor.\textsuperscript{57} Daily meeting time promotes individualized attention to the students’ specific needs and creates a framework for accomplishing long-term goals for the group.\textsuperscript{58} This program provides students with an outlet to communicate


\textsuperscript{55} \textit{Id.} at 8-10.

\textsuperscript{56} \textit{Id.} at 8.

\textsuperscript{57} \textit{Id.} at 13.

\textsuperscript{58} \textit{Id.}
their concerns, and provides teachers with an opportunity to meaningfully address those concerns.

Cap City has a unique discipline structure; students are involved in making classroom rules, and the "use of positive discipline is an expectation at Capital City."59 Unlike most public schools, serious infractions do not result in automatic suspensions or expulsions. Before resorting to more extreme punishment options, the school will first attempt to contact the student’s parents or guardians.60 Among others, serious infractions include: intentional injury, intentional property damage, taking school property, possessing weapons, using profanity or extremely disrespectful language, using hate-related words toward staff or students, hazing, engaging in gang-related activity, engaging in academic misconduct, skipping class or school, sexual harassment, and using tobacco.61 While the school requires one-year expulsion for weapons possession, Cap City’s policy allows for a case-by-case consideration of extenuating circumstances.62 Additionally, students expelled for weapons possession are simultaneously referred to the criminal justice or juvenile delinquency system.63

Unlike the broadly expanded and over-inclusive zero-tolerance policies in place in many other schools,64 weapons possession is the only zero-tolerance offense at Cap City.65 Schools that implement zero-tolerance policies for weapons offenses should consider punishment alternatives to avoid funneling students into the criminal justice system. In some states, students committing weapons offenses can avoid referral to the criminal justice system by completing a firearms prevention course.66

Cap City encourages due process for expellable offenses.67 The first step in the process is an expulsion conference, giving the student, parents, and select staff

59 Id. at 37.
60 Id. at 39.
61 Id.
62 Id. at 40.
63 Id. School officials state that while it is their policy to refer students to the criminal justice system if expelled for weapons possession, there has never been a weapon used in a violent manner at the school, and thus, there has not been an occasion to contact police officers. (This is the opinion of the author, Krista Dolan, and not that of the CAPITAL HANDBOOK).
64 See Blumenson & Nilsen, supra note 1, at 62 (discussing how 88% of public schools have zero-tolerance policies for drugs).
65 See CAPITAL HANDBOOK, supra note 49, at 39-40 (discussing the school policy regarding punishment for weapons possession).
67 CAPITAL HANDBOOK, supra note 49, at 40.
members an opportunity to be heard. The recommendations and findings from the conference are provided to the student and parents within forty-eight hours, and the family may choose to appeal to the head of Cap City within five days. If the decision for expulsion is affirmed, a letter will be provided that outlines the student’s right to a hearing with the Appeals Committee of the Board of Trustees. Upon the request for a hearing, the Board Chair or designated hearing officer must meet to consider the appeal within five days of the hearing request. If the decision is not timely appealed, the expulsion stands.

Similar to Cap City’s unique approach to addressing expulsion cases, the school has pioneered an exemplary suspension process. If the duration of a suspension is for longer than ten days, then written notice must be provided to parents detailing the right to appeal. The appeal process for suspension is identical to the school’s process for expulsion appeals. For shorter suspensions, students are spared the taint to their cumulative record because the suspension is expunged at the end of the school year.

Despite Cap City’s requirement for automatic referral to the juvenile justice system for expulsion related to weapons possession, the overarching model used by Cap City is a positive disciplinary system. This type of model has proven to be effective because of its utilization of positive behavior to effect change. For example, the Positive Behavioral Interventions and Supports (PBIS) method, a positive disciplinary system, focuses on promoting positive student behavior by developing norms and expectations, training teachers and staff on effective classroom management, using positive reinforcement, and providing individualized attention. “PBIS has been shown to improve school climate, reduce disciplinary issues, improve academic engagement, decrease school arrests, improve attendance, and reduce the risk of future delinquency and drug use.”

Implementation of positive reinforcement systems, limitations on zero-tolerance policies, and individual analysis of each incident can reduce the flow of

68 Id. at 41.
69 Id.
70 Id.
71 Id.
72 Id.
73 Id. at 41-42.
74 Id.
75 Id. at 42.
76 Id. at 37.
77 Majd, supra note 2, at 362.
78 Id.
juveniles from school into the prison system. Cap City is a parent-founded charter school. Parental involvement and a fostering collaboration among parents, teachers, and students have been the hallmarks of the institution. Providing juveniles an opportunity for involvement with liaisons from the criminal justice system may also serve as a preventative measure for at-risk youth. “[T]eachers can closely monitor at-risk students, provide mentorship, and create individualized behavior contracts that reward compliant behaviors.” Moreover, schools can develop programs to facilitate positive interactions ranging from skill-building groups to peer mediation.

Although these efforts may help some at-risk students, these programs are less successful for youth who are already excluded. “[Thus,] reasonable solutions must be devised for those children who will still undoubtedly fall within the expansive net of zero-tolerance enforcement, offering them similar ‘stakes’ in maintaining positive behaviors.” Possible “stakes” include limiting the use of expulsions and suspensions, ensuring the opportunity to continue academic work while out on suspension or expulsion, or implementing alternative reward systems for good behavior.

Besides zero-tolerance policies, societal perceptions can contribute to disproportionate degrees of punishment. “[P]eople perceive African-American youth as more mature, dangerous, and deserving of punishment than white youth, even though these perceptions are not supported by demographic data on crime rates.” Involvement with the court system can have an enormous impact on a juvenile. “A first-time arrest during high school nearly doubles the odds that a youth will drop out of high school.” This dropout rate is quadrupled if the youth’s arrest results in a court appearance. To overcome subconscious disparate

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79 CAPITAL PROFILE, supra note 52, at 4.
82 Anderson, supra note 26, at 1202.
83 Id. at 1202-03.
84 Id. at 1203.
85 Id.
86 See ADVANCEMENT PROJECT, supra note 25, at 36.
87 See Majd, supra note 2, at 345.
88 Id. at 352.
89 See id. at 378.
90 Id.
91 Id.
perceptions and curtail the aforementioned dropout rates, school districts should hold regular training seminars on these interrelated issues.

II. EDUCATION IN PRISON

While it would be preferable to keep juveniles out of the justice system, it is inevitable that some juveniles slip through the cracks. “[P]risoners as a class are substantially undereducated: almost one-half lack a high school education, and one in five are completely illiterate.”92 A little more than half of state prisoners participate in educational programs while they are incarcerated.93 Prison education programs have been shown to reduce recidivism rates.94

To provide appropriate treatment for students in the juvenile justice system, it is important to understand the offenders and programs. The success of rehabilitation is not tied to the characteristics of the offender, but is more closely linked to the organization of the program.95 Treatment programs that were longer in duration proved to be more effective.96 Additionally, treatment type was another indicator of success.97 “The type of treatment shown [to be] most effective was interpersonal skills programs. . . . Aftercare programs upon release that prepare juveniles for reentry into the community, are also essential to continued progress once juvenile offenders are released.”98

Incarceration undermines rehabilitation and contributes to recidivism because it can create additional obstacles for a juvenile in school, employment, and family environments.99 The quality of education in youth facilities is typically deficient,100 and roughly 66% of youth leaving juvenile justice facilities drop out of school.101 Justice Department reports indicate below par conditions in juvenile

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92 Blumenson & Nilsen, supra note 1, at 72 (citations omitted).
94 Blumenson & Nilsen, supra note 1, at 79.
95 Brief for Council of Juvenile Correctional Administrators, supra note 24, at 20.
96 Id.
97 Id.
98 Id. at 20-21.
99 Majd, supra note 2, at 358.
100 Id. at 379.
101 Id.
confinement. \(^{102}\) Specifically, facilities fell below sufficiency standards in numerous areas, including education. \(^{103}\)

The Justice Department found that overcrowding and lack of resources compromised every aspect of education at the Regional Youth Detention Centers (RYDCs). \(^{104}\) Most youth were six or more grade levels behind in their studies, and the RYDCs had insufficient classroom space, an insufficient number of teachers for the growing inmate population, and a lack of books and other teaching materials. \(^{105}\)

In contrast, successful systems do exist. For example, a number of studies have held Missouri’s Division of Youth Services (DYS) as a model program. \(^{106}\) DYS provides a release program for juveniles to attend during the day and spend a minimum of six hours receiving an education, counseling, tutoring, and participating in community service activities. \(^{107}\) In addition to providing incarcerated juveniles with exceptional programming, DYS also provides annual funding to the state’s juvenile courts to fund programming designed to keep lesser offending juveniles out of the department’s care. \(^{108}\) The supplied resources to the courts help ensure the “development of local school programs, intensive probation, educational tutoring, community group counseling, and other intervention and prevention programs.” \(^{109}\) These programs have reduced the amount of youth committed to the DYS by as much as 40%. \(^{110}\) Furthermore, Missouri has managed to implement these programs while spending less on care than many other states and, at the same time, maintaining lower rates of recidivism. \(^{111}\)

In addition to Missouri’s program, the Maya Angelou Academy (Academy) in the District of Columbia, can serve as a model for education reform in the juvenile justice system. While most juvenile justice facilities have low performance standards for its students, the Maya Angelou Academy has set high standards from the outset of its recruitment process. \(^{112}\)

[W]e asked candidates [for employment] to provide examples of how they created a classroom culture of high expectations even if the face

\(^{102}\) Abrams, supra note 6, at 1004.
\(^{103}\) Id.
\(^{104}\) Id. at 1030-31.
\(^{105}\) Id. at 1031.
\(^{106}\) Id. at 1064-70.
\(^{107}\) Id. at 1067.
\(^{108}\) Id. at 1068.
\(^{109}\) Id.
\(^{110}\) Abrams, supra note 6, at 1068.
\(^{111}\) Id. at 1069-70.
\(^{112}\) Domenici & Forman, supra note 11, at 6-7.
of obstacles. We asked how they would approach working with teenagers who could barely read, students who had been labeled as needing special education throughout their lives, students with little understanding of what it meant to be successful in school.\textsuperscript{113}

The Academy was originally known as Oak Hill, a struggling school within a juvenile facility.\textsuperscript{114} The school struggled with frequent assaults, easy access to drugs and weapons, and considered the education of students to be a low priority.\textsuperscript{115} Administrators at the Academy sought out educators who they believed would implement a rigorous curriculum.\textsuperscript{116} As a result of this selective hiring process, none of the Oak Hill teachers—all of whom had experience teaching in the juvenile justice system—were selected for employment at the Academy.\textsuperscript{117} As it turns out, “this was mostly a good thing, because no one came into the job dragged down by the low expectations of most correctional schools.”\textsuperscript{118} To motivate students, the Academy uses an incentive system whereby they host awards ceremonies nine times per year, refer to the students as “scholars,” use modified PBISs to demonstrate the school’s values, and the students can earn weekly stipends by earning participation and respect points.\textsuperscript{119}

The success of the transition is attributed to three factors: “1) we had the support of [Department of Youth and Rehabilitative Services] leadership, 2) we were relentless, and 3) we were optimistic.”\textsuperscript{120}  Successful education programs partner with the juvenile justice system.\textsuperscript{121} “[A] negative school culture guarantees failure. Accordingly, each of the practices we have described . . . were all focused on building up a culture where learning and academic achievement can flourish.”\textsuperscript{122}

The Academy has created a curriculum to address a common issue with reentry, which is that many public and private schools do not accept credits completed at juvenile facilities.\textsuperscript{123} The curriculum is structured so that lessons are taught in eight separate units and each course takes “just over a month to complete.”\textsuperscript{124} This means that the credits can be earned quickly, and they are easily

\begin{itemize}
\item \textsuperscript{113} Id. at 7.
\item \textsuperscript{114} Id. at 2
\item \textsuperscript{115} Id. at 2-3.
\item \textsuperscript{116} Id. at 7-8.
\item \textsuperscript{117} Id.
\item \textsuperscript{118} Id. at 8.
\item \textsuperscript{119} Id. at 10-11.
\item \textsuperscript{120} Id. at 12.
\item \textsuperscript{121} Id.
\item \textsuperscript{122} Id. at 13-14.
\item \textsuperscript{123} Id. at 14.
\item \textsuperscript{124} Id.
\end{itemize}
transferable when the students are transitioned back into a community school. In addition, the school is highly structured, with a daily agenda broken up into short periods through the use of timers. “[P]laying close attention to time in this way maximizes learning time and reinforces the sense of urgency about the educational process that we want all students to feel.” The school also emphasizes individualized education, which allows each student the opportunity to develop his or her own skill set within the classroom structure.

The Academy employs transition specialists, called “advocates,” to work with the facility and to help students reintegrate back into the community upon release. In addition to building relationships with the students, the “advocates” are responsible for maintaining thorough academic records, which are necessary for successful reentry, and for providing ninety days of ongoing support upon release. “We believe that our Advocates succeed because of their force of will and personalities, but also because our process allows them to bond with students and provide uninterrupted care.”

The Academy’s reputation for employing successful methods is supported by results. Students earn just over six high-school credits for every nine months spent at the academy, in contrast to earning a credit-and-a-half per year prior to entering the Academy. Success at the Academy is further indicated by students’ attitudes toward learning and attending school. “At enrollment, more than 80% of our students tell us that they did not like school and did not think they were successful. At departure, however, more than 75% of our students say they enjoyed learning and felt successful at the Maya Angelou Academy.” In addition to adopting positive attitudes about learning, the students expressed positive attitudes towards teachers. At the time of enrollment, 70% of students said they did not trust the staff to work in their best interest, but upon exiting the program, 90% of students admitted trusting the Maya Angelou Academy staff.

125 Id.
126 Id. at 14-15.
127 Id. at 18.
128 Id. at 18-19.
129 Id. at 21.
130 Id.
131 Id. at 22.
132 Id. at 24.
133 Id. at 25.
134 Id.
135 Id. at 24-25.
136 Id. at 25.
III. REINTEGRATION AND EDUCATION

Although a strong educational program during confinement greatly benefits delinquent children, juvenile offenders have high rates of recidivism, partially because of barriers for reintegration into the community.\textsuperscript{137} Studies have identified various hurdles to reintegration, and education is consistently listed as a factor among them. Furthering this:

Impediments to re-entry magnify the effects of the school-to-prison pipeline; they heighten the likelihood that children will find themselves returning to the justice system they exited. On any given day, approximately 100,000 youth are in some form of juvenile justice placement nationally. Research shows that when these children return from such placements to school, recidivism rates drop and their successful re-entry into the community becomes more likely.\textsuperscript{138}

The majority of the youth-reentry population are racial-minority males, fifteen years of age or older.\textsuperscript{139} The youth typically lag far behind their peers in education, and have extensive behavioral discipline histories.\textsuperscript{140}

Although several states and the federal government have statutes in place to provide for reentry programs, many school districts deny students that return from the juvenile-justice system an opportunity to return to school.\textsuperscript{141} School districts express concern that the released students may pose a threat to other students and may hurt standardized test scores; they cite several technical reasons to support the rationale for not accepting released juveniles.\textsuperscript{142} Incomplete enrollment documents and failure to accept academic credits earned in detention facilities are among the technical problems juveniles face upon reentry to school.\textsuperscript{143} Substantively,

\begin{footnotesize}
\begin{enumerate}
\item [140] Daniel P. Mears & Jeremy Travis, \textit{The Urban Institute, The Dimensions, Pathways, and Consequences of Youth Reentry} 7-8 (2004), \url{http://www.urban.org/uploadedpdf/410927_youth_reentry.pdf}.
\item [142] Feierman, \textit{supra} note 138, at 1116-17.
\item [143] \textit{Id.} at 1117; Giles, \textit{supra} note 141, at 5.
\end{enumerate}
\end{footnotesize}
inadequate education within the justice system can contribute to students’ lack of academic success once they return to school. Jessica Feierman, an attorney at the Juvenile Law Center, has stated, “[j]uvenile offenders on average have a reading level four to five years below the grade level.” Furthermore, some school programs refuse to accommodate students released in the middle of the semester, further contributing to the obstacles that students face when reentering society.

Juveniles who receive community supervision and services are more likely to go to school, to work, and to avoid recidivism; in fact, the longer the period of supervision, the greater the likelihood that re-offending will not occur.

Under the federal No Child Left Behind Act (NCLB), schools are pressured to meet performance standards and demonstrate adequate yearly progress. Currently, under NCLB, annual gains are measured by student performance on tests. It has been suggested that shifting away from measuring based on test-based gains towards a value-added system would be “a more accurate measure of the contribution of schools to student performance.” Under a value-added system, academic achievement is measured by a strong graduation requirement and a system of student accountability.

The Second Chance Act is a federal statute designed to curb recidivism and assist in the reintegration of offenders into society. The act states that 100,000 juveniles leave correctional facilities every year. The chance that these juveniles will be successful after release increases with attendance in aftercare and reentry programs. The act conditions financial support on the development of a strategic plan that has “measurable annual and 5-year performance outcomes.” Additionally, the statute calls for funding recipients to establish a task force that will perform a number of functions, including examining ways to pool resources and funding streams to reduce recidivism rates.

144 Feierman, supra note 138, at 1123.
145 Id. (footnote omitted).
146 GILES, supra note 141, at 5-6.
147 REENTRY & AFTERCARE, supra note 139, at 6.
148 See Feierman, supra note 138, at 1121-22.
149 Id. at 1124.
150 Id.
151 Id.
153 Id. at § 17501(b)(8).
154 Id.
155 Id. at § 3797w(h)(1).
156 Id. at § 3797w(j)(1) – (j)(1)(A).
Under the act, favorable performance outcomes would include: reduced recidivism and crime rates, increased employment and education opportunities, reduction in probation violations, increased payment of child support, increased housing opportunities, reduction in drug and alcohol abuse, and increased participation in substance abuse and mental health services. The act also includes a grant programs to encourage and improve education within prisons, jails, and juvenile facilities.

State governments have taken initiative under the Second Chance Act, and have implemented a variety of reentry programs. Maryland’s reentry statute charges a reentry task force with, among other things, analyzing “statutory, regulatory, rules-based, and practice-based hurdles to the reintegration of adult and juvenile offenders into the community.” New Jersey’s reentry statute specifically calls for its Prisoner Reentry Commission to “evaluate and provide recommendations for special issues concerning juvenile reentry.” In Florida, a juvenile’s home district must maintain an up-to-date academic record while the youth is in custody. After release, the district is responsible for the development of a transition plan designed to transfer the juvenile back into the school system. In West Virginia, school districts must cooperate by accepting credits earned by the juvenile while in the correction system, and must develop a plan for reentry after release. A state law in Maine requires advance planning for reentry. Pennsylvania has implemented a statewide initiative to improve a juvenile’s transition back to school by conducting training and developing a guidebook for practitioners that provides information to help offenders reintegrate into the community.

There is a lack of resources available for post-dispositional monitoring to ensure that judicially mandated sentences are effectively implemented. Standards must be implemented to ensure conformity with judicial mandates because the juvenile’s participation in the mandated program is the source of rehabilitation.

157 Id. at § 17501(a) & (b).
158 Id. at § 17521(a)(1).
159 MD. CODE ANN., Correctional Services Article § 2-501(e)(2) (West 2009).
160 N.J. STAT. ANN. § 30:4-6.2(b)(1) (West 2010).
161 Feierman, supra note 138, at 1128.
162 Id.
163 Id.
165 Id.
166 Simkins, supra note 137, at 208.
167 Id. at 210.
Mississippi has a model program for post-dispositional advocacy. The Mississippi Youth Justice Project, created by the Southern Poverty Law Center, has a contract with the Department of Protection and Advocacy to visit all children in the state’s training schools. In addition to the staff attorneys on the project, law students are trained, supervised, and perform weekly visits with confined youth. The juveniles are informed that they have been assigned an attorney. If the youth does not initiate contact with the attorney within three to six weeks, the project contacts the juice to arrange an individual meeting. Frequent visits provide encouragement to the youth and accountability to the facility, which thereby discourages abuse and inappropriate treatment of children. Maryland also has a post-dispositional advocacy unit that is designed to maintain relationships and monitor the juveniles’ assigned trial attorneys, “to guarantee the state’s adherence to commitment orders.”

The best practices in reentry involve plans that include the following elements: transitional planning that begins while the juvenile is still in custody, planning and implantation that involve collaboration between the juvenile justice system, the school system, and anyone with stake in the juvenile’s success, and have defined responsibilities for “inter-agency transition teams.” A plan involving these elements would ease the transition for students returning from the juvenile justice system, and thus decrease that youth’s chances of reoffending.

An additional obstacle juveniles face during the reintegration process is the existence of a “seat-time requirement,” meaning a student has to be in class for a specified number of hours. This requirement is used in a large number of states, including the District of Columbia. In contrast, some states allow credit for “competency-based credit, workplace-based credit, and dual high school-community college enrollments.”

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168 Id. at 221.
169 Id.
170 Id. at 221-22.
171 Id. at 222.
172 Id. at 221.
173 Id. at 222.
174 Id. at 223.
175 Feierman, supra note 138, at 1126; GILES, supra note 141, at 7.
176 Feierman, supra note 138, at 1126.
177 See id. (discussing that there is evidence that competency in reading and writing assists youths with transitioning back into the community and reduces recidivism).
178 Domenici & Forman, supra note 11, at 29.
179 Id. at 28-29.
180 Id. at 29.
As there are almost no reentry programs in the District of Columbia with adequate resources,\textsuperscript{181} it is important that programs be developed. In addition to developing policies for post-disposition advocacy, following Mississippi’s example, rehabilitative policies should be developed and implemented by both the legislature and the school district to ensure juveniles have a successful transition back to the classroom.\textsuperscript{182} Following the example of the advocates employed at the Maya Angelou Academy, school districts should employ specialists to monitor and assist the youths’ return to the education system.\textsuperscript{183} For juveniles released mid-semester,\textsuperscript{184} additional programs, similar to those offered by the Academy, should be provided to ensure continued progress until the next semester begins.\textsuperscript{185} Additionally, the District of Columbia should promulgate policies calling for a “Reentry Commission” akin to those developed in other states.\textsuperscript{186} The Reentry Commission should be charged with creating the best practices for reentry and effective implementation of those practices.\textsuperscript{187}

Funding is often a concern with new programming, but if states spent more on education and less on corrections, then it would be possible to reduce both incarceration and recidivism rates of juveniles. In fact:

The United States spends an astounding $70 billion a year on the costs of adult imprisonment, juvenile detention, and parole and probation supervision. As prison growth has exploded, the amount of money the country spends on corrections has more than quadrupled in the last twenty years. State spending on education, on the other hand, has not increased at the same rate as corrections spending.\textsuperscript{188}

Florida has a glaring disparity in its education versus corrections spending.\textsuperscript{189} Compared to the rest of the United States, Florida “spends the least per capita on K-12 students.”\textsuperscript{190} Furthermore, the state reduced its overall education budget by

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\textsuperscript{181} \textit{Id.} at 26.
\textsuperscript{182} Simkins, \textit{supra} note 137, at 221.
\textsuperscript{183} Domenici & Forman, \textit{supra} note 11, at 21.
\textsuperscript{184} \textit{GILES}, \textit{supra} note 141, at 5-6.
\textsuperscript{185} Domenici & Forman, \textit{supra} note 11, at 23-24.
\textsuperscript{186} \textit{See} N.J. STAT. ANN., \textit{supra} note 160, at (b)(1).
\textsuperscript{187} \textit{Id.}
\textsuperscript{188} Majd, \textit{supra} note 2, at 384 (footnotes omitted).
\textsuperscript{189} \textit{Id.} at 385.
\textsuperscript{190} \textit{Id.}
\end{flushleft}
$332 million, while simultaneously increasing the state’s corrections budget by $308 million.\textsuperscript{191}

While a large percentage of state funding is already going to the correction system and financial cuts are applied to education, the portion of funding that is distributed to school districts is used for security measures, such as surveillance, instead of improving educational resources.\textsuperscript{192} Using funding in this manner, instead of investing in substantive education, will only serve to exacerbate both recidivism and safety issues within the schools. “Research has consistently shown that enriched aftercare services can enhance rehabilitation and public safety by reducing recidivism rates.”\textsuperscript{193}

Characteristics of the best school reentry programs include: collaboration between all involved agencies, defined roles and responsibilities of each organization, individualized “wraparound” services, family engagement, immediate transfer of records, pre-release training, pre-release transition plan, and speedy and appropriate placement.\textsuperscript{194} The Urban Institute recommends that reentry programs reorient the focus of the overall justice system to successful reintegration of young offenders into society.\textsuperscript{195} Additionally, they recommend tailoring reentry programs to unique circumstances in a youth’s development shaped by the role of race, ethnicity, and gender.\textsuperscript{196} Finally, the Urban Institute recommends the support for the juvenile come from the community and the youth’s family network.\textsuperscript{197} The Institute suggests that the above recommendations should be incorporated into a national agenda for public education and research.\textsuperscript{198}

There is a clear correlation between education and juvenile criminal behavior. Amending old policies and implementing new policies at several stages can reduce rates of incarceration and recidivism. Such stages include: during school prior to incarceration, during incarceration, and upon release from incarceration.\textsuperscript{199} While other issues contribute to delinquent behavior and the risk of reoffending, the quality of education is among the most important factors for rehabilitating

\textsuperscript{191} Id. at 385.
\textsuperscript{192} Id.
\textsuperscript{193} Abrams, supra note 6, at 1091.
\textsuperscript{194} CENTER FOR SCHOOL MENTAL HEALTH ANALYSIS AND ACTION, NEWS YOU CAN USE: SCHOOL REENTRY OF JUVENILE OFFENDERS 3 (Aug. 2006), http://csmh.umaryland.edu/Resources/ResourcePackets/files/SchoolReentryBrief.pdf. “Wraparound” service is a term for agency involvement spanning both the juvenile’s time in a correctional facility, the juvenile’s release, and the juvenile’s placement and transition into the education system. Id.
\textsuperscript{195} Mears & Travis, supra note 140, at 13-14.
\textsuperscript{196} Id. at 13.
\textsuperscript{197} Id. at 13-14.
\textsuperscript{198} Id. at 14.
\textsuperscript{199} Majd, supra note 2, at 394, 395.
Employing education as a tool to prevent, intervene, and socialize actual and potential offenders would be one small step toward repairing the juvenile justice system.

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200 Blumenson & Nilsen, supra note 1, at 79.