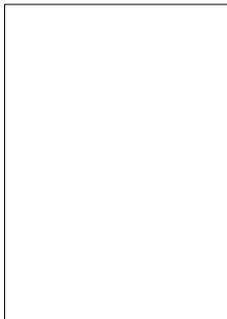


NATIONAL SCHOOL SAFETY CENTER

News Journal
Winter 1997

National focus on reaching at-risk youth continues



By Ronald D. Stephens
NSSC Executive Director

The U. S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention and the U.S. Department of Education's Safe and Drug-Free Schools Program announced December 11, 1996, the 10 jurisdictions that will receive technical assistance and training awards under provisions of the Youth Out of the Education Mainstream (YOEM) Initiative.

Of the 10 competitively selected sites, six were required to be federally designated Empowerment Zones, Enterprise Communities and Enhanced Empowerment Communities (EZ/EC/EEC); additionally, the selection of a balance of geographic locations and urban/suburban/rural sites was also a priority.

Sites marked with an asterisk indicate EZ/EC/EEC locations: The three eastern sites are the Safe Connections alternative education programs of the Washington, D.C., Public Schools* (urban); the New Jersey Juvenile Justice Commission's partnership located in Essex County/Newark, N.J.* (urban); and the school district partnership of Reading, Pa. (suburban).

The two southern recipients are Jefferson, Henderson and Christian counties schools partnership in Kentucky* (mixed urban/rural) and a Macon County, Ga., partnership (rural). The two midwest sites include the Nebraska Safe Schools Coalition (mixed urban/rural) and a Hennepin County, Minn., partnership* (mixed urban/rural). A Phoenix, Ariz., partnership* is a southwest suburban setting, and Las Vegas, Nev.* (urban), and San Jose, Calif. (suburban) are the two western sites selected.

Attorney General Janet Reno announced the national initiative in a videotaped message on May 23, 1996, at the John F. Kennedy Library in Boston. The National School Safety Center is funded under the YOEM initiative to provide technical assistance and training to the selected jurisdictions. Following the Boston kickoff meeting, NSSC conducted four regional training forums to publicize the initiative and its five targeted categories of youth: truants; dropouts; suspended and expelled students; youth whose school attendance is irregular due to fear of crime and violence at school and in their communities; and juvenile offenders seeking to make the transition from correctional facilities to mainstream schools to complete their education.

More than 1,300 persons took part in the combined kickoff meeting and the four regional training sessions held last year in Detroit, Los Angeles, Charlotte, N.C., and Philadelphia. Following the last training forum, application kits for training and technical assistance from NSSC were mailed to all jurisdictions that requested help in serving one or more of the categories of youth targeted by this initiative.

NSSC is currently making preliminary site visits to each jurisdictional partnership to complete on-site needs assessment and planning necessary to tailor technical assistance and training to each site's particular goals and objectives. YOEM training sessions will assist the 10 jurisdictions by:

- Further assessing the problem, as needed, and identifying community strengths and resources.
- Sharing information on effective and promising intervention techniques.
- Enhancing the role of educators, juvenile

justice personnel, community leaders, youth-serving groups and the business community in program formulation and implementation.

- Identifying methods of working across agencies to develop and implement effective programs.

Completion of the 10 training and technical assistance programs will result in the publication of a comprehensive document prepared by NSSC that will include a directory of effective and promising programs, a list of resource organizations, recommended reading, and federal, state and local resources available to assist in meeting the needs of youth out of the education mainstream.

NSSC wishes to express appreciation to all those who have taken part in the Youth Out of the Education Mainstream Initiative and the regional training forums. In addition, congratulations are here expressed to the 10 jurisdictions selected as well as to all jurisdictions that submitted applications for training and technical assistance. All of the applicants provided evidence of ongoing prevention and intervention planning and programming as well as great commitment to serving the needs of youth targeted by the YOEM initiative.

Take time to review your jurisdiction's needs with regard to promoting and preserving safe school environments and to providing educational opportunity for all youth. Continue to contact NSSC for assistance in fulfilling your program's needs. NSSC is ready to help you in time of need as well as to share with others your successes, ensuring that all American youth can look forward to safe and productive educational tomorrows.

At the regional YOEM training forums held last summer, participant youth-serving professionals consistently requested information and help in educating incarcerated youths effectively. Furthermore, many of the educators and school administrators wanted guidance on strategies for successfully reintegrating adjudicated youth into mainstream schools. This issue of *School Safety* is dedicated to providing information and strategies to that end.



Pepperdine University's National School Safety Center is a partnership of the U.S. Department of Justice and U.S. Department of Education. NSSC's goals are to promote safe schools free of drug traffic and abuse, gangs, weapons, vandalism and bullying; to encourage good discipline, attendance and community support; and to help ensure a quality education for all children.

Ronald D. Stephens, Executive Director
June Lane Arnette, Communications Director
Bernard James, Special Counsel

Pepperdine University NSSC Steering Council:
 David Davenport, President; Charles B. Runnels, Chancellor; Steven S. Lemley, Provost; Andrew K. Benton, Executive Vice President; Larry D. Hornbaker, Executive Vice Chancellor; Nancy Magnusson-Fagan, Dean, Graduate School of Education and Psychology; Ronald F. Phillips, Dean, School of Law; James R. Wilburn, Dean, School of Business and Management; John F. Wilson, Dean, Seaver College; and Ronald D. Stephens, Executive Director, NSSC.

School Safety

As part of the **School Safety News Service**, *School Safety* is published by the National School Safety Center to communicate current trends and effective programs in school safety to educators, law enforcers, lawyers, judges, government officials, business leaders, journalists and the public. Annual subscription: \$59. Components of the **School Safety News Service** are published monthly September to May.

Ronald D. Stephens, Executive Editor
June Lane Arnette, Editor
Sue Ann Meador, Associate Editor
Marjorie Creswell Walsleben, Associate Editor

Articles in this publication may be reprinted — excluding individually copyrighted material — with credit to *School Safety*, NSSC and a copy of reprints to NSSC. *School Safety* encourages the submission of original articles, artwork, book reviews and letters to the editor and will review and consider each item for publication.

Correspondence for *School Safety* and the National School Safety Center should be addressed to: National School Safety Center, 4165 Thousand Oaks Blvd., Suite 290, Westlake Village, CA 91362, telephone 805/373-9977, fax 805/373-9277.

Prepared under Grant No. 95-MU-MU-0032, funded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice and the U.S. Department of Education. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice, U.S. Department of Education or Pepperdine University. Neither NSSC nor any of its employees make any warranty, expressed or implied, or assume any legal liability or responsibility for the accuracy, completeness or usefulness of any information, apparatus, product or process described herein. Copyright © 1997 National School Safety Center.

About the cover:

The shadow of the scales of justice reach the schoolhouse door, underscoring the reality of cooperative linkages between schools and courts, a means of illuminating the lives of adjudicated youth through education and of drawing such youth back into mainstream life and citizenship. The artist is Rex Bohn. Art supplied by The Stock Illustration Source, Inc.

CONTENTS

Features

4 Education: basic to youth reintegration

by John J. Wilson

6 Initiative forges partnership to reintegrate youth

by C. Gilham, D. Montesano, P. McArthur, G. Kruse, M. Woodruff and C. Lehman

12 State initiatives expand educational opportunities

by Bruce Wolford and Bill Scott

16 Finding a pathway to success

by Alan Wright

20 Rehabilitation: risk- and needs-based care

by Marjorie Creswell Walsleben

24 Juvenile court choice: education or incarceration

An interview with Judge Roosevelt F. Dorn

25 Shared goals, resources unite probation, schools

by Richard Lawrence

27 Information sharing: a two-way street

by Ronald Laney

Updates

2 NSSC Update

30 National Update

31 Legal Update

34 Resource Update

Resources

18 NSSC Publications

19 NSSC Resources

35 NSSC Documentaries

Promoting strategies to keep families and communities intact, intervening promptly with delinquent behavior and creating programs to stop delinquency's growth are "inoculations" against future social ills.

Education: basic to youth reintegration

The past 10 years stand out in recent history as a watershed period. During that time, juvenile violence in the U.S. reached disturbing proportions, yet recent figures indicate a more positive trend.

Attorney General Janet Reno announced in December 1996 that the nation's juvenile violent crime rate declined in the previous year. According to Justice Department analyses, overall violent crime in 1995 fell 4 percent for youth under age 17, with a 7 percent decline occurring among youth ages 10 to 14.¹

Federal, state and local efforts made in response to youth violence — community partnerships, interagency collaboration, prevention provisions and a renewed emphasis on personal accountability — may indeed be making a difference in the lives of both mainstream youth and juvenile offenders across America.

Redeeming a generation

In October 1996, the National Center for Juvenile Justice reported that an estimated 1,555,200 delinquency cases were processed by U.S. juvenile courts in 1994. (Delinquency offenses are defined as acts committed by a juvenile which, if committed by an adult, could result in criminal prosecution.)²

Responsible citizenship demands that the country's current leaders, citizens and par-

John J. Wilson is deputy administrator of the Office of Juvenile Justice and Delinquency Prevention.

ents act as conservators for present and future generations of youth. One and one-half million young people are not expendable. Youngsters between the ages of 10 and 17 who currently are embroiled in the acts and effects of delinquency need to be reached and drawn into mainstream life and learning. They must be equipped to take their place as what should truly be this country's "gross national product": its educated populace.

Education makes a difference

Education, or its lack, can make a huge difference in a juvenile offender's life. Harold Hodgkinson, a demographer and education analyst, writes that one factor closely related to being an adult prisoner is dropping out of school as a youth. He estimates that states spend roughly \$22,000 annually on each adult in prison.³ Other researchers report that it costs states \$35,000 to \$60,000 per year to incarcerate one youth.⁴ Thus, it makes sense to choose education over incarceration.

In an effort to redeem youth who are outside the educational mainstream, the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) teamed up with the U. S. Department of Education's Safe and Drug-Free Schools Program to launch a national initiative to reach youth most at-risk of school failure and dropping out of school.

The Youth Out of the Education Mainstream Initiative targets five categories of at-risk youth: truants, dropouts, suspended/

expelled students, students whose school attendance is irregular due to fear of bullying and other types of school violence, and juvenile offenders leaving detention and correctional programs and facilities to complete their education.

During the summer of 1996, educators, probation and law enforcement personnel, members of the judiciary, health and social service personnel and other youth-serving professionals convened at training forums held in Detroit, Los Angeles, Charlotte, N.C., and Philadelphia. At the forums, these dedicated people expressed their concern that deficiencies and inequalities exist in serving the educational needs of at-risk youth; that uncertainties based on seemingly conflicting areas of authority and on complex and confusing local, state and federal laws and policies confound the very people who should be engaged in solving problems associated with helping troubled youth and their families regain their footing in mainstream society; that even when their spirits are willing, these professionals sometimes falter at the time it takes to untangle knotty problems, track down individuals and agencies that can help, and raise funds to sustain effective, innovative and supportive programs for at-risk youth.

In its *Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*, OJJDP identifies results of research into the major factors influencing delinquency. These factors are:

- delinquent peer groups;

- poor school performance;
- high-crime neighborhoods;
- weak family attachments;
- lack of consistent discipline; and
- physical or sexual abuse.⁵

Together communities and school systems must improve their ability to identify the risk factors that cause troubled youth and their families to drift away from mainstream education. Further, these same entities must not abandon juveniles who are at the crossroads, struggling to make the transition from the juvenile justice system to school completion, the work force and socially responsible citizenship.

Intensive community-based aftercare

Almost a decade ago, OJJDP announced its Intensive Community-Based Aftercare Programs Initiative (IAP). After seven years of research, development and training focused on developing a system of effective aftercare for high-risk juvenile offenders, the IAP project, under the direction of co-principal investigators David Altschuler of Johns Hopkins University and Troy Armstrong of California State University, Sacramento, has established demonstration sites in four states.

The competitively selected demonstration sites are Denver, Colorado (Metro); Clark County (Las Vegas), Nevada; Camden and Newark, New Jersey; and Norfolk, Virginia. Training and technical assistance is provided as needed to the demonstration sites by the co-principal investigators. The sites are currently in the second year of a three-year project and are being independently evaluated through a grant to the National Council on Crime and Delinquency.

Each pilot test site has tailored the IAP model to its specific needs and population. The IAP model is a descriptive, multifaceted, integrated approach designed to closely monitor juvenile offenders; enhance aftercare service delivery based on acknowledged risk and protective factors; forge working collaborations among diverse agencies and individuals; and reduce recidivism.⁶

Among the elements critical to successfully translating IAP principles into practice are the following case management

components: risk assessment and classification for establishing [program] eligibility; individual case planning that incorporates a family and community perspective; a mix of intensive surveillance and services; a balance of incentives and graduated consequences coupled with the imposition of realistic, enforceable conditions; and service brokerage, with community resources linkage with social networks.⁷

Researchers Altschuler and Armstrong point out that "... serious, violent, and chronic juvenile offenders are among the most troubled juveniles in society in terms

Key Principles for Preventing and Reducing Juvenile Delinquency

- Strengthen families.
- Support core social institutions.
- Promote prevention strategies and programs.
- Intervene immediately and effectively when delinquent behavior occurs.
- Identify and control the small percentage of serious, violent and chronic juvenile offenders.

of personal problems, skill deficits and emotional instability. Such multiproblem youth demand a broad spectrum of treatment strategies."⁸The researchers also state that collaboration among agencies and organizations is essential in addressing the reintegration needs of high-risk offenders.

The key: families and communities

Perhaps even more essential to redeeming troubled juveniles than agency collaboration, however, is the renewed commitment to youth of families and communities. It is they, supported by our core social institutions, who have the primary responsibility for meeting the basic socializing needs of our nation's children.

Underlying the key principles listed in the box above is a compelling logic. These key principles are discussed in detail with program examples in OJJDP's *Guide for Implementing the Comprehensive Strategy*

for *Serious, Violent, and Chronic Juvenile Offenders*. Families, schools and law-making/law-keeping institutions are basic to any society. It makes sense to develop and promote strategies and programs to keep such institutions well-balanced and healthy so that they may fulfill their primary functions. Prompt interventions with delinquents as well as programs to prevent delinquency's growth constitute social "inoculations" to ward off such future social ills.

Quick fixes and silver bullets may be effective in myths and legends, but practicality and the can-do mentality of generations of Americans have sustained this country in times of great challenge. Present reality challenges all of us to examine priorities and approaches to determine the best way to place the welfare of our youth and their families at the top of our agenda and to identify the most effective course of action to keep them there.

The Youth Out of the Education Mainstream Initiative, the Intensive Community-Based Aftercare Programs Initiative and the *Comprehensive Strategy* are just three examples that demonstrate OJJDP's commitment toward redeeming the lives of youthful offenders and helping them regain a foothold in mainstream society.

Endnotes

1. "National Teen Crime Numbers Decline," *Times Leader* (Wilkes-Barre, Pa.) 13 December 1996.
2. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "Delinquency Cases in Juvenile Courts, 1994," *OJJDP Fact Sheet #47*, (Washington, D.C.: OJJDP, October 1996):1.
3. Harold Hodgkinson, "A Demographer's View," in Marla Higginbotham, ed., *What Governors Need to Know About Education*, (Washington D.C.: National Governors' Association, 1995): 54.
4. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*, (Washington D.C.: OJJDP, June 1995): 193.
5. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*, research report (Washington D.C.: OJJDP, October 1993): 5.
6. David M. Altschuler and Troy L. Armstrong, *Aftercare Not Afterthought: Testing the IAP Model*. Juvenile Justice III (December 1996): 16.
7. *Ibid.*, 17.
8. *Ibid.*

Successful reintegration of adjudicated youth into mainstream life and learning contributes to increased school safety and also augments America's youthful pool of future citizens.

Initiative forges partnership to reintegrate youth

When one talks about transition, many connotations spring to mind, each usually involving some sort of movement from one place, stage or frame of mind to another. However, for students who have been unsuccessful in their families, schools and communities, the term "transition" must assume a larger definition. Transition must include the wider view of the risk factors that have propelled a student out of the education mainstream, into incarceration, through adjudication and back into his/her community, school and family. The term must also include an examination of the protective factors that can empower that student to become a prosocial member of

The following authors are associated with Robert S. Farrell School, Hillcrest Youth Correctional Facility in Salem, Oregon: Cathy Gilham, Ph.D., project director and assistant principal; David Montesano, M.S., principal and director of special education for the Juvenile Corrections Education program, Oregon Department of Education; Patrick McArthur, Ph.D., assistant principal; Gordon Kruse, Ph.D., school counselor; and Marice Woodruff, B.A., teacher and research assistant. Constance Lehman, Ph.D., researcher at Western Oregon State College, is a consultant with the Oregon Department of Education and consults with the team and with the communities/school districts in Multnomah, Marion and Linn counties, Oregon.

the community — possibly for the first time. Furthermore, successful transitions involve cooperation among individuals and institutions. Clearly, partnerships of communities, schools and families are critical to the successful transition of adjudicated students from treatment/incarceration to their home communities. This article reveals how the Oregon Transition Support Initiative is dealing with building such partnerships to benefit adjudicated youth seeking to continue their education and their transition back into mainstream life.

Risk and protective factors

The process of fragmentation that prevents students' success in families, schools and communities has been attributed to specific risk factors. Principal David Montesano stated in the Oregon Department of Education's Fall (1996) Strategies Conference that 80 percent of the male offenders attending the Robert S. Farrell Mid/High School at Hillcrest Youth Correctional Facility of Oregon have a long-established pattern of early antisocial behavior. Longitudinal data suggest that three simple school-based measures that can identify this population as early as second or third grade are: teacher ratings of social skills; total negative playground behavior; and volume of discipline referrals.¹

Additionally, several studies have identified four major factors that establish extreme risk for antisocial behavior and family interaction: poor monitoring practices;

failure to teach and model positive social behaviors; failure to prepare youth for academic demands of school; and inadequate management strategies. Poor monitoring practices were found to be the most powerful variable in these studies.^{2,3,4,5}

The process of self-integration that facilitates students' success in the community, school and family has been attributed to specific resiliency or protective factors.^{6,7} These resiliency factors include specific individual characteristics (resilient temperament and positive social orientation); the presence of positive relationships that promote bonding (family members; close, positive friends; teachers who recognize and reward competence; and other supportive adults); and the presence of healthy beliefs and clear standards (prosocial family attitudes, family expectancy of consistent good behavior, family expectancy of school success, and consistent family rules and monitoring).

Schools can play an important role in the transition of adjudicated students from incarceration to their home communities. Teachers, school staff and the learning environment itself can provide opportunities to students to build skills when specific resiliency/protective factors need support. Opportunities to develop positive, prosocial relationships with adults, to receive positive rewards and to develop communication skills can be fostered by teachers and school staff. When the family, school and community collaborate to pro-

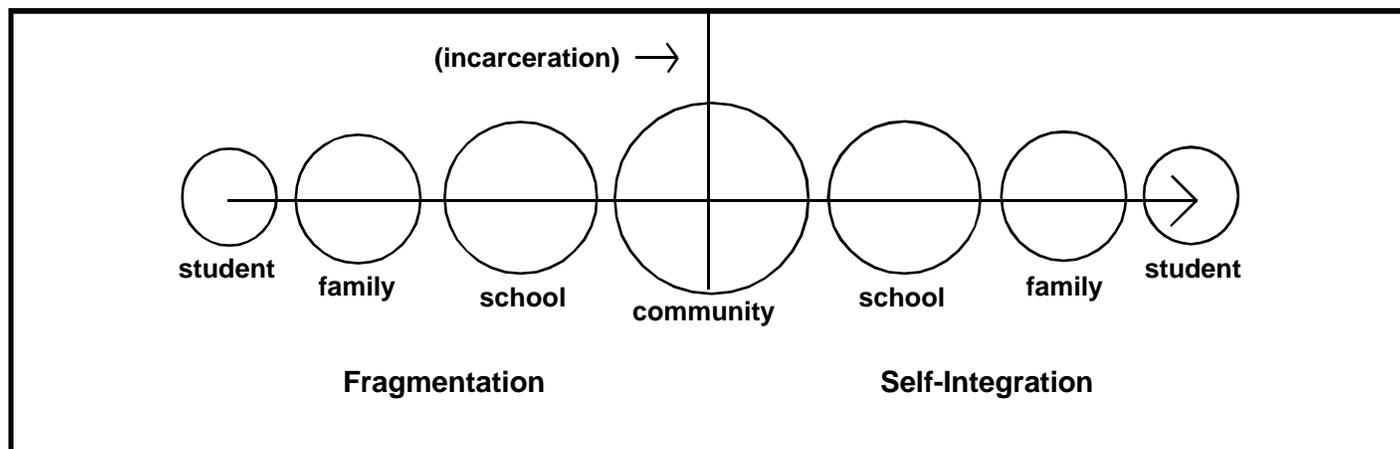
vide such opportunities, students' abilities to succeed in their efforts to become positive members of society are greatly increased.

Transition Model

Among others, Hawkins and Weis' social

attention or incarceration. In the transition model graphic below, the progressive circles on the left respectively represent the at-risk student as an egocentric infant, the negative influences of a possibly dysfunctional family and the effects on such a student of unsuccessful school experiences.

wards can be both extrinsic and intrinsic, depending upon the student's increased integration within the school. Finally, schools can provide opportunities for students to acquire communication skills and to become self-advocates, learning to set goals, to develop strategies to achieve those



Transition Model (Transition Support Initiative, Gilham, 1995)⁹

development model can help clarify the different spheres of influence experienced by individuals as they mature.⁸

As infants, children are egocentric. As they mature, the family becomes the first sphere of influence. Language development and bonding normally occur during this phase of development. At approximately the age of five or six, children begin school, the next sphere of influence, and take with them the influences of their families.

The influences from families and from school experiences carry over as youths mature and begin to interact in their communities, the next sphere of influence. Depending on the extent of prosocial or antisocial influences in youngsters' lives, youths' interactions within their communities vary. For many at-risk and delinquent youth, these interactions are often characterized by negativity and illegal activity, both of which reflect the fragmentation derived from family and school experiences.

Such fragmentation can lead youths to experience a sense of disassociation from their customary spheres of influence and in some cases, can ultimately result in de-

The large central circle represents the community and the point of incarceration. The circles to the right of the large circle represent the process of the student's self-integration, beginning with the community. These circles thus represent the process of transition/self-integration into the community, school and family and end with the student as an empowered, self-advocating, prosocial community member. The transition process occurs over time, represented by the line connecting the circles.⁹

While there are many points in this process at which successful interventions may occur, schools have a special role to play in helping the student to integrate into the receiving community. The day a student's incarceration begins, the process of integration with self, school and community also begins. Once the student is enrolled in the facility's educational program, opportunities are provided to develop positive relationships, to receive positive recognition and rewards for school success and to develop communication skills.

Schools can provide opportunities for students to associate with positive, prosocial adults. Schools can also provide opportunities for positive rewards. These re-

goals, to negotiate and to resolve conflict through guided discussion.

Both certified and classified staff members can and do provide these opportunities to troubled and troubling students. Training for all school staff members in special education processes, school-to-work processes, strategies that promote school and personal safety and security, and collegial group dynamics is critical to successful intervention with at-risk students.

When students are paroled and return to their home communities and schools, additional supports must be provided by the community and school according to each student's needs. Families must also be supported in their efforts to help their students reintegrate into home life.

Transition Support Initiative

Oregon's Transition Support Initiative, through the Juvenile Corrections Education program in the Oregon Department of Education, facilitates a partnership between educators and state corrections personnel to address the issue of reintegrating adjudicated youth into communities. This effort is team-based. The Transition Support Initiative team is composed of

various personnel from two state training schools and is assisted by a consultant from Western Oregon State College.

The primary goal of the Transition Support Initiative is to decrease the number of students who violate their parole or probation and return to incarceration or who commit additional offenses during their parole and are subsequently returned to incarceration to complete still another sentence. The initiative has four components: research; training; the Summer Institute; and the school model. Each component of the Transition Support Initiative is student-centered. Furthermore, while each component is designed to be complete, each component also functions as part of a greater whole. This latter function enables a given community to develop relationships with other communities across the state, to gather data and receive positive feedback and to formulate skills and strategies to meet the needs of at-risk youth and juvenile offenders.

Pilot study and research

In 1996, three communities in Oregon — Salem, Portland and Albany — agreed to participate as pilot sites in a multiple case study design to test and evaluate the programs and strategies formulated to implement the Transition Support Initiative. The following criteria were used to select the pilot sites: history of community collaboration among education and human service providers; school district administrators concerned for this population of youth; community ethnic and cultural diversity; and geographic proximity to the researcher/consultant to facilitate the evaluation process.

Two state training schools for court ordered adjudicated youth were selected to take part in the pilot study: Robert S. Farrell School at the Hillcrest Youth Correctional Facility in Salem, Oregon, and William P. Lord School at MacLaren Youth Correctional Facility in Woodburn, Oregon. A third facility currently being built in Albany, Oregon, will also ultimately be involved in the study.

This article describes the study's implementation at Farrell School.

The purpose of the pilot study is to examine the feasibility of implementing effective transition/self-integration procedures for youth returning to the community from juvenile correctional facilities. The development and implementation of this process is accomplished within the context of community, school and family. The analysis of the processes implemented within each pilot community will be used to assist other communities to develop their own school/community partnerships.

Three-phase implementation

The pilot effort is being implemented in three phases. Phase I is the information collection phase. Information from professionals who work within public schools, alternative schools, the juvenile justice system and the children's mental health field is collected by using survey and focus group methods. To date, youth and parent input has occurred on a case-by-case basis.

Preliminary findings from survey and focus group data suggest that a significant barrier to providing a coordinated, individualized planning and ongoing support process for individual youth may relate to the team process. Theoretically, when a young person moves from a correctional facility to the community, a team consisting of the youth, parent or guardian, educational representative, parole officer and additional members of the youth's support network (such as vocational rehabilitation professional, volunteer mentor) should come together to develop a transition plan. Preliminary data suggest that this process takes place for special education students but does not always take place for non-special education students. The current system also appears to lack a coordinating person with the authority and autonomy to hold team members accountable for fulfilling assigned tasks and facilitating appropriate changes in the youth's plan.

Phase II includes development, implementation and evaluation of the school- and community-driven transition efforts. The goal for each pilot site is to develop and implement an integrated and coordinated transition process model congruent with student needs and school and com-

munity resources. The effectiveness of the transition process will be evaluated by examining the successful short- and long-term self-integration of individual youth across the domains of home, school and community.

The purpose of Phase III is to assist other communities in examining the pilot site processes and in developing their own transition resources to support youth returning to their communities.

The Transition Support Initiative team members believe that a potentially important outcome of the pilot study may be the development of informed school and community stakeholders who can influence the broader community to provide human and fiscal resources and ownership for ensuring nurturing environments for the most vulnerable children, youth and families.

Training

The Transition Support Initiative provides training to public school personnel who are responsible for providing educational programs and services to adjudicated youth returning from treatment programs and incarceration to their community schools. Support is also provided to public school teachers who elect to become part of the educational team in the institutions to which students are remanded after adjudication. The training has several steps, each of which is individualized to meet the needs of the particular team of teachers.

During the initial contact with the participating district, administrators from the Oregon Department of Education meet briefly with administrators from the participating district to identify questions about resources, planning processes and training needs for district personnel.

The second contact between department of education personnel and district personnel occurs when teachers from the district visit Farrell and Lord schools and the Donald E. Long Detention Facility in Multnomah County. (The Long facility provides intake services for all male students adjudicated in the state of Oregon before they are sent to the current correctional facilities, Hillcrest and MacLaren.)

During the third contact, the district

team of teachers visits Farrell, where they participate in an orientation exercise, visit classes and co-teach a class with a correctional facility teacher. The district team's daylong visit provides a "hands-on" experience for teachers who will be working with incarcerated or paroled students. At the end of the day, the district team and the Transition Support Initiative team collaborate in a debriefing session and question-and-answer period in which training needs and community transition resources are also identified.

These needs and resources serve in part as bases for developing the curriculum for the Summer Institute. Ongoing contact between participating school districts and the department of education will increase district personnel's understanding of student needs and enable districts to provide needed student support more efficiently.

Summer Institute

During the planned 1997 Summer Institute, participating school district personnel will have an opportunity to acquire the knowledge and skills necessary for working with adjudicated students, to write curricula — including planned course statements and course goals and objectives — and to formulate team strategies for planning and assessment. Additionally, school district teams will work with community teams created during the 1996 Summer Institute to design processes for increased effective communication and provision of educational and social services.

The Summer Institute presentations will be student-centered and will emphasize the team process and the collaboration of family/school/community efforts to provide educational and social services to transitioning adjudicated youth. Special education services will play an integral part in the curriculum of the 1997 Summer Institute, since 85 percent of adjudicated students at Hillcrest and MacLaren have either received those services prior to their arrival or currently receive such services while incarcerated.

School model

The program at Farrell school has under-

gone significant change in the last four years. In 1993, a special education service model was implemented and in 1996, an orientation program for all new students was designed and implemented.

Students enter the program 24 hours after they arrive at the corrections facility, and, as already stated in the transition model, begin the process of transition into the community. The school program is student-centered, open entry/open exit, collaborative (team members represent a wide variety of service disciplines), assessment-driven and characterized by communication that emphasizes a safe and secure learning environment, assessment, prosocial communication and prosocial behaviors for all students and staff.¹⁰

Orientation

The first educational experience for all students is orientation, during which students complete 10 days (40 hours) of a revolving curriculum. The students complete components on career exploration, accessing community services and social problem solving. Information and student input from the orientation class is used by each student as s/he progresses through planning a class schedule with a teaching team to entering classes.

During orientation students can begin to learn communication and school-success skills that will facilitate their self-advocacy skills. Another significant part of orientation is the opportunity for students to review critical choices they made in the community that contributed to their incarceration. By using transitional assessment tools and class discussion, students identify their problems with peer relationships and family concerns as well as focus on their educational, learning and employment needs. This open evaluation process at the beginning of incarceration at Hillcrest contributes to student accountability and assists in setting their treatment and life skills goals.

Another valuable aspect of orientation is the opportunity to assist students to learn school-to-work skills vital to successful transition to community living. Students write their own resumes, identify adaptive

and transferable work skills, and complete vocational interest inventories. The orientation transition process also helps the students focus while at the facility. Students do not "do time"; students begin planning to "stay out" of such facilities.

Such goal-setting feeds into the contributions of the planning partnership shared by the Oregon Youth Authority, the Oregon Department of Education, the parole officer and the family. This preliminary support network grows during a student's stay and enhances the possibilities for the student's reintegration into the community.

Following completion of orientation, students participate in their initial meetings with their teaching teams. The faculty is divided into teaching teams, which include content-area teachers and professional-technical teachers. Students are assigned to a particular teaching team based on assessment, which is derived from orientation, past school grade level information, teacher observations during orientation and the recommendations of the school psychologist and the school counselor. Teams communicate with corrections staff frequently, since corrections staff represent on-site parental authority and the home environment. The teacher team listens as the student presents his/her newly developed personal portfolio. Students self-advocate, and the teachers use the students' input to organize individual schedules. The resulting schedules thus incorporate both student and teacher ownership.

Formative evaluation of orientation

In the pilot study, students new to Farrell were given a three-page questionnaire that asked for responses to questions in three categories: self-knowledge, skills and communications. When students finished the class, they were given the same questionnaire and an additional page asking for their opinions regarding their portfolios.

These two samplings were compared, and the data indicated that students demonstrated gains in all three categories; however, the greatest gains were in self-knowledge. Students new to the school showed the greatest percentage of gains, especially

in the category of communication. Returning students showed the greatest gains in the category of self-knowledge.

Comments on the questionnaire indicated that students felt they gained knowledge about how the school worked, about school expectations and about themselves, especially their career goals.

The greatest impact of the class seemed to be that students felt that staff cared about them, listened to them, regarded them as unique individuals and encouraged them to express themselves. Follow-up interviews yielded results similar to the questionnaire results. Overall, students' opinions of the class were positive.

Pilot school site data

Farrell school is attended by 230 students who have been convicted of major felonies, including rape, armed robbery, arson, prostitution, attempted murder and murder. The student body is composed of 70 percent boys and 30 percent girls ranging in age from 12 to 20. Ethnicities among students include Caucasian, African American, Hispanic, Asian and Native American. Some students are intellectually gifted, while others have learning disabilities or are mentally retarded. Most students have a history of school failure, early antisocial behavior, and extensive problems with peer relationships and adult authority. Standard public school teaching strategies have not worked on these students.

Restructuring

The curriculum at Farrell addresses academic learning, social-emotional learning and school-to-work learning in the context of preparing students to return to their homes, schools, work and communities. Meaningful communication is critical to student success in self-integrating into the community and to the organization of the curriculum at Farrell.¹¹ Meaningful communication requires time. Program restructuring — changing to a block schedule for classes, forming teacher-student teams and developing a daily, student-focused, one-hour team meeting — has created communication time.

The block schedule at Farrell consists

of "A" and "B" schedule days. On "A" day, half the students attend vocational professional/technical classes and half attend academic classes. On "B" day, the configuration is reversed. Consequently, each student receives both academic and vocational instruction. Students attend two 2.25-hour length class blocks each day, one in the morning and one in the afternoon. Each student has a total of four teachers; most teachers instruct 20 different students daily.

Students and teachers are organized into teams. Five teachers serve a cohort of 40 to 45 students. Each teaching team consists of two academic teachers, two vocational teachers and one special education teacher, who is also the case manager for the students served by that team. The student cohorts are grouped according to age, performance, instructional needs and maturity.

The daily one-hour team meeting includes discussion and consensus on student schedules, progress, needs, referrals for services, instructional accommodations, behavior plans, discussions with service consultants and monthly progress reports. When a student is paroled, the teaching team completes an exit summary presenting the current level of performance, the student's strengths and the student's individual needs for continued academic, social and employment success.

Teaching teams also hold student services team meetings, multidisciplinary team meetings and IEP meetings. Students are screened for eligibility for IDEA, 504, TAG, Title I, counseling needs and needs for behavior plans. Current special education census data indicate that at Farrell, 70 percent of all students are IDEA-eligible. The disability rates are as follows: learning disabled, 44.7 percent; seriously emotionally disturbed, 43.5 percent; other health impaired, 2.4 percent; speech and language impaired, 4.1 percent; mentally retarded, 2.4 percent; and hearing impaired, 2.9 percent. Staffing one special education teacher for each general student population of 40 to 50 students meets the assessment and service needs of the students. During the next school year, per-

sonal education plans will be formed for all regular education students, and all students will have surrogate parents assigned.

Academic learning

The academic curriculum supports the state of Oregon's comprehensive curriculum goals and the Oregon 21st Century school reformation legislation. The academic program at Farrell also includes materials and methods modifications for students with disabilities. Course and content offerings parallel the current curriculum required for graduation from Oregon public schools. The 21st century work force will require literate, problem-solving citizens. Any academic inadequacies in students will endanger their opportunities for future employment and integration into the community.

Social-emotional learning

As students progress through their educational programs, they meet with their teachers and team leaders to request work experience and specific elective classes and to problem solve as treatment issues arise. The school population, which has a 50 percent turnover rate, requires open enrollment and open exit. Students are heterogeneously grouped and instruction is individualized for each student's rate and level of learning. Individualized instructional strategies support socially appropriate group interaction, which in turn challenges student use of prosocial behaviors and academic learning.

At Farrell, discipline is instructional and based on empathy for others. Teachers correct a student once for an unacceptable but not illegal behavior. After the correction, the student is ignored and expected to self-correct and participate. No further teacher correction occurs. If the student does not refocus, then the teacher immediately documents the behaviors and sends the student to the Problem Solving Center (PSC). In the PSC, the student has time to refocus, discuss the behavior that took him/her there and develop a plan to respond differently in similar future circumstances. The documentation of these behaviors does not constitute a discipline referral; rather, this process is instructional.

School-to-work learning

As students become more successful, they enter the work experience program, which is entirely self-contained within the correctional facility. Work experience is critical to transition because it simulates the community work environments students will face when they are paroled.

The school-to-work curriculum includes integrated academic courses, vocational professional/technical courses, shadowing and work experience placements. Professional/technical courses include business, cosmetology, hospitality and tourism, computers, and health occupations. A school-to-work coordinator, acting as a liaison between the Oregon Youth Authority and the Oregon Department of Education, screens application and resumes, organizes interviews and meets with the school-to-work advisory committee to implement continuous program improvement.

All shadowing and work experience placements occur on campus and simulate the community workplace as closely as possible. Community speakers, career fairs and a video library are used to help students understand the expectations of community employers.

Formative evaluation of restructuring

A comparison of staff attitudes during the 1993-1994 school year and the 1995-1996 school year suggests a favorable perception of the restructuring process. The following attitudes were compared through a survey process: perceptions of collaboration among staff members and between staff and administration; perceptions of safety from student assault; satisfaction with changes; time and resources for instruction; and increase in expectations for academic performance. All measures (using a Likert scale) demonstrated a notable increase in positive staff attitudes.

During the same periods of time, data were collected on program completion and student behavior. The number of students receiving high school diplomas has increased fourfold, and the number of students completing GEDs has also increased. There have been radical decreases in assaults and discipline referrals.

Looking to the future

In every case, academic learning, social-emotional learning and school-to-work learning form the basis of students' programs. The goals for every student are school completion (either diploma or GED), the nonvictimization of others and the acquisition of employment skills which enable the student to successfully enter the world of work.

When students are paroled, they leave with untested, new skills and behaviors to build on the academic, school-to-work and social development goals they accomplished while incarcerated. Every student needs the collaborative support of family, school and community services to continue these behaviors and to continue progress toward becoming a positive, prosocial community member.

Endnotes

1. Hill Walker, Steve Stieber and Robert O'Neill. "Middle school behavioral profiles of antisocial and at-risk control boys: Descriptive and predictive outcomes," *Exceptionality* 1 (1990): 61-77.
2. Gerald Patterson. *Coercive family process* (Eugene, Oregon: CASTALIA, Oregon Social Learning Center, 1982).
3. Gerald Patterson and L. Bank. "Bootstrapping your way in the nomological thicket," *Behavioral Assessment* 8 (1986): 49-73.
4. Gerald Patterson, Thomas Dishion and L. Bank. "Family interactions: A process model of deviancy training," in L. Eton, ed., *Journal of Aggressive Behavior* 10 (1984): 253-267.
5. Gerald Patterson and John Reid. "Intervention for families of aggressive boys: A replication study," *Behavior, Research and Therapy* 11(1973): 383-394.
6. J. David Hawkins, Richard Catalano and Janet Miller. "Risk and protective factors for alcohol and other drug problems in adolescence and early adulthood: Implications for substance abuse," *Psychological Bulletin* 110 [1] (1992): 64-105.
7. E.E. Werner and R.S. Smith. *Overcoming the odds: High risk children from youth to adulthood* (Ithaca, New York: Cornell University Press., 1992).
8. J. David Hawkins and Joseph G. Weis. "The social development model: An integrated approach to delinquency prevention," *Journal of Primary Prevention* 6[2] (Winter 1985).
9. Cathy Gilham, "Oregon Transition Support Initiative: Overview," presentation to [the Summer Institute, Bend, Oregon] 29 July 1996.
10. David Montesano, Salem, Oregon, to [Cathy Gilham, Salem, Oregon] 3 December 1996.
11. Ibid.

Aftercare for youth in transition

- **Youth** - Remember that you are a citizen of a country in which individuals count and people make new starts daily. Determine now to exchange the weed patch of "boredom" for the fertile fields of self-discovery and learning. Make many small decisions and complete doable, necessary tasks. Take the helping hands of those who care about you: mentors, friends, family, teachers.

- **Parents** - Remember that you are not alone, that loved ones, friends, teachers and community service workers are there to help you and your children to succeed. Ask teachers, probation officers, judges and social service personnel for advice on getting counseling, financial help, and health- and child-care assistance. Take responsibility for your children's welfare and education. Monitor your children to preserve their safety and their faith that you care about them.

- **Educators** - Remember that it takes many help-providers to redeem youngsters and families in need. Avoid indecision and fear by familiarizing yourself with regulations that encourage and allow information-sharing. Refuse to use others' faults and omissions as excuses for your own lack of action. Use your talents and that of your committed, skilled staffers to overcome obstacles that would deny educational opportunity to young people.

- **Probation/Law Enforcement/Judiciary** Remember that you share with parents and educators the common goal of socializing and educating youth so that learned values and skills lead youths into productive jobs and lifestyles. Work to create cluster groups of community agencies that will provide aftercare for youth in transition. Share your expertise to educate youth-serving professionals who may not be familiar enough with the intricacies of law to assist families and youth in need. Collaborate in planning with educators joint programs and activities designed to create a youth support network.

- **Citizens** - Choose action over complaining. Volunteer your expertise and services as an investment in your future. Focus on youths "at promise," not "at risk." Remember that the loss of even one potential educated citizen diminishes you and your world.

When faced with educating at-risk and delinquent youth, Kentucky school districts' concerns include student/staff safety, funding and training for personnel working with such youth.

State initiatives expand educational opportunities

The educational challenges facing at-risk and delinquent youth go well beyond the classroom. The limited academic achievement and poor attendance records of many at-risk youth, as well as their disruptive and increasingly violent behavior when they are at school, are all reflective of a range of personal, family, emotional and economic problems facing these children. The commonwealth of Kentucky has recognized that no single agency or program can address the complex problems of at-risk youth. Thus through a series of boundary-spanning program initiatives, Kentucky has expanded its range of services for at-risk and delinquent youth.

Kentucky Education Reform Act

In 1990, the Kentucky General Assembly enacted the landmark Kentucky Education Reform Act (KERA), passed in response to a Kentucky Supreme Court decision declaring the state's entire system of public schools unconstitutional.¹ That decision was the culmination of a 1985 lawsuit filed by 66 of Kentucky's 176 local school districts against the governor, the superinten-

Bruce Wolford, Ph.D., directs the Kentucky Educational Collaborative for State Agency Children (KECSAC) and is professor of correctional services at Eastern Kentucky University in Richmond, Ky. Bill Scott, M.S., directs the Kentucky School Boards Association's student support services division.

dent of public instruction, the state board of education, the state treasurer and the Kentucky General Assembly for failing to provide for an efficient system of common schools.

In holding Kentucky's school system to be inadequate, the Kentucky Supreme Court relied on section 183 of the Kentucky Constitution which says: "The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools through the state."²

Annual accountability

One of the most unique features of the KERA is the requirement that all schools shall reduce physical and mental health barriers to learning. To help ensure compliance with this provision of the law, each school and district is annually assigned a score, called an accountability index, which measures both cognitive indicators (student performance on a statewide assessment) and noncognitive indicators (rates of attendance, retention, dropout and successful transition to adult life). Successful schools and districts receive cash awards; unsuccessful schools and districts are required to develop improvement plans and as a result of their deficiencies, may ultimately forfeit some local decision-making authority to the Kentucky Department of Education. Because of this high-stakes assessment and accountability system, Kentucky's public school districts have a powerful incentive to assess, monitor and

address the needs of all students — including those at high risk of academic failure.

To assist schools in these efforts, KERA has provided them with a variety of new resources: preschool programs for low-income four-year-olds and three- and four-year-olds with educational disabilities; extended school services (additional instruction time beyond the school day, week and year); and family resource and youth service centers.

Promising changes

Perhaps the most promising change for high-risk students has been the establishment of family resource and youth service centers (FRYSCs) throughout Kentucky. These school-based centers focus on the needs of families and children. The centers are founded on the premise that more children can succeed in school if noncognitive barriers to learning are removed. The FRYSCs provide a mandated set of specific core components, as well as a variety of optional services based upon the unique needs of the schools and communities served by the centers. It is hoped that through early intervention and attention to academic, social and economic needs, at-risk youths can achieve success in school and reduce the chance that they will become enmeshed in future justice and human service systems.

Family resource centers

Family resource centers (FRCs) are located

in or near elementary schools and serve children up to age 12. Mandated core components for FRCs are:

- full-time preschool child care for children ages 2 to 3;
- after-school care for children 4 to 12 years old, with full-time care during those periods when school is not in session;
- families in training (an integrated approach to home visits that combines support and educational services), group meetings or child development monitoring for new and expectant parents;
- parent and child education;
- support and training for child day care providers; and
- health services and/or referral to health services.

Center staff may address these components in different ways. For example, child day care may be provided, or parents may be given a list of local providers with available space. Centers are also encouraged to offer other services, which are determined through local surveys, in addition to the required services. These extra services may include transportation (a significant need in a largely rural state), emergency assistance, peer mediation, as well as assistance and support to parents who want to participate in adult literacy programs or to obtain their GEDs.

Youth service centers

Youth service centers (YSCs) are located in or near middle and high schools and serve children over age 12. Mandated core components for YSCs are:

- referrals to health and social services;
- employment counseling, training and placement;
- summer/part-time job development;
- family crisis and mental health counseling; and
- drug and alcohol abuse counseling.

The centers are financed with state educational funds administered by the Kentucky Cabinet for Families and Children, a child welfare agency. To qualify for grants to establish a family resource or youth ser-

vice center, at least 20 percent of a school's students must be eligible for the federal free lunch program. Funding for a center is based on the number of children eligible for the free school meals program, with funding limited to a maximum of \$90,000 per center and a minimum of \$10,000. Centers augment their budgets through in-kind and direct support from the school system and the community. As of December 1996, there are 560 centers serving 912 schools: 301 FRCs, 148 YSCs and 111 combined family resource and youth centers. The majority of these centers are in rural communities.

Initiatives support high-risk youth

Several state-level organizations, including the Kentucky Department of Education, the Kentucky Educational Collaborative for State Agency Children and the Kentucky School Boards Association, provide assistance to Kentucky's schools in their efforts to address issues such as school safety and discipline.

The Kentucky Department of Education provides a wide variety of assistance to schools in this area, including identifying and training a statewide pool of behavior consultants who can be accessed by school districts throughout the commonwealth. Kentucky Department of Education, in conjunction with the University of Kentucky, is also developing a behavioral management Web site featuring information and available resources for educators.

In an effort to help local school boards and other school and community leaders maximize the efforts of FRYSCs and other support programs, Kentucky School Boards Association (KSBA) recently initiated its student support services. This service provides a team of school and community leaders, parents and students with an opportunity to review youth data that reflect a variety of risk factors and their negative outcomes. Based on this review, stakeholders select the problems and risk factors which they feel pose the greatest threat to their students. With ongoing support from KSBA staff, the team identifies state and local experts who help develop an action plan to improve the priority out-

comes and mitigate the risk factors. The ultimate purpose of this plan is to combine all appropriate school and community resources in a way that results in measurable improvements in student health, safety and academic achievement. Annual review of this data will help school and community officials monitor the progress of these ongoing efforts to serve at-risk youth.

In addition, KSBA's special education service has published and presented to schools throughout Kentucky a "User's Guide to Discipline of Students with Disabilities" and provides follow-up consultation and training to school personnel.

Kentucky Educational Collaborative for State Agency Children (KECSAC) is a collaborative effort that currently involves more than 115 public and private youth treatment programs, 55 local school districts, and the state departments of education, social services, juvenile justice and mental health/mental retardation. The collaborative is managed by the Training Resource Center at Eastern Kentucky University under a contract with the Justice Cabinet. The university's responsibilities as the KECSAC manager include:

- fostering and maintaining collaboration among the partners;
- promoting school district and program cooperation between education and treatment;
- administering the State Agency Children's Fund, which provides supplemental state funding to school districts for the education of youth in residential and day treatment programs;
- providing professional development opportunities for educators; and
- collecting, analyzing and disseminating information regarding state agency children, their educational needs and opportunities/outcomes.

An external evaluator, whose responsibilities include both process and outcome evaluation, monitors the collaborative's efforts. The evaluator has given KECSAC and the commonwealth valuable insights into the educational needs and services available for the state's most troubled youth.

Concerns about adjudicated youth

Although KECSAC has made notable progress in enhancing educational services for at-risk and delinquent youth, significant issues still face school districts serving adjudicated youth. A recent survey of Kentucky's local school boards indicated that student and teacher safety remains a top concern.

Although there have been no formal surveys of local school boards on the issue of educating adjudicated youth, board members and other school officials consistently express several concerns regarding the education of these students:

- *Insufficient funding.* Although districts receive additional funds from the Kentucky Department of Education to serve adjudicated youth, many school officials indicate that these funds remain inadequate to cover the extensive array of education and related services required by many of these students. Moreover, the additional days of instruction specified in some students' Individual Education Plans and Individual Treatment Plans further stretch school districts' financial resources.
- *Threat to the safety of other students.* The existing behavior management systems of schools are often inadequate to address the discipline needs of some adjudicated students.
- *Lack of timely notification to school districts regarding the opening of new or expanded facilities for adjudicated youth.* Some districts have complained that they were unaware that a facility was opening or expanding within their community. This lack of timely notification makes it difficult for schools to adequately prepare for the expanded services required by many high-risk students.
- *Lack of training and preparation for school district personnel who serve adjudicated youth.* Although KECSAC has expanded training opportunities for these educators, many still lack the necessary skills and knowledge to serve this complex population.
- *Lack of notification regarding returning students.* Students may show up at their original school system with little or no warning. The lack of crucial information

about the educational and therapeutic needs of returning students increases their risk of failure.

- *Confusion over financial responsibility for special education students referred to residential settings.* Questions related to what constitutes the legal residence of students in out-of-home placements has led to confusion over which school district bears the financial responsibility for a given student's education and related services. A legislatively established Residency Task Force is currently considering this and other residency issues related to children in placement.

Boundary-spanning programs

The legislative initiatives that created KECSAC were built upon the Kentucky Education Reform Act and the efforts to establish site-based decision-making councils in every school and to establish an expansive network of over 500 FRYSCs throughout the state. Kentucky's legislative, educational, juvenile justice and child welfare leaders have gone beyond the traditional single-agency, short-term response to address the needs of at-risk delinquent youth.

Kentucky's initiatives, such as KECSAC and FRYSCs, are prime examples of what David Matthews, president of the Charles F. Kettering Foundation, calls "boundary-spanning organizations." These efforts cut across traditional agencies' governance structures and geopolitical divisions to stimulate change, foster collaboration and encourage experimentation with new ways for agencies to cooperate. Because boundary-spanning organizations are not subject to traditional bureaucratic constraints, they allow leaders to test out new ways of working together. School-based resource centers and state-level collaboratives are thus able to focus on the needs of children and families without the typical concerns related to infringing on agency turf.

Expanding the continuum

Kentucky is currently embarking on an effort to consolidate juvenile justice programs into a single state agency. The Kentucky Department of Juvenile Justice will

become fully operational in 1997, when residential and community-based programs emphasizing success for delinquent youth will be consolidated into a single department within the Justice Cabinet. This effort will help Kentucky more systematically address the needs of its delinquent juvenile population.

Among the tasks facing the Kentucky Department of Juvenile Justice will be the redefinition and expansion of day treatment programs. A recent legislative initiative has provided funding for a 50 percent increase in day treatment programs, to a total of 27 centers. Day treatment programs in Kentucky blend education and treatment in nonresidential, community-based settings. Youth in these programs are committed to the department of juvenile justice, placed by the courts or referred by the schools. Day treatments have traditionally been used as "halfway-in" programs. These programs often represent the last nonresidential option for youths prior to out-of-home placement. The expansion of day treatments as "halfway-out" or post-residential placement transition options with day and evening programming is seen by many as the next logical expansion of the continuum of services in Kentucky.

As local school districts add alternative education programs at the middle and high school levels, a fuller continuum of services becomes available to serve both at-risk and delinquent youth and to protect the public.

Ensuring quality education

Newport, Kentucky, provides an excellent example of how local citizens, the business community and educators can form partnerships to ensure the success of all students. Relatively high rates of economic deprivation (approximately 73 percent of the district's students qualify for free or reduced-price meals) and juvenile crime represent potential barriers to the academic success of Newport's student population.

In response to these risk factors, the district has partnered with local businesses and industries to initiate two mentoring programs. In September 1996, the district successfully applied for a Title IV grant

(Safe and Drug-Free Schools) to initiate a volunteer mentoring/tutoring program called Helping One Student To Succeed (HOSTS). HOSTS matches volunteers from the business community with students who need assistance learning to read. Research has shown that a relationship with a caring adult can improve students' academic skills and can also increase self-esteem. For these reasons, many school districts that have used this model have seen a drop in student absenteeism and discipline referrals. Newport has 69 community volunteers working in the HOSTS program.

Another mentoring program, Fostering Relationship, Opportunities and Growth (FROG), was developed in cooperation with the Educational Alliance of Northern Kentucky (Chamber of Commerce) and Proctor & Gamble, Inc. The partnership currently utilizes 60 mentors for students in grades four through 12.

Juveniles re-entering the mainstream

One of Kentucky's best examples of how school districts can set up infrastructure that provides continuity and ongoing support to students who are re-entering the mainstream schools from the juvenile justice system is the "Youth Assistance Model." This collaborative effort involves three public school systems (Christian, Henderson and Jefferson counties), the Kentucky Department of Education and the University of Kentucky's Center for Prevention Research. It represents a long-term commitment to gathering accurate data on youth re-entering mainstream schools and to addressing a variety of gaps in services, including the lack of a structured monitoring and support system. Although each school district has its own unique method of working with these youth once they enter a school, there are five key components common to all three districts:

Data gathering. Each district is electronically linked to one file server through the statewide area network. This technology allows the districts to create a cumulative file on suspended and adjudicated youth that will be used to determine what does and does not work for this population.

Bridge coordinator. Juvenile justice facilities contact the school district's bridge coordinator before the student is released. Pertinent information from the facility allows the coordinator to identify the individual school that best meets the student's needs. The coordinator also facilitates com-

Funding for the Youth Assistance Model varies from county to county and comes from a variety of sources, including federal, state and local district funds. Participating school districts also seek grants to assist in the implementation of this promising model.

"Because 'boundary-spanning' organizations are not subject to traditional bureaucratic constraints, they allow leaders to test out new ways of working together. ...Collaboratives are thus able to focus on the needs of children and families."

munication between schools and community agencies and is a member of the community/district team.

Mentoring. The receiving school designates a mentor for each returning student. The mentor, who must be an employee of the school district and must work at the school to which the student is assigned, has frequent contact with the student to address any problems or conflicts. Mentors receive a variety of training and support from the school district.

School team. Each school has a committee of staff who help monitor students' progress. While the school team is responsible for ensuring that the school meets students' educational needs, team members may refer larger issues to the community/district team.

Community/district team. The role of the community/district team is to create and enforce uniform policies for adjudicated youth. This group also identifies community resources that can further assist such youth.

Serving on the team are representatives from juvenile facilities, the court system, community-based social services staff, parents, mental health professionals and school personnel — including bridge coordinators. Team members share information and valuable insights, yet work to preserve appropriate confidentiality in their efforts to facilitate the successful reintegration of adjudicated youth into communities.

Collaboration plus cooperation

The notion that "one size fits all" is clearly not the approach that Kentucky has adopted to address the needs of at-risk and delinquent youth. Through boundary-spanning interagency collaboration, the commonwealth of Kentucky has taken meaningful steps to expand services and resources that educators and other youth-serving professionals can use to meet the challenge of preserving school safety. Early interventions, such as family resource and youth service centers, coupled with an expanded array of program options will help Kentucky and other jurisdictions address the concerns and pressing issues associated with drawing at-risk youth back into mainstream schools and with preserving educational opportunity and school safety for all students.

Endnotes

1. Rose v. Council for Better Education., 790 S.W.2d 186 [Ky. 1989].
2. Ky. Const. § 183.

For additional information regarding the programs and services described in this article, contact the authors at: KECSAC, 300 Stratton Building, Eastern Kentucky University, Richmond, KY 40475; fax 606/622-6399; brucetrc@iclub.org; or Kentucky School Boards Assn., 260 Democrat Dr., Frankfort, KY 40601; fax 502/695-5451; bscott@mail.state.ky.us.

Success School options create a continuum between traditional and correctional classrooms using performance-based accountability, integrated studies and continuing feedback.

Finding a pathway to success

Students can and should be safe in our national public school system. All too often they are not. The purpose of this article is to illustrate a systemic model of a public school system that guarantees safe and effective public schools. Creating safe schools is not a school finance issue requiring massive spending and corresponding legislative action. Public school administrators and teachers can make schools safe at current spending levels. No mandates from the executive branch of government or judicial action is required; neither is it necessary to obtain a cash infusion from business leaders nor to depend upon the support of parents.

The Pathfinder Project is a therapeutic education initiative begun by the Arizona Department of Juvenile Corrections education system in Arizona as a response to federal litigation. After seven years of intensive reform efforts, Arizona has established a research-based and accredited school system that has transformed a repressive and unresponsive correctional education program into an alternative education model for performance-based accountability. The Pathfinder Project can be implemented immediately in any public school system in the United States with guaranteed and measurable results.

Crucial to the success of the Pathfinder

Alan Wright, M. Ed., is education superintendent for the Arizona Department of Juvenile Corrections.

Project have been the support of the U.S. Department of Education's Title I Program and the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. This departmental partnership has further addressed the problems associated with creating safe schools by sponsoring the Youth Out of the Education Mainstream Initiative. Youth who are disconnected from the education community because of dysfunctional relationships with significant others place both themselves and their communities at risk. Schools will not be safe while disconnected students are disrupting classes and outrageously expressing anger and fear.

Success School

Students who disrupt classes, develop patterns of truancy and otherwise interfere with learning in school settings have traditionally been met with punitive action of some sort. In some cases the common therapeutic response has been to assign such students to behavioral special education classes based on the emotional, attitudinal and behavioral "deficiencies" perceived in such students.

In contrast, Arizona's Pathfinder Project targets disruptive, delinquent adolescents, enrolls them in "Success School" and uses a "Connections Curriculum" that provides a continuum of educational experiences that guarantees success when it is fully implemented. When the process is used as it is designed, students gain literacy skills

at the accelerated rate, on average, of between two and three months' grade equivalency for every month in the program. In addition, corresponding behavioral changes in students indicate their increased commitment to learning.

The purpose of Success School is to recognize and serve disillusioned youth who have little or no hope for their futures and who have abandoned any belief in obtaining personal success within "the system."

The mission of Success School is to create a learning organization empowered to carry out a vision of guaranteeing success, of empowering delinquent youths in body, mind and spirit to restore their belief that they can achieve "the American dream" of success as responsible and productive citizens of a community. Success School provides a transitional educational experience for troubled youth that teaches a leadership style focused on personal development and life-long learning for community-based stewardship. The bottom line is that students learn responsibility and thus are empowered to achieve success.

The basic approach

Albert Einstein has taught us that theory determines the way we see things. If, in fact, the way we see things is determined by theory and, indeed, our perception is truthful, it necessarily follows that in order to understand each other in any meaningful way we must develop a dialogue constructed upon a common theory of perceptions.

The basic postulates required of this common theory are as follows:

- Understanding is structure.
- Structure determines behavior.
- Structural change produces behavioral change.

Angry and fearful adolescents will not invest in the discipline necessary to learn communication, career and citizenship skills necessary for success. The choice then is simple. If students are behaving in a manner that creates unsafe schools, then educators need to work with the students to restructure their world view (understanding). Consequently educators must establish a meaningful dialogue with stu-

Implementation

The success coach immediately engages the newly enrolled *success school student* in a structured interview, which coalesces into the development of a *successfolio*. The student's competency and commitment with respect to knowledge and skills in communication, citizenship and career exploration are documented in this successfolio. Following the initial structured interview with the success coach, the student is assigned to work with two *success specialists*, who guide the student through two integrated courses of study.

The first course is called "Principles of Society" (Rules). It integrates reading, writing and social studies into a perfor-

Success School can be implemented as a "school within a school" or as a contracted partnership operated separately.

dents that serves as a basis for constructing a functional relationship built on trust.

Success School is a transitional, experimentally based process of engaging a student in a dialogue with a *success coach* who facilitates the creation of a *career action plan*, or life path. Each student is by definition a *pathfinder* who is engaged in the Pathfinder Project in a research-based quest to establish a meaningful role in society rooted in achieving the American dream of success.

Pathfinders are people moving forward with a sense of purpose and direction. The role of the success coach is to establish the primary student/staff relationship in the learning organization. This basic relationship is forged using coaching skills that this author developed and tested for 12 years among delinquent adolescents. These skills build on the principles of learning taught by three leadership development models that form the core of Success School. *The Seven Habits of Highly Effective People* by Stephen Covey, *The Fifth Discipline: The Art and Practice of the Learning Organization* by Peter Senge and the *Situational Leadership* research and training developed by Kenneth Blanchard provide the foundation for building the learning relationship.

mance-based exploration and expansion of the student's world view. The student constructs work products that demonstrate competency and commitment toward the development of the career action plan.

The second course is called "Principles of Technology" (Tools). It integrates science and mathematics into a performance-based demonstration of knowledge and skills related to the world of work. This course allows the student to move through a continuum leading to employment in community service.

Success School unites students and staff in a learning organization that exists solely for the purpose of teaching service to the community through stewardship in an individualized and integrated connections curriculum. Students find meaning, direction and motivation as they formulate roles and goals in their lives that lead to development of relationship and learning skills necessary to achieve their chosen identities. It is this fundamental change in students' perceptions observed over time that serves as Success School's basis for guaranteeing success.

Individualizing instruction

The idea of integrating courses and individualizing instruction is not new, of

"The Pathfinder Project" is a leadership development program that targets delinquent adolescents recognized as a threat to the safety of the education community. Created by Alan Wright, education superintendent of the Arizona Department of Juvenile Corrections, the project responded to a perceived leadership crisis in alternative and correctional education and has developed as a model program for youth out of the education mainstream in Arizona. Public school systems were never designed or funded to manage a "critical mass" of delinquent adolescents with serious dysfunctional relationship problems often aggravated by chemical abuse. Working over the last seven years to strengthen the vision and mission of the project with Dr. Ted Price, former president of the International Correctional Education Association and currently assistant county superintendent for Orange County in California, with the research of Dr. Osa Coffey and with Mr. Robert Gemignani of the National Office for Social Responsibility, Mr. Wright has now also assumed the leadership role of president of the Association of State and Federal Directors of Correctional Education.

Alan Wright may be contacted at the Arizona Department of Juvenile Corrections, 1624 West Adams, Phoenix, AZ 85007; phone 602/255-5259; fax 602/255-5265.

course. The process of using the research of Peter Senge to formulate principles to engage students in self-study of the rules and tools related to their chosen identity quests is new. Staff/student dialogue based on self-examination of current reality, vision and strategic plan lead to the devel-

(Continued on page 29)

NSSC Publications

The National School Safety Center (NSSC) serves as a national clearinghouse for school safety programs and activities related to campus security, school law, community relations, student discipline and attendance, and the prevention of drug abuse, gangs, bullying and weapon use in schools.

NSSC's primary objective is to focus national attention on the importance of providing safe and effective schools. The following publications have been produced to promote this effort.

School Safety News Service includes three editions of *School Safety*, newsjournal of the National School Safety Center, and six issues of *School Safety Update*. These publications feature the insight of prominent professionals on issues related to school safety, including student discipline, school security, truancy, dropouts, prevention and intervention programs, weapons and violence prevention, and substance abuse. NSSC's news service reports on effective school safety programs, updates legal and legislative issues, and reviews new literature on school safety issues. Contributors include accomplished local practitioners and nationally recognized experts and officials. (\$59.00 annual subscription)

School Safety Check Book (1990) is NSSC's most comprehensive text on crime and violence prevention in schools. The volume is divided into sections on school climate and discipline, school attendance, personal safety and school security. Geared for the hands-on practitioner, each section includes a review of problems and prevention strategies. Useful charts, surveys and tables, as well as write-ups on a wide variety of model programs, are included. Each chapter also has a comprehensive bibliography of additional resources. 219 pages. (\$20.00)

Set Straight on Bullies (1989) examines the myths and realities about schoolyard bullying. Changing attitudes about the seriousness of the problem are stressed. The book presents the characteristics of bullies and bullying victims, and most importantly, provides strategies for educators, parents and students to better prevent and respond to schoolyard bullying. Sample student and adult surveys are included. 89 pages. (\$15.00)

Child Safety Curriculum Standards (1991) helps prevent child victimization by assisting youth-serving professionals in teaching children how to protect themselves. Sample strategies that can be integrated into existing curricula or used as a starting point for developing a more extensive curriculum are given for both elementary and secondary schools. The age-appropriate standards deal with the topics of substance abuse, teen parenting, suicide, gangs, weapons, bullying, runaways, rape, sexually transmitted diseases, child abuse, parental abductions, stranger abductions and latchkey children. Each of the 13 chapters includes summaries, standards, strategies and additional resources for each grade level. 353 pages. (\$75.00)

Developing Personal and Social Responsibility (1992) is designed to serve as a framework on which to build successful school and community programs aimed at training young people to be responsible citizens. 130 pages. (\$10.00)

Gangs In Schools: Breaking Up Is Hard to Do (1992) offers an introduction to understanding youth gangs, providing information on the various types of gangs — including ethnic gangs, stoner groups and satanic cults — as well as giving practical advice on preventing or reducing gang encroachment in schools. Already in its seventh printing, the book contains valuable suggestions from law enforcers, school principals, prosecutors and other experts on gangs. The concluding chapter describes more than 20 school- and community-based programs throughout the country that have been successful in combating gangs. 48 pages. (\$8.00)

School Crime and Violence: Victims' Rights (1992) is a current and comprehensive text on school safety law. The book offers a historical overview of victims' rights, describes how such rights have been dealt with in our laws and courts, and explains the resulting effects on America's schools. The authors cite legal case histories and cover current school liability laws. The book explains tort liability, sovereign immunity, the duty-at-large rule, the intervening cause doctrine and foreseeable criminal activity, and also addresses the significance to schools of these legal aspects. The concluding chapter includes a "Checklist for Providing Safe Schools." 127 pages. (\$15.00)

Educated Public Relations: School Safety 101 (1993) offers a quick course in public relations for school district public relations directors, administrators and others working to achieve safe, effective schools. This book explains the theory of public relations and successful methods for integrating people and ideas. It discusses how public relations programs can promote safe schools and quality education and gives 101 specific ideas and strategies to achieve this goal. 72 pages. (\$10.00)

School Discipline Notebook (1992) will help educators establish fair and effective discipline policies. The book reviews student responsibilities and rights, including the right to safe schools. Legal policies that regulate discipline methods used in schools are also explained. 53 pages. (\$8.00)

Student Searches and the Law (1995) takes a close look at the legality of conducting searches on the school campus. The book examines recent court cases concerning student searches, including locker searches, strip searches, searches by probation officers, and searches using metal detectors or drug-sniffing dogs. 80 pages. (\$12.00)

School Safety Work Book (1995) highlights prevention/intervention models that show promise in stemming the rising tide of school crime and violence. The loose-leaf notebook showcases more than 100 school- and community-based programs. Contact information provides a resource for those who may seek to replicate these successful programs. Contents target conflict resolution, gang prevention, social responsibility, substance abuse prevention, truancy reduction, violence prevention and weapons prevention. 125 pages. (\$20.00)

Points of view or opinions are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice, U.S. Department of Education or Pepperdine University. Prices subject to change without prior notification.

Resource Papers

The National School Safety Center (NSSC) has produced a series of special reports on a variety of topics related to school safety. Each NSSC resource paper provides a concise but comprehensive overview of the problem, covers a number of prevention and intervention strategies, and includes a list of organizations, related publications and article reprints on the topic.

Safe Schools Overview offers a review of the contemporary safety issues facing today's schools, such as crime and violence, discipline, bullying, drug/alcohol trafficking and abuse, gangs, high dropout rates and school safety partnerships.

Corporal Punishment in Schools outlines the arguments for and against corporal punishment. It also discusses the alternatives to corporal punishment that have been developed by schools and psychologists.

Drug Traffic and Abuse in Schools, after summarizing students' attitudes and beliefs about drugs, covers drug laws and school rules, the legal aspects of student searches and drug testing, and the connection between drug use and truancy, crime and violence.

Weapons in Schools outlines a number of ways to detect weapons on campus, including using searches and metal detectors, establishing a security force, and eliminating book bags or lockers where weapons can be hidden.

Role Models, Sports and Youth covers a number of programs that link youth and sports: NSSC's urban school safety campaign that uses professional athletes as spokesmen; several organizations founded by professional athletes to help youth combat drugs; and programs established to get young people involved in school or neighborhood teams.

School Bullying and Victimization defines bullying, offers an overview of psychological theories about how bullies develop, and covers intervention programs that have been successful.

School Crisis Prevention and Response identifies principles and practices that promote safer campuses. It presents reviews of serious schools crises — fatal shootings, a terrorist bombing, armed intruders and cluster suicide. Also included are interviews with principals in charge of schools where crises have occurred.

Student and Staff Victimization first outlines schools' responsibility to provide safe educational environments, then covers strategies for dealing with victimization.

Increasing Student Attendance, after outlining the problem and providing supporting statistics, details strategies to increase attendance by preventing truancy and intervening with and responding to students who become truants or dropouts.

Display Posters

"Join a team, not a gang!" (1989) — Kevin Mitchell, former home run leader with the San Francisco Giants.

"The Fridge says 'Bullying is uncool!'" (1988) — William "The Fridge" Perry, former defensive lineman for the Chicago Bears.

"Facades..." (1987) — A set of two 22-by-17-inch full-color posters produced and distributed to complement a series of drug-free schools TV public service announcements sponsored by NSSC.

All resources are prepared under Grant No. 85-MU-CX-0003 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in these documents are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice, U.S. Department of Education or Pepperdine University. **Prices subject to change without prior notification. Charges cover postage and handling. All orders must be prepaid.**

NSSC Order Form

Publications

- _____ School Safety News Service (\$59 annually)
- _____ Child Safety Curriculum Standards (\$75)
- _____ Developing Personal & Social Responsibility (\$10)
- _____ Educated Public Relations (\$10)
- _____ Gangs in Schools (\$8)
- _____ Hiring the Right People: Guidelines for Screening and Selection of Youth-Serving Professionals and Volunteers (\$8)
- _____ School Crime and Violence (\$15)
- _____ School Discipline Notebook (\$8)

- _____ School Safety Check Book (\$20)
- _____ Set Straight on Bullies (\$15)
- _____ Student Searches and the Law (\$12)
- _____ School Safety Work Book (\$20)

Display Posters

- _____ "Join a team, not a gang!" Kevin Mitchell (\$3)
- _____ "The Fridge says 'Bullying is uncool!'" William "The Fridge" Perry (\$3)
- _____ "Facades..." (Set of 2) (\$3)

Resource Papers

- _____ Safe Schools Overview (\$5)
- _____ Corporal Punishment in Schools (\$5)
- _____ Drug Traffic and Abuse in Schools (\$5)
- _____ Increasing Student Attendance (\$5)
- _____ Role Models, Sports and Youth (\$5)
- _____ School Bullying and Victimization (\$5)
- _____ School Crisis Prevention and Response (\$5)
- _____ Student and Staff Victimization (\$5)
- _____ Weapons in Schools (\$5)

Name _____ Title _____ Affiliation _____ Amount _____

Address _____ City/State/Zip _____ Daytime phone _____

Visa _____ Mastercard _____ Cardholder Name _____ Account Number _____ Exp. Date _____

For Internal Use Only:

Approval #:	Initials:	Date:	Deposit to NSSC Account: 6-25298-0506
-------------	-----------	-------	--

Mail order to: NSSC, 4165 Thousand Oaks Blvd., Suite 290, Westlake Village, CA 91362

At Camp Kilpatrick, the aim is to educate incarcerated youth and to use athletics as a means of giving special focus and holding out incentives to youths whose lives have heretofore lacked direction.

Rehabilitation: risk- and needs-based care

The Santa Monica Mountains separate Pacific Coast Highway from busy California Interstate 101. Tall pines and various kinds of oak trees and scrub brush can be seen along the mountain canyon roads and on the hillsides just on the other side of the fenced driveway branching away from the main road and leading to the low-slung cinder block buildings that constitute this boys' boarding school. Uniforms in camouflage colors and mustard-brown twill have for years outfitted the 120 enrollees, long before school uniforms became a means of combating crime and violence in schools.

On this foggy morning the brown and gold autumn leaves lie scattered on the grass outside classroom windows and in damp clumps massed in the corners of the entrance to the school's administrative offices. A staff meeting is in progress. The school's athletic director is reviewing details related to a disputed call at a football game the previous weekend. An assistant coach comments on the contrast between the school team's relatively disciplined response to the call and that of the opposing team. As the meeting breaks up, the coaches gather around a TV monitor to view the videotaped play.

Welcome to Vernon Kilpatrick Boys' Probation Camp, home of the Kilpatrick Mustangs and the only sports camp among

the 18 probation camps operated in partnership by the Los Angeles County Probation Department and the Los Angeles County Court Schools. Ninety-seven percent of all juvenile offenders [in California] are handled by county probation departments, including placements in county-run juvenile facilities.¹ California counties house over 6,000 minors in juvenile halls and 4,000 minors in ranch and camp facilities each day.² Annual Los Angeles county probation costs for youth offenders are estimated at \$145 million.³

Notwithstanding mind-boggling figures such as the last one above, Camp Kilpatrick's facilities are modest. Offices are clustered together in a building that also contains individual staff sleep rooms the size of cells for occasions requiring staff to be on call. Classrooms extend from building offices along an outside walkway. Waist-high classroom windows face the small parking lot on the east and the asphalt basketball court and playing field on the west. Six-foot tall steel mesh fencing is mounted on building roofs of this secure facility, augmenting fencing along the perimeters. Across the athletic field west of the office/classroom building are two dormitories, each Spartanly housing about 60 youth between the ages of 13 and 18. At the south end of the "campus" is a gymnasium, which is close to the utilitarian cafeteria featuring light-toned Formica tables sprouting static, backless seats from center posts that are bolted to the concrete floor.

Across the playing field and opposite the gym and cafeteria, close to the north perimeter of the camp buildings, is the lockdown building. Inside are individual cells, each featuring a heavily screened and fortified window, where youth can be housed following violent episodes, during "cooling off" periods or in emergencies when all dorm beds are filled. Court wards enter and leave the facility on secure buses from a staging area behind the lockdown building.

Turning lives around

A veteran of 19 years as a field probation officer and nine years as a probation manager, camp director Sandra Moss-Manson oversees a staff of 75 full- and part-time deputy probation officers, group supervisors, caseworkers and coaching and administrative staff. Manson and her staff echo each other in their expressions of confidence in turning around the lives of the youth in their custody. Youngsters housed at Camp Kilpatrick are charged with offenses that include theft and robbery, firearms-, gang- and alcohol-related acts as well as more violent offenses of assault, rape and even murder.

The Camp Kilpatrick facility was dedicated in 1962. Its Kilpatrick "Mustang" program began in 1986 with a primary goal: "Turn perennial losers into winners." While other Los Angeles County Probation Department camps are boot camps, work camps, fire camps and open camps

Marjorie Creswell Walsleben, Ph.D., is associate editor for School Safety.

(camps that are minimum security facilities), Kilpatrick carries on a tradition begun when the facility fielded a single free-lance basketball team. The Academics With Athletics Reaching Excellence (A.W.A.R.E.) program, a concept from probation chief Barry Nidorf, aims to educate incarcerated youth and to use athletics as a means of giving special focus and holding out incentives to hundreds of youths whose lives heretofore have had little or no direction.

At Camp Kilpatrick, juveniles are incarcerated as punishment for their offenses, but they are also provided with education, athletics, counseling and risk factor management to ensure that such high-risk juvenile parolees avoid recidivism and transition successfully from this secure camp back into the community. Tracking of A.W.A.R.E. participants over a six-year period reveals the percentage of re-offenders is just below 25 percent. In contrast, 70 percent to 75 percent of the minors in California released from correctional institutions have re-offended within nine months of their release.

Kilpatrick athletic director and deputy probation officer Duane Diffie states, "Athletics is the vehicle employed to allow students to establish short- and long-term goals. On the athletic field, as in the classroom, there is no place to run and hide from failure. Our students make it, or they learn how to make it; we *won't* let them fail."

The Kilpatrick Mustangs currently compete in four sports: football, soccer, basketball and baseball. The teams play in the Alpha League against other small high school teams and in Division X of the southern section of the California Interscholastic Federation. Whereas it is customary in mainstream schools to require that school athletes maintain a C academic average, Kilpatrick youth must maintain a minimum B average.

"Frequently the kids 'fudge' and purposely fail on academic assessment tests during intake," Diffie continues. "They don't want to stand out or appear different from their home boys. We offer athletics, as well as various small privileges and

treats, to encourage the kids always to try to do their best."

Athletics not only offers court wards opportunities for achievement and success, but also a degree of program involvement and ownership within the framework of the camp's overall plan.

"We are interested in working with the total child: his health and nutritional welfare; his intellectual, educational, emotional, and social development," explains



Manson. "Ultimately we want to transform these young people into law-abiding, responsible members of the community and to prevent people from being victimized."

Kilpatrick principal Gloria Newell and assistant principal Bruce Kundin supervise a teaching staff of seven. Deputy probation officer Thomas Barr coordinates a tutoring program that pairs college and university student volunteers from UCLA, Pepperdine University and Los Angeles Pierce Community College with Kilpatrick youths. The program enhances the camp's academic program and allows camp students to interact with positive peer role models.

"In the one-to-one tutoring sessions," states Barr, "you can see the camp kids really trying to meet the tutors half way. There's no acting out behavior. They want to look good in the eyes of the student tutors."

Other volunteer efforts also benefit camp

wards. Producer Lee Stanley has shot two films focused on camp youth: "Gridiron Gang" and "Desperate Passage." With the backing of Stanley and some of his friends, a fund raiser was recently staged at the camp to help pay for a new ice machine, to repair the camp pool and to purchase new equipment and athletic uniforms.

"Our camp chef Ray Hernandez, his staff and the wards assigned to work in the camp kitchen prepared and served an elegant banquet in the camp gym," recounts director Manson. "Over a hundred guests paid \$50 a plate to attend the banquet. A ward was assigned to each table as host, and for many of our kids, it was the first time that they had ever eaten a meal using table linen and china."

"Our funding comes from the taxpayers, who want their money to go for building prison facilities and for direct services rather than for equipment," Manson continues, agreeing that it would be wonderful to find an "angel" — corporate or otherwise — to fund a computerized tracking network for the entire camp system to use in following up on kids' adjustment once they have returned to their communities from the juvenile justice system.

Accountability and assessment

According to Dr. David Altschuler, principal research scientist at the Johns Hopkins University Institute for Policy Studies in Baltimore, Maryland, and frequent author of publications dealing with promising approaches in juvenile probation and parole, sanctioning in general has three basic purposes: punishment, deterrence and rehabilitation. He states, "Rehabilitation, like specific deterrence, seeks to prevent the offender from committing future crime, but unlike deterrence, it does so by focusing on risk and protective factors, problems, and needs."⁴

Such risk- and needs-based rehabilitation characterizes the approach taken with wards at Camp Kilpatrick. Virginia Snapp, a Los Angeles County Probation Department director, explains that the process of restructuring Los Angeles County residential treatment programs, which began in September 1996, seeks to replace a time-

driven system with one based on risk and needs assessments of court wards. "However," she continues, "the system is also one of quick response and high accountability. The training given to youth in juvenile facilities clearly sets forth the premise that behavior has its consequences."

Camp Kilpatrick director Manson states, "The thrust of reorganization is to educate each youth, to develop both internal and external resources in and for each individual. What used to be called 'aftercare' we now term 'community care.' We work

appropriate for the camp program, then pursuing alternatives; and

- developing and implementing those elements of a transition plan that are appropriate for the successful return of the ward to the community.

Programming reflects a mix of interventions and strategies that are appropriate for wards between the ages of 13 and 18. Formerly wards were placed in camps grouped according to age, but since restructuring, wards in each camp are a mixture of what

include Excel I and II Marathon and Reinforcement programming, which focuses on life skills training and utilizes staff-led educational exercises and affirmations centered on gang diversion, personal and social responsibility and peer mediation.

Prominently featured in Phase I is the scoring of 17 items (comprising the first four of seven categories) out of 31 items listed in the RAN assessment document. This seven-category inventory characterizes various types of behavior and their levels of occurrence: level of violence (gravity of most serious offense); escape risk; substance abuse; gang involvement; family history; other delinquency factors; and suicide/self-injury factors. Sources of the RAN information include: the juvenile automated index, probation department juvenile file, the dura/uni-file and camp clearance/assessment information. During Phase I, camp headquarters staff assess wards and determine their status as mainstream or Violence Alternative Program (VAP) wards.

A performance review team composed of two program directors and one nonprobation member oversees wards' transitions among program phases as well as any extension of a ward's program-defined time. If at any time during phase programming a ward's behavior calls into question his suitable advancement to the next phase, the team reviews the ward's case and recommends appropriate placement.

Violence Alternative Program

Wards in VAP may include those with sustained petitions related to assaultive behavior, prior sustained violent offenses or chronic and/or recent repeated CCP orders. Phase I programming prepares wards for VAP by carrying out the "caring community" concept in which wards are organized into living groups of 14 members, each group further broken down into three smaller primary groups.

VAP wards take part in daily community meetings that focus on program performance and personal responsibility. Primary groups use the "jigsaw" task-oriented learning process based on small group peer

"We work hard to develop a safety net of community-based organizations that are ready to provide the external resources needed to mediate the effects of dysfunctional families, gangs and old patterns of behavior that affect these youngsters when they return to their communities."

hard to develop a safety net of community-based organizations that are ready to provide the external resources needed to mediate the effects of dysfunctional families, gangs and old patterns of behavior that affect these youngsters when they return to their communities." Generally, upon completion of a court ward's sentence, youth are assigned to regional community care officers who continue to interface with each youth for 90 days after the youth's transfer (graduation) from camp.

Phase programming: five phases

At the core of restructuring is phase programming, which is intended to provide a means of assessing risks, needs and the progress of individual program participants. Basic objectives include the following:

- providing a safe, secure, healthy and clean environment for all wards;
- providing intervention programs and services;
- developing and initiating a comprehensive case plan based on "ongoing" risk and needs (RAN) assessment;
- identifying those wards who are inap-

traditionally used to be called junior and senior wards.

Generally, four phases constitute phase programming: Phase I, one to two weeks; Phase II, eight weeks; Phase III, 10 weeks for mainstream wards and 20 weeks for wards assigned to the Violence Alternative Program (VAP); Phase IV, length of time varies according to individual wards' sentences and contract commitments and includes a 30-day furlough prior to the ward's graduation (release) from the camp program. The community care phase of programming that occurs for 90 days following graduation from camp is sometimes referred to as Phase V.

Phase I: one to two weeks

All court wards are first admitted to one of three secure juvenile halls in the Los Angeles County area: Central Juvenile Hall, Los Padrinos Juvenile Hall or San Fernando Valley Juvenile Hall. Within eight hours of a ward's admission to a juvenile hall, staff conduct face-to-face orientation sessions, which incorporate the signing of a social contract by the ward. Phase I introductory service components

instruction and team building. Other components of services provided include training in peer mediation, anger management, stress reduction, impulse control, multicultural awareness, parenting education and victim awareness. Mental health services include group therapy, grief therapy, stress reduction and attention deficit treatment. A 12-step program philosophy related to mediating violent behavior serves as the basis for all therapeutic interventions.

Phase II: eight weeks

Phase II programming is the same for VAP and mainstream wards. It is an extension of the Phase I learning experience, yet also introduces new material dealing with personal and social responsibility and gang diversion strategies provided by probation staff and peer mediation/violence reduction techniques provided by school personnel. Eight modules of instruction comprise each service component. Wards must complete all modules prior to transition to Phase III.

An introduction to training in tool use and in military drills and regimentation is also included in Phase II, part of the ongoing effort to develop self-esteem and self-discipline among wards and a requirement in the Phase III work camp environments.

As in all phases of programming, the RAN assessment form for each ward is consistently reviewed, evaluated and updated. Individual meetings with wards, completion of formal case plans — including contact with wards' parents/guardians — and efforts to ensure that wards are in compliance with case plans and expectations characterize the ongoing monitoring of each ward's progress.

Phase III

Programming differs for VAP and mainstream wards in Phase III. Mainstream wards typically are assigned to minimum security boot or work camps, whereas most VAP wards participate in fire camps, extending their own probation program commitment to fit the typical required fire camp training and work period.

Wards attend school from 8:30 a.m. to 3:30 p.m. daily. Work assignments are

completed after school hours or on weekends. In the case of Camp Kilpatrick wards, some wards work in the camp kitchen and cafeteria, receiving in effect apprentice-like on-the-job training; others perform cleanup duties in camp offices and on camp grounds. Wards who earn grades that allow them to be involved in the athletic program such as that at Camp Kilpatrick practice their sports after school hours.

Phase III training builds upon and extends training received in the first two phases. In this phase, probation staff introduce new issues, such as family issues (including parenting), domestic violence and substance abuse, while school staff concentrate on providing academic and pre-vocational training. Military regimentation continues in this phase and is manifested in work crew/team activities and in the development and execution of leadership functions.

Also provided to wards in this phase is an overview of the entire camp program as well as the establishment of guidelines for community transition. The overview includes stressing the code of conduct, emphasizing Phase III expectations, addressing wards' gang affiliations and involvement, and assessing potential problems that might confront the ward upon reintegration into the community.

Phase IV: community care

Phase IV begins the final stage of the ward's transition to the community. Within the first 28 to 30 days of the ward's entry into camp, the preliminary post-camp plan (in the ward's case plan) is reviewed. Staff establish a case review schedule to assess wards' achievement of objectives within minimum intervals: 30 days after wards' arrivals; five weeks prior to transfer to Phase IV; and one week prior to the transition conference (30 days prior to furlough).

Objectives of Phase IV are to continue the RAN assessment additions and revisions; to lay the groundwork for establishing aftercare services in concert with community-based organizations; to develop a process to monitor and evaluate the wards' participation in community aftercare pro-

grams; and to provide for community safety by identifying and responding to case plan violations with immediate sanctions against the offending ward. Wards who have taken part in the VAP program are evaluated prior to being furloughed; if necessary they may be placed on electronic surveillance during furlough.

Furloughed wards are pre-assigned by their supervising community care officer in conjunction with the camp caseworker to a family preservation agency (a community-based organization or approved lead agency) in their community. Wards may be required to take part in one of the following services: parenting classes; vocational training; drug counseling; tutoring related to special educational needs; personal and social responsibility training; and gang diversion, if appropriate.

Phase III camps are organized into eight regional service areas. Adjudicated youth are usually assigned to a regional camp based on the community to which they will return upon graduation. Such assignment allows the communities in that region to take an active role in effecting the transition of newly released wards into the communities.

Community care officers and representatives of community-based organizations fulfill integral roles in the successful return of wards to the community. They are included in case planning prior to and after each ward's release from camp. Community detention program deputies also assist with wards' community supervision. Community care officers continue to interface with wards for 90 days after camp transfer (graduation). Again, as in all phases of probation programming, a ward's completion of a current phase and advancement to the next phase hinges on acceptable behavior. Any behavior that brings into question the ward's suitability for advancement is referred to the performance review team. Sanctions are immediately imposed on wards who violate their furlough requirements.

Secure confinement

Just as the staff at Camp Kilpatrick is fo-

(Continued on page 29)

Juvenile court choice: education or incarceration

“Go to school now or go to jail. It’s as pure and simple as that,” rumbles Judge Roosevelt F. Dorn in his deep baritone, peering over the top of his glasses at the youth before him in department 240 of the Inglewood (California) Superior Court. The veteran juvenile court judge then proceeds to recite a litany of probation conditions to this receiver of stolen goods — among them proof of school attendance; satisfactory grades (at least a “C” in each class) and a record of cooperative work habits; no gang activity or alcohol and weapons use; 15 days in a juvenile work program; 90 days of counseling; \$200 contributed to a restitution fund; when not in school, no activity outside of home except in the company of his mother, and then a curfew of 10:00 p.m.

“Do you understand these conditions?” the judge asks, then adds a caution to the youth’s mumbled response. “The word is ‘Yes,’ not ‘Yeah.’ All right, son, you’re out of the court till February 13.”

Known for sentencing more first-time offenders to classrooms than to jail, Judge Dorn’s admonishments to juveniles sometimes amount to brief but fiery sermons. Public defenders and prosecutors are aware of his hard-line approach with juvenile offenders, yet they also know of the judge’s penchant for keeping youth under his supervision and for tracking the progress of the youth he sees in court.

In a case involving a 17-year-old youth charged with participating in a drive-by shooting outside a school in which a passerby was injured, the public defender ventured to plead that his client be sentenced to probation camp, where Judge Dorn “would have a long, long time to super-

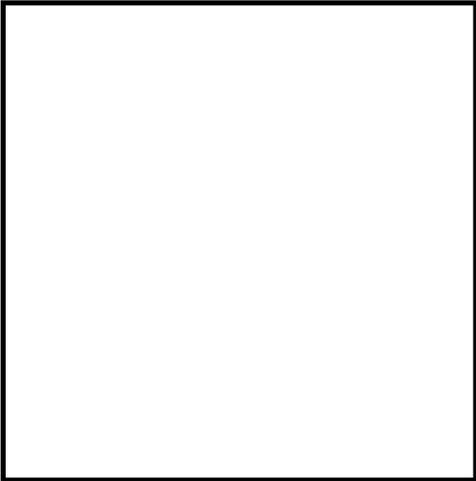
vise him.”

“I’m not *about* to release this minor [to probation camp]!” the judge exclaimed, referring to the numerous felonies arising out of just one event and to the youth’s sentence to the California Youth Authority. “There are exceptions, and this is one of those exceptions. This type of conduct has to be stopped.”

When asked to cite the risk factors he sees as contributing to truancy, dropping out of school and youth crime, Judge Dorn does not hesitate to list the following:

- Parents lacking parenting skills and delinquent in fulfilling their 24-hour-a-day jobs of advising, comforting, providing moral and religious training and caring supervision for their children;
- Schools that are overcrowded, that do not offer year-round schooling, and teachers whose dedication gives way to demoralization and low expectations;
- Community environments rife with negative peer associations and lacking in positive role models, activities and jobs for juveniles;
- Citizens who complain about paying taxes for schools that need to attract top teachers and offer challenging curricula, yet never balk at paying the costs of their own weekly entertainment.

When youths appear for adjudication, Judge Dorn usually includes parents in the conditions of probation. He often requires parent participation in counseling (six to eight weeks) and parental guidance programs (10 weeks) as well as assigns parents the responsibility of monitoring their child’s whereabouts and enforcing curfews set by the judge. Probation, police and



Judge Roosevelt F. Dorn

school district personnel also work closely with the court to round out supervision of adjudicated youth and to redirect juvenile offenders into schools and mainstream life.

A 1969 graduate of Whittier College Law School, Judge Dorn began law practice in the Los Angeles County District Attorney’s office. In 1980, the California governor appointed him to the Inglewood adult criminal court.

“I recognized early on,” states Dorn, “that for the vast majority of adults [persons age 18 years and older] being sentenced to 25 years to life, it all started in juvenile court. I decided that if I wanted to make a difference, to have an opportunity to change young people’s lives, I had to be in juvenile court.” Thus for the major part of his career Judge Dorn has served in juvenile court, refining his so-called “graduation-or-incarceration” style and helping to turn delinquents into educated workers and professionals.

Born and reared in the Midwest, Judge Dorn brings to his job the training and values instilled in their nine children by his mother, a practical nurse, and father, who worked as a farmer, barber and cook. Also reinforcing his commitment to youth is his work as a lay minister of the First AME Church. “My work as an elder in the church is what keeps my feet to the fire —and I have the best job on the bench.”

Prepared by Marjorie Creswell Walsleben, associate editor of School Safety.

*Issues of due process, record sharing and privacy
can thwart cooperation between educators
and juvenile probation officers.*

Shared goals, resources unite probation, schools

School officials and juvenile probation officers are responsible for working with many of the same youth, but often there is little communication and cooperation between them. Policies vary considerably among school districts and juvenile courts. Statutes in many states make it difficult for the two institutions to share confidential information about juveniles who are under probation supervision. Whereas police and school personnel often communicate ways to improve staff and student safety, educators and juvenile probation officers do not generally share a close working relationship.

The problem

Crime in schools is an extension of crime in the community. Students' behavior and school achievement is a reflection of their family life, their peer relations and the special problems of adolescence, such as poor self-esteem and the need for belonging. Juvenile delinquency is likewise a product of problems in the family, the school and the community. When problem students come to the attention of school principals, the police and the juvenile court, difficulties often arise as the different institutions disagree over how to respond to the problem. Communities have struggled with such organizational conflict for decades.

Richard Lawrence, Ph.D., is a professor of criminal justice at St. Cloud State University in St. Cloud, Minnesota.

The criminologist Walter Miller described one community's concern about juvenile gang violence nearly 40 years ago. Most community organizations agreed there was a problem, but they disagreed on the best means for dealing with it. The courts, police, probation department, social services, churches and schools accused each other of improper actions. Differences revolved around the causes of delinquency and the methods for dealing with delinquent youth. Miller expressed concern that such differences resulted in a lack of coordination and mutual blocking efforts. He suggested that the major barrier to effective delinquency prevention relates more to the nature of relations among the various concerned institutions than to a lack of knowledge about effective responses to the problem.¹

Research on the working relations among agencies that deal with problem youth (police, juvenile probation, schools, social services and mental health) indicates that agencies work together more cooperatively when the personnel of the organizations respect each other in terms of competence and job performance, when they share regular, positive communication, and when they share compatible objectives and philosophies.² These researchers found that the school systems and the police had the highest level of coordination and the least conflict. The schools and police had established a school-police liaison officer program. In efforts to keep order in the schools, the officers worked with youths

and school personnel. Both the educators and the police liked the program and believed that it was effective. It is important for community organizations to exchange services and to interact cooperatively.³

In responding to the problem of delinquent youth, the police provide protection for schools and the community; schools educate and prepare youth for employment and responsible citizenship; probation agencies provide supervision and guidance for adjudicated youth; and all such agencies receive support from the community in exchange for their services. When community institutions do not interact regularly and cooperatively, it is difficult — if not impossible — to deal properly with juvenile crime problems in schools and the community.

Sources of differences

To understand some of the reasons for the lack of close working relations between schools and juvenile probation departments, the author conducted a survey of teachers, principals and juvenile probation officers in three U.S. cities. The findings of this survey appear to represent the views of many educators and probation officers across the United States.⁴ Differences revolved around the issues of due process, sharing of records and the privacy of juvenile court status.

Probation officers and teachers differ significantly on their views toward due process rights for youth: Probation officers

generally support such rights, while most teachers are less supportive of them. Probation officers regularly appear in court and work closely with judges and attorneys. As officers of the court, they must comply with a number of U.S. Supreme Court decisions relating to the due process rights of juveniles. Many school principals and teachers believe that due process procedures limit their ability to discipline students. The threat of litigation and the challenges to school disciplinary procedures by students/parents have led many educators to feel constrained in disciplining students.

The second major area of contention involves the sharing of records. Educators insist that they should know about any delinquent activity of their students. Probation officers are generally reluctant to release records to nonjudicial agencies without a court order. Juvenile court records are in fact considered confidential under most state statutes. This issue often brings schools and juvenile courts head to head. Probation officers need access to school records when conducting a pre-sentence report to assist the court in determining the most appropriate disposition for adjudicated delinquents. School records are confidential, however, and are only released with parents' and students' consent.

The privacy of juvenile court status is also an issue between educators and probation officers. A majority of probation officers in the three-city survey stated that they have no obligation to inform schools of students who are on probation. The officers stated that probation status should remain confidential, and they expressed a concern that some teachers might unfairly label or discipline students known to be on probation. This point of contention between teachers and probation officers might be described as a "fear of crime versus a fear of labeling." There is little documented evidence that teachers unfairly single out students on probation. Some educators in fact offer increased help and guidance to students who are on probation.

Recent legislation in some states is a response to educators' concerns for the safety of school staff and students. In many states, police are required to inform school offi-

cial when any of their students have been arrested for criminal behavior.

Philosophical and policy differences between teachers and probation officers thus present a striking paradox. While they work with many of the same young people, they seem reluctant to share information and work closely together! The mutual benefits of cooperation are obvious: Teachers want a safe and orderly school environment, and probation officers want to see their supervisees in school, obeying the rules and learning.

Education/probation working together

Personnel of schools and juvenile courts can develop mutually beneficial working relationships through five specific steps:⁵

- School and probation administrators should schedule monthly meetings to exchange information on problems and issues that concern both groups.
- Schools and probation agencies should consider sharing resources. Probation officers can be invited to speak to students about the problems and legal consequences of involvement in drug use and gang involvement. Schools may offer the use of a room for officers to meet with students under their supervision.
- Representatives of each agency may be appointed to each other's respective boards or committees. The probation administrator might serve as an ex-officio member of the school board; the superintendent or a principal could be appointed to represent schools on the county juvenile court board.
- Schools and probation agencies could collaborate in planning joint programs and activities. Many school-based delinquency prevention programs have been effective in reducing juvenile crime. Programs such as alternative schools, drug and gang resistance education, conflict resolution, peer mediation and law-related education are joint efforts through which juvenile court personnel can work with educators.
- Educators and probation officers should address their differences and develop written policies on sharing records and exchanging information about students who have juvenile records. Mutually agreed-on policies can assist principals and proba-

tion officers in determining the most appropriate response for students on probation who violate school rules or are suspected of criminal violations in school. Such policies would reinforce the shared goals of educators and probation officers: to provide a safe and orderly learning environment for students, while holding youth responsible for complying with school rules.

Interagency coordination is more likely when educators and juvenile probation officers recognize that they share common goals of helping youth become educated and socialized and of developing in students skills and values that translate into employment and productive lifestyles. Coordination is more likely when schools and juvenile courts share resources needed by each institution. Juvenile courts offer the structure and incentives that delinquent youth need for regular school attendance and for complying with school rules and regulations. Schools contribute to probation objectives when special efforts and programs help to retain probation clients in school so that they receive needed life skills. School involvement and active engagement in education are major factors in reducing juvenile crime. Probation agencies contribute to safer schools where teachers and students have less fear of crime because court orders and school rules are strictly enforced. Educators, probation officers and more importantly, students clearly benefit by developing mutual respect and working more closely together.

Endnotes

1. W.B. Miller. "Inter-Institutional Conflict as Major Impediment to Delinquency Prevention," *Human Organization* 17[3] (1958): 20-23.
2. R.H. Hall, J.P. Clark, P.C. Giordano, P.V. Johnson, and M. Van Roekel. "Patterns of Interorganizational Relationships," (1977), In *The Sociology of Organizations*, O. Grusky and G.A. Miller, eds. (New York: The Free Press, 1981).
3. P.M. Blau. *Exchange and Power in Social Life*. (New Brunswick, N.J.: Transaction Books, 1986).
4. R.A. Lawrence. "Controlling School Crime: An Examination of Interorganizational Relations of School and Juvenile Justice Professionals," *Juvenile and Family Court Journal* 46[3] (1995): 3-15.
5. Adapted from C. Oliver. "Network Relations and Loss of Organizational Autonomy," *Human Relations* 44[9] (1991): 943-961.

The Family Educational Rights and Privacy Act fosters the sharing of relevant information about juvenile offenders among educators, law enforcement, social service, and health and mental health service providers.

Information sharing: a two-way street

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has long been aware of the need to foster and encourage the sharing of relevant information about juvenile offenders among law enforcement, education, social service, child welfare and health/mental health service providers.

Confidentiality of juvenile records and impediments to information sharing between child and family service agencies have become a substantial concern to law enforcement, education, social services and other juvenile justice professionals. In an era of scarce resources and rising juvenile delinquency, it is critical that all agencies serving children and families maximize their ability to share information that enables them to coordinate and provide more effective services. A lack of information sharing results in wasted law enforcement effort, a failure to target appropriate offenders, and fragmentation and duplication of services, since service providers must then formulate treatment plans from a limited perspective. Information sharing between service agencies provides a broader perspective and results in more comprehensive assessments for the development of effective service strategies.

Information sharing with schools

Schools are indispensable partners when agencies within a jurisdiction come together to implement a juvenile justice plan. When juveniles violate the law, the juvenile justice system is very likely to place

youths back into school as a condition of probation.

Educators should know when — and the circumstances under which — alleged and adjudicated juvenile offenders are returned to campuses. Given this knowledge, educators can provide counseling and assistance to pre-adjudicated juveniles and contribute their expertise to the efforts of the juvenile justice system to effectively treat adjudicated offenders. Schools can also supply valuable information to juvenile justice agencies. For juveniles who have been adjudicated, schools can help supervising agencies better assess the rehabilitation process by tracking attendance, academic achievement and in-school behavior. Under the Family Educational Rights and Privacy Act (FERPA), this information can be provided by court order, with consent, under certain state laws enacted before November 19, 1974, or under the law of enforcement record exception.

Enacted in 1974, FERPA protects the privacy interests of students and parents through standards for record keeping designed to discourage abusive and unwarranted disclosure of a student's education records. FERPA provides parents access to education records and limits nonconsensual disclosure. Failure of an educational agency or institution to comply with FERPA can result in the loss of federal funding.

Many state and local education agencies and institutions have been overly restric-

tive in their interpretation of FERPA or in their information release policies. Educators frequently decide to err on the side of caution by establishing policies recognizing a generalized right to privacy with regard to all information on students. Unfortunately, both inaccurate interpretations and restrictive FERPA policies pose significant obstacles to meaningful information sharing between agencies.

1994 changes to FERPA

The Improving America's Schools Act (IASA) of 1994 (Public Law 103-382) amended FERPA to promote active information sharing by educators. IASA permits educators to share information with juvenile justice system personnel on juveniles prior to adjudication pursuant to state statute.

OJJDP's review of the FERPA statute and the current U.S. Department of Education regulation (34 CFR Part 99) indicates that FERPA does not limit or restrict information sharing through interagency information sharing agreements between schools and other agencies with whom they share a common interest. Provided the information sharing is consistent with FERPA, FERPA expressly allows educators to:

- Share information with juvenile justice agencies after obtaining prior consent from the juvenile's parent or guardian.
- Share information, without prior parental consent, under each of the following

circumstances:

- When the disclosure is made in compliance with a court order or lawfully issued subpoena;
- If the educational agency is initiating legal action against the student or the student's parent and has made reasonable efforts to give prior notice.
- When information about disciplinary action taken against a student is being provided to other schools that have a significant interest in the behavior of the student;
- If the information is needed by a juvenile justice agency that is providing services to the student, prior to adjudication, as authorized by state law;
- When the record disclosed is a law enforcement record created and maintained by the law enforcement unit of the educational agency/institution;
- When the disclosure is in connection with an emergency and is necessary to protect the health or safety of the student or other individuals.

These rules allow schools — while complying with FERPA — to play a vital role in a community's efforts to identify at-risk and delinquent youth and provide services either prior to a child's becoming involved in serious and violent crime or following adjudication.

As more and more jurisdictions seek to improve their juvenile justice systems through information sharing, the emphasis on neighborhood school participation in interagency information sharing agreements will increase. FERPA need not be a barrier to this progress toward proactive information sharing networks. In an ideal information sharing system, schools would provide and receive information and participate in the formulation of comprehensive intervention strategies for their students who are involved with the justice system.

OJJDP information sharing initiatives

OJJDP's training and technical assistance programs stress the importance of interagency information sharing. The School

Administrators for Effective Police, Prosecution, and Probation Operations Leading to Improved Children and Youth Services Program (SAFE Policy) is a week-long program directed at reducing juvenile violence in our schools. It stresses the importance of interagency agreements for information sharing and coordination of juvenile services. The Chief Executive Course is an intensive one-day orientation for local executives of public and private agencies that emphasizes information sharing as a method for improving the juvenile justice system. The Serious Habitual Offender Comprehensive Action Program (SHOCAP) is presented as a module in the SAFE Policy and Chief Executive Training programs and is also available in a 40-hour course designed to assist a SHOCAP jurisdiction in developing its own unique interagency information sharing agreement. The course requires the participation of policy level officials from law enforcement, schools, juvenile detention and corrections, prosecution and social services.

These courses have modules on laws and policies that impact information sharing and on techniques to maximize information sharing. Sample state legislation, consent policies and judicial orders are also available to course participants.

OJJDP and the Department of Education are developing a guidebook (*FERPA: Schools and Interagency Communication for Delinquency Intervention and Prevention*) for educators and juvenile justice professionals interested in developing interagency information sharing agreements. The guidebook will provide clear guidance for allowable information sharing while maintaining state and local compliance with FERPA.

Reprinted from Fact Sheet #39, July 1996, Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, written by Ronald Laney.

For more information concerning OJJDP's training and technical assistance programs, please contact Ronald Laney, director of OJJDP's Missing and Exploited Children's Program, at 202/616-7323.

FERPA Update

The Secretary of Education recently amended the U.S. Department of Education regulations (34 CFR Part 99) implementing the Family Educational Rights and Privacy Act (FERPA). These regulations took effect on December 23, 1996. The amendments were needed to implement section 249 of the Improving America's Schools Act of 1994 (enacted October 20, 1994), which amended FERPA. The regulations eliminate unnecessary requirements, reduce regulatory burden and incorporate several technical changes.

Specifically, the language regarding the issue of disclosing educational records without consent pursuant to subpoenas and court orders has been revised to highlight that notification to the parent or eligible student of the subpoena or judicial order allows the parent/student the opportunity to seek protective action to prevent re-disclosures. Also, if an educational agency or institution initiates legal action against a parent or student, the records that can be disclosed are records of the student that are relevant to the action.

Additionally, the nonstatutory requirement that schools adopt a formal written student records policy has been removed. Instead, schools are required to include additional information in the annual notification of rights, which is required by statute, to ensure that parents are effectively notified of their rights and how to pursue them.

For further information, contact Ellen Campbell, U.S. Department of Education, 600 Independence Ave. SW, Washington, D.C. 20202-4605; 202/260-3887.

Finding a pathway to success (Continued from page 17)

opment of the successfolio. In turn, the successfolio becomes the Pathfinder Project, which documents competence and commitment to a career action plan, a life plan for success.

At this point, a key component of the life plan may be transition to a more traditional school environment. Students who have been properly prepared with documented competence and commitment for responsible thinking and relationship-building will be successful in making such a transition. Following transition, it is often the case that the Success School student population will choose to engage in work/study, which maximizes independence and community service.

Success School does not look like a traditional school. It does not feel like a traditional school. Instead, Success School can be implemented as a "school within a school" or as a contracted partnership operated separately from a traditional school. Arizona operates both types of the model. The Success School options create a continuum between the "regular" public school classroom and the Success School therapeutic and correctional classroom, which promotes integrated studies, performance-based exploration and expansion of students' chosen identities and world views, and personal mastery reinforced with continuing feedback through dialogue.

Safe schools are created by students who want safe schools. The role of teachers and administrators is to work with troubled students to find a more successful pathway than these disillusioned, discouraged students have heretofore taken. Success School can be used to create a continuum of learning related to the current reality of the students. The learning process redirects students, leading them through cognitive reorganization to change their perceived world view "disturbances" into error signals derived from constructive feedback. Such feedback leads to "course corrections" and transforms disengaged, disruptive students into pathfinders bent on discovering for themselves a pathway to fulfillment and success as individuals and as citizens.

Rehabilitation: risk-/needs-based care (Continued from page 23)

used on drawing the youth with whom they work back into mainstream schools and life, so are other juvenile justice professionals across the country intent upon helping youth in the juvenile justice system turn around their lives. At four regional Youth Out of the Education Mainstream training forums conducted during the summer of 1996 by the National School Safety Center, participant youth-serving professionals including educators, law enforcement, probation and social services personnel consistently requested information and help in educating incarcerated youths effectively. Furthermore, many of the educators and school administrators wanted guidance on strategies for successfully reintegrating adjudicated youth into mainstream schools.

Yet concern such as that above is being expressed at a time when public perception of the community violence that has invaded schools has created public demand for increased discipline and greater security for mainstream students. Youth who run afoul of get-tough zero tolerance policies aimed at eliminating drugs, guns, disruption and violence in schools face school suspension/expulsion and in many cases, ultimate assignment to facilities such as Camp Kilpatrick.

"Educational success in the camp's school setting and in its athletic program are critical to providing the young men at Camp Kilpatrick with what is for many of them the first chance they have had in their lives to eat nutritious food regularly and to function in a well-disciplined, socially controlled, encouraging educational environment," states director Manson.

Three innovations characterize the newly reorganized plan that can be seen operating at Camp Kilpatrick: a case management approach that stresses ongoing risk and needs assessment, continuity of services and continuing communication about wards' progress among all youth-serving professionals in the camp and during community care; involvement of private groups and citizens through the use of both paraprofessionals and volunteers;

and a philosophy that provides for development of supportive advocacy and supervision by individuals and by involved community agencies and personnel once wards are transferred from the camp to the community.

Camp Kilpatrick and the other camps in the Los Angeles County Probation system continue to innovate and refine the education, rehabilitation and reintegration aspects of their system and programs. Nevertheless, their model and methods may serve to inspire and/or instruct others seeking help solving the numerous and complex issues related to educating and reintegrating adjudicated youth. Each state or agency must first assess local needs, then determine how best to adapt prototypes to fit those needs.

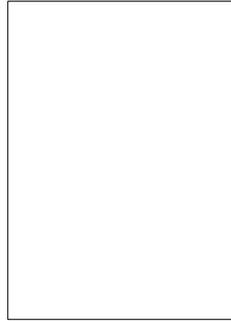
Across the country preventive measures and proactive approaches to reduce violence are being directed toward children in preschool and elementary school settings. Interventions are being tried among high-risk junior and senior high school youth as well as with youth incarcerated in juvenile justice facilities. The stakes are high, but the price of commitment and effort is worth the gamble: redeeming a generation of young people who constitute the future of America.

For additional information about Camp Kilpatrick, please contact Sandra Moss-Manson, Camp Vernon Kilpatrick, Probation Department, County of Los Angeles, 427 S. Encinal Canyon Road, Malibu, CA 90265; phone 818/889-1353; fax 818/707-9352.

Endnotes

1. Elizabeth G. Hill, *Juvenile Crime: Outlook for California* (Sacramento: Legislative Analyst's Office, May 1995), 46, quoted in *Resources for YOUTH: An honest dialogue about strategies to prevent youth violence*, portfolio fact sheet (Woodland Hills, Calif.: The California Wellness Foundation, November 1996).
2. *Ibid.*, 51.
3. *Ibid.*
4. David M. Altschuler, Policy Considerations, "Tough and Smart Juvenile Incarceration: Reintegrating Punishment, Deterrence and Rehabilitation." *Saint Louis University Public Law Review* XIV, No. 1 (1994): 219.

Survey reveals parents' attitudes on school practices



Parental involvement in children's education is related to children's learning, achievement, academic standing and grade repetition. School practices in volunteer recruitment are important; they can either encourage or discourage parental involvement and thus affect parental participation in their children's school progress. Small studies of school practices in volunteer recruitment show that these practices vary by school, community, student and family characteristics. Generally, parental involvement programs decrease in comprehensiveness as students' grade levels increase.

The 1996 National Household Education Survey (NHES: 96) is a new data source for information about various school practices. This survey contains a wider age/grade range of children than two previous national studies of parent-reported school practices.

The NHES: 96 data were collected by Westat for the National Center for Education Statistics through telephone interviews with 20,792 parents of children ages 3 through 12th grade.

Parents of children in first through 12th grades were asked how well their children's schools performed the following practices during the school year:

- letting parents know (between report cards) how their children were doing in school;
- helping parents to understand their children's age-related developmental characteristics;
- making parents aware of opportunities to volunteer at school;
- helping parents assist their children to learn at home;

- providing information about community services available to families;
- providing information about how to help with homework; and
- providing information about why their children were placed in particular groups or classes.

Parents could respond that schools performed these practices "very well," "just OK" or "not at all." Schools did "very well" in two areas: letting parents know between report cards how children were doing and making parents aware of opportunities to volunteer at school.

The average number of school practices reported as done "very well" were higher for children in private or church-related schools. Further, the average number of school practices reported as done "very well" in public schools was higher in public schools chosen by the parents/family rather than in assigned schools.

School size appeared to affect survey results. Parents of children in smaller schools reported more favorably about school practices done "very well" than did parents of children in larger schools. Schools with a student population of under 300 had an average of 3.4 practices rated highly by parents. Schools with 300 to 599 students averaged 3.2 practices rated as done "very well," compared to a 2.8 average for schools of 600 to 999 students and a 2.6 average for schools of 1,000 (or more) students.

Parental education reflected differences in levels of parental satisfaction with school practices. Parents who had not completed any high school program reported more practices done "very well" (an average of 3.7

practices) than did parents who had graduated from high school (reporting an average of 3.1 practices); parents who completed vocational/technical school or some college (an average of 2.8 practices); or parents who had graduated from college or a graduate or professional school (an average of 2.9 practices).

School practices judged to be done "very well" decline as students' grade levels increase, with significant changes occurring at the sixth- and ninth-grade levels (common years for transitioning to middle school and high school).

School practices were examined in relation to race/ethnicity — "white, non-Hispanic," "black, non-Hispanic," "Hispanic" and "other." Parents of Hispanic children reported more school practices as done "very well" than did parents of children in the "white, non-Hispanic" or "other" categories. Also, parents of black, non-Hispanic children reported more school practices as done "very well" than did parents of white, non-Hispanic children.

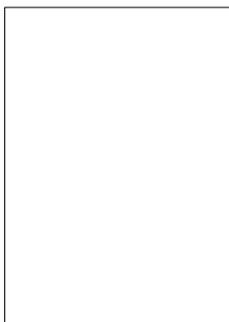
Household urbanicity was examined as a factor related to parent-reported school practices. Urbanicity was determined based upon whether the student lived in an urban area within an urbanized area, in an urban area outside an urbanized area or in a rural area. No substantively important differences in school practices were noted based on the urbanicity of students' communities.

Parental satisfaction with every type of school practice surveyed may not be necessary for parents to feel that they are in partnership with their children's schools, but survey results suggest that "there are many areas in which schools could increase their efforts."

"Parents' Reports of School Practices to Involve Families," *Statistics in Brief, November 1996, (NCES #97-327)*, by Nancy Vaden-Kiernan and Westat, Inc., is available from the U.S. Department of Education's Office of Educational Research and Improvement, 800/424-1616.

Prepared by Sue Ann Meador, associate editor of School Safety.

Schools and courts deliberate issues of personal safety



Offenders in school raise safety issue among citizens

If any tension exists between the juvenile justice system and local educators, it is most keenly felt when probation requires an adjudicated youth to attend school as a condition of probation. So commonplace is this condition that all juvenile and family court judges expect that schools will play some role in the efforts of the juvenile justice system to rehabilitate youthful offenders. Juvenile court judges are typically given great discretion in the various state juvenile codes to tailor reasonable conditions with the twin aim of achieving justice (accountability for the act committed) and rehabilitation of the juvenile to the greatest extent possible.

The discussion which this tension prompts has found some common ground between educators and the courts. The courts and educators agree that placement of the child in school as a condition of probation is not designed to “stow” the child someplace as an alternative to a more secure placement facility that may be overcrowded or unavailable. In the rare instance when juvenile courts do dump students on the schools in this manner, educators have a strong case for challenging the condition as an abuse of judicial discretion. But ordinarily, educators and judges agree that there is a relationship between successful rehabilitation and education. School performance is still seen as an element in determining the degree to which a juvenile is “at risk” of engaging in delinquent behavior. Stated positively, successful performance in school that re-

sults in graduation is reasonably related to preparation for employment and full participation in society and is seen as the best cure-all for wayward children.¹

Despite this common ground, educators have begun to examine how to best integrate adjudicated youth into mainstream student populations as school safety reforms are implemented into policy. Most concern focuses on the violent and habitually delinquent juvenile who may compromise the learning environment and place school personnel and students at risk of harm. Recent case decisions suggest that educators have two arguments that may be raised to challenge conditions of probation when they give rise to legitimate school safety concerns.

First, educators may raise the pedagogical objection that school placement of violent youths — as defined by the court order — is impracticable and should be revised or removed as a condition of probation. Courts have held that the terms of school-ordered probation must go beyond merely placing youths in the temporary daily custody of educators and, furthermore, should include clearly specified performance standards that enable everyone to know the conduct that is required of the juvenile.² Such a requirement is an acknowledgment of the modern trend of judges to exercise the power not only to make school attendance an element of the probation conditions, but also to require the juvenile to be reasonably successful in school.

In the recent California case of *In re Angel J.*,³ the juvenile challenged the order of the court that he maintain satisfactory grades in school. The court agreed

that the term “satisfactory” was vague, but rather than invalidating the condition, the court merely defined the term:

To resolve the constitutional issue, we find that satisfactory grades means passing grades in each graded subject. This should not be interpreted to limit the power of a court to specify higher grades in this case or any other case. A court may properly, within its rehabilitative power, evaluate a juvenile’s individual ability and ... impose conditions of probation requiring achievement of grades higher than “satisfactory.”⁴

However, educators and courts have agreed that judges must be fair when performance standards are made a part of the school attendance condition. When success in school is required, this goal must be attainable by the juvenile. In another California case, *In re Binh L.*,⁵ the court found that the condition was “fundamentally unfair [because it would result in the deprivation of the juvenile’s] liberty for failing to achieve a level of school performance undoubtedly beyond his capacity.”⁶ The court elaborated on its concerns:

[T]he uncontradicted evidence shows compliance with that condition is beyond [the juvenile’s] capacity. Here we have a 13-year-old boy attending seventh grade with second grade vocabulary skills, third grade reading skills and third grade math skills. He has an I.Q. of 70. A court-ordered evaluation concluded [the juvenile] “is functioning about five years below his current grade level in all academic areas.”⁷

The same result was reached by the Delaware courts in *Dwayne A. Wisher v. State of Delaware*,⁸ when the condition of making at least a C average in school was invalidated for a juvenile “who was a mentally handicapped person.” This is a legitimate area of concern for educators who experience difficulty finding resources to match the needs of juveniles who are placed into school districts as a condition of probation. When the court through its order creates expectations that are unreasonable, the juvenile and the educator may

consider asking the court to re-examine its order. This scenario is complicated by the requirements of the law with respect to children with special needs. The end result may well be that both schools and courts will want to collaborate to make early assessment of the needs of juvenile delinquents assigned to schools as conditions of probation to determine the manner in which those needs can realistically best be met.

In the second area of conflict, educators may use legitimate school safety concerns as the basis of an objection to school placement. In this instance, the educator's concern is about the violent and habitually delinquent juvenile who may disrupt the learning environment and threaten the safety of school students and staff. Indiana courts have recently held that juvenile courts do not have the power to overrule the decision of educators on a matter of school safety. In *West Clark Community Schools v. H.L.K. and Clark Superior Court No. 1 Probation Department*,⁹ the court ruled that school safety concerns represent an independent limit on the power of courts to place delinquent juveniles back in school as a condition of probation.

In the *West Clark Community Schools* case, the educators simply expelled the student at the same time the court adjudicated the juvenile for placing rat poison in the beverage of another student while both were on campus. H.L.K. admitted committing the crime and was placed in secure detention and later released under terms of probation that included returning to the school district. The trial court required the school to take back the juvenile, and the school appealed the decision.

On appeal, the Indiana court characterized the tension as one "between the exclusive authority of the juvenile court over delinquent children and the exclusive authority of a school corporation over suspensions and expulsions of students."¹⁰ In a ruling, the first of its kind in education case law, the court found that the juvenile court did not have authority to block the school's expulsion order. The court based its ruling on interpretation of Indiana's Pupil Discipline Statute,¹¹ which created a

right for students to obtain court review of expulsion orders, but not through a juvenile court probation order. The appellate court in *West Clark Community Schools* ruled that an educator's decision to expel could under the statute only be reviewed for "whether the school corporation acted arbitrarily, capriciously, without substantial evidence, or unlawfully."¹² The fact that the expulsion order was in conflict with a probation order was not a sufficient reason for overturning a decision to expel.

The *West Clark Community Schools* case will be worth watching. The juvenile court took an appeal to the supreme court of the state of Indiana, and a decision is pending. The case provides, among other things, a basis for determining the merits of probation conditions as well as an emerging guide for determining when school assignment may not be in the best interest of either the juvenile or the school.

Endnotes

1. See *In re Robert M.* (1985) 163 Cal. App.3d 812, 816 [209 Cal.Rptr. 657]; see *Serrano v. Priest* (1971) 5 Cal.3d 584, 607 [41 A.L.R.3d 1187].
2. See *Williams v. State*, 523 S.W.2d 953 (Tex.Cr. App.1975); *George v. State*, 99 Ga.App. 892, 109 S.E.2d 883 (1959); *Reese v. State*, 167 Tex.Cr.R. 304, 320 S.W.2d 149 (1959); *Lathrop v. Lathrop*, 50 N.J. Super. 525, 142 A.2d 920 (1958); *In the Matter of the Appeal in Maricopa County Juvenile Action No. J-77286*; 25 Ariz. App. 563; 545 P.2d 74 (1976).
3. 9 Cal. App. 4th 1096; 1992 Cal. App. LEXIS 1119; 11 Cal. Rptr. 2d 776; (1992).
4. 9 Cal. App. 4th 1096, at 1101.
5. 5 Cal. App. 4th 194; 1992 Cal. App. LEXIS 462; 6 Cal. Rptr. 2d 678; (1992).
6. 163 Cal. App. 3d 812, at 817.
7. 163 Cal. App. 3d 812, at 816.
8. No. N84-07-0483FC, Slip Opinion, (1985).
9. 666 N.E.2d 80; 1996 Ind. App. LEXIS 712, (1996).
10. 666 N.E.2d 80, at 81.
11. Ind. Code §§ 20-8.1-5.1-1 to 20-8.1-5.1-26.
12. 666 N.E.2d 80, at 84.

Increasing Title IX claims involve schools with courts

When the subject of liability arises, most educators pay close attention to what is said. There is an instinctive interest in

keeping up with the trends of state and local law on the subject of school and personal liability. Public school educators are usually only partially exposed to liability. Each state's sovereign immunity laws create a precise formula for a liability suit against a school; state courts have done little to eliminate this protection for educators unless the state legislature has been willing to abrogate all or part of the immunity.¹

This is not to say that educators have no liability for policies and activities out of which arise personal and property damage claims, but increasingly the basis for these suits arises out of federal law. Congressional acts designed to ensure civil rights have been applied by the courts to educators in a variety of circumstances. The combination of state and federal liability is changing the way in which educators think about school safety issues. For example, federal law provides the basis for liability claims against educators for subjecting students to sexual harassment. Just what constitutes sexual harassment and the formula by which courts are prepared to assess liability is becoming clear in recent decisions.

In *Shelly Bolon v. Rolla Public Schools*,² a student filed suit to recover for alleged harassment by a teacher who was pursued by and had a sexual relationship with the student. In *Janet Kinman, Appellant v. Omaha Public School District*,³ another student sued, alleging that she had a sexual relationship with one of the female teachers. In *Rosemarie Leija v. Canutillo Independent School District*,⁴ a student sued alleging that while she was a second grade student in that school district, her physical education teacher sexually abused her.

The courts in all three cases looked to federal law to find a basis for the claims. Two laws were clearly adaptable to support claims of liability. One case⁵ makes public educators liable for harassment charges when the student can prove the following elements:

- that the educators received notice of a pattern of acts committed by subordinates;
- that the educators demonstrated deliberate indifference to or tacit authoriza-

- tion of the offensive acts;
- that educators failed to take sufficient remedial action; and
 - that such failure proximately caused injury to the plaintiff.

The second fertile basis for a lawsuit based on harassment is Title IX of the Education Amendments of 1972.⁶ Title IX provides that “no person in the United States shall, on the basis of sex, ... be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Claims based on Title IX have been recognized by courts after the U.S. Supreme Court ruled in *Meritor Savings Bank v. Vinson*⁷ that sexual harassment is an actionable form of sexual discrimination.

The two federal laws are viewed differently by the courts, and students are more likely to favor Title IX. Section 1983 action bears a close relation to common law tort suits based upon intentional acts of educators (and in some jurisdictions, torts arising out of “willful, wanton acts of negligence”). There is practical difficulty in proving whether a pattern of behavior occurred over a sufficient length of time to imply deliberate indifference. Educators can avoid liability under section 1983 by simply enforcing a policy against harassment. A process that includes responding promptly to claims that raise the possibility of sexual harassment — such as by monitoring the relevant individuals, conducting interviews and perhaps even administering polygraph tests to assist the search for veracity — will ward off section 1983 claims. In *Kinman*, the court dismissed the section 1983 claim because of the lack of evidence showing “a pattern of persistent and widespread unconstitutional practice throughout the school district of ignoring complaints of student/teacher sexual relationships.” The court opined that “[p]erhaps they could have or should have acted sooner or done more to ensure the end of the relationship, but their failure to do so does not constitute deliberate indifference or tacit authorization.”

On the other hand, courts have created two categories of Title IX sexual harass-

ment claims: hostile environment and *quid pro quo*. The latter type occurs when grades or some other benefit is offered in exchange for a sexual relationship. Suits of this type typically run into problems with proof — finding sufficient evidence that such an offer actually took place. As an alternative basis, the hostile environment claim is raised when unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct have the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile or offensive environment.

Hostile environment claims are more likely to be brought by students because of the comparative ease of establishing the elements. The student must show:

- that s/he was subject to unwelcome sexual harassment;
- that the harassment was based on sex;
- that the harassment was sufficiently severe or pervasive so as to alter the conditions of his/her education and create an abusive educational environment; and
- that some basis for institutional liability has been established.

The hostile environment case file is slowly growing. Educators are finding the results mixed in their efforts to defend against such suits. In *Rolla Public Schools*, the court found the district “strictly liable,” holding that intentional discrimination by teachers is imputed to the school district under the principles of *respondeat superior*, regardless of whether the intentional discrimination is the creation of a hostile environment, the demand for sexual favors, the removal of females from the classroom, or any other intentional discrimination based on sex in violation of Title IX. In the view of the court, educators should be liable regardless of whether the district “knew or should have known” about the discrimination.

In *Canutillo Independent Schools*, the court held that the actions of a teacher should be strictly imputed to an educational institution. In *Kinman*, the court ruled that the more lenient “knew or should have known” standard was the appropriate standard to apply in a case involving a teacher’s

hostile environment harassment of a student.

Another reason to hold schools strictly liable for sexual misconduct by teachers is that it is illogical to adopt different standards of school liability for different forms of intentional sex discrimination by teachers, as would be required by a strict adherence to the Title IX standards.

The results of harassment suits involving students rather than teachers is less clear. In *Rowinsky v. Bryan Indep. School District*,⁸ the court refused to hold the school district liable for student-on-student harassment unless the school has some direct involvement in the actions of the student. However, another court in *Doe v. Petaluma City Sch. Dist.*⁹ observed that Title IX applies to “peer” harassment.

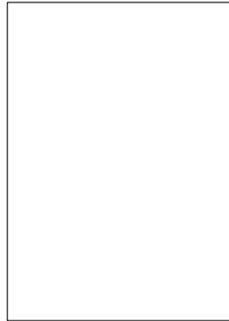
That Title IX applies across the range of harassment situations is clear, although the type of liability the courts will impose may vary. There appear to be several reasons that the courts are moving in this direction. First, schools make a claim of a safe campus as a condition for receiving federal funds. Second, because of the authority relationship that educators enjoy, doubts about the duty to prevent harassment are placed on the educator rather than on the student. Third, there is some court acknowledgment that educators need to take claims of harassment more seriously. Imposition of liability is one of the best ways to send that message. Educators would do well to understand this message and ensure that their safe campus plans include a clear policy designed to prevent harassment from occurring.

Endnotes

1. For an excellent summary of this law, see Am. Jur. 2d, Municipal, School, and State Tort Liability.
2. 917 F. Supp. 1423 (1996).
3. 94 F. 3d 463 (1996).
4. 887 F. Supp. 947 (1995).
5. 42 U.S.C. § 1983 — referred to simply as § 1983 claim.
6. 20 U.S.C. § 1681(a) — simply referred to as Title IX claim.
7. 477 U.S. 57 (1986).
8. 80 F. 3d 1006 (5th Cir. 1996).
9. 54 F. 3d 1447 (9th Cir. 1994).

Prepared by Bernard James, special counsel for NSSC.

Should “captives” be required to be students?



Education effectiveness

Additional data from the NALS also provided information about the involvement of state and federal prison inmates in education, training and work experience while incarcerated.

Most states that offer education to inmates provide vocational/technical, basic education and GED programs. Thirty state systems offer special education services, and 37 state systems offer a two-year college degree program.

Sixty-nine percent of the surveyed inmates worked while in prison. Those in prisons who had jobs also had, on average, higher education and literacy rates than those who did not have jobs.

Prisoners recognized the value of self-improvement and the opportunity to obtain marketable skills. Of the 44 states that responded to the survey, 37 reported a waiting list in their prison systems for educational services.

Most evaluations of educational and training program efficacy are at the state prison level. While a few researchers found that basic and secondary educational programs had no effect on recidivism rates, the most common finding was that “inmates exposed to education programs have lower recidivism rates than nonparticipants.”

Vocational education and college education programs showed a variety of outcomes, mostly positive, depending on the duration of classes, post-release follow-up, and matching of training to the individual and the contemporary job market.

This nation’s dilemma is how to deal with crime and how to treat prisoners. What policymakers need to consider and debate is this: Do efforts to raise the literacy levels of prisoners ultimately generate benefits to the country in general?

Captive Students can be ordered for \$9.50 plus tax from Policy Information Center, Mail Stop 04-R, Educational Testing Service, Rosedale Road, Princeton, NJ 08541-0001; 609/734-5694.

Prepared by Sue Ann Meador, associate editor of School Safety.

Captive Students: Education and Training in America’s Prisons, by Paul E. Barton and Richard J. Coley, Educational Testing Service, 1996, 31 pages.

Education has been a part of American prison systems since 1798. Education programs for correctional institutions have prospered when rehabilitation held sway as predominating correctional theory and have languished when punishment has been the favored treatment philosophy. Conflicting prison reform theories of the past 20 years have led to a general de-emphasis on substance abuse and educational programs, even though research has shown that such programs reduce recidivism and enhance prisoners’ life and job skills.

With the ebb and flow of correctional education programs comes a steadily increasing U.S. prison population that has tripled since 1980 and threatens to overwhelm the capacity of the criminal justice system. The passage in certain states of sentence-enhancing laws will further crowd prisons and strain already burdened state budgets in the years ahead.

Captive Students: Education and Training in America’s Prisons examines two issues: the extent to which inmates in state and federal prisons can be considered students making up educational deficits before returning to a society and a labor market with little place for low levels of literacy, and the effectiveness of educational approaches on post-release employment and recidivism.

Prisoner literacy

Data from the National Adult Literacy Survey (NALS) conducted by the National

Center for Education Statistics has provided information on the literacy of state and federal prison inmates and ways their literacy compares with that of the general United States adult population.

The survey focused on three areas of literacy proficiency: prose literacy, the ability to understand, interpret and use a wide variety of written information; document literacy, the ability to locate and use information in applications, forms, schedules, maps, graphs and tables; and quantitative literacy, the ability to perform arithmetic operations singly or sequentially. Scores were divided into five levels of literacy proficiency, with level 1 indicating the lowest proficiency in dealing with tasks that present little challenge and level 5 indicating the highest literacy proficiency in dealing with difficult tasks and materials.

The literacy score distributions among the prison population and the general United States adult population are as follows:

- More than three out of 10 prisoners scored at level 1 prose literacy, compared to one in five of all adults;
- Approximately one-third of prisoners performed at level 2 of prose literacy, compared with one-fourth of all adults;
- Roughly one-fourth of prisoners scored at level 3 prose literacy, compared to nearly one-third of U.S. adults;
- Between 4 percent and 6 percent of prisoners scored at level 4 prose literacy, compared to between 15 percent and 17 percent of the general adult population;
- Few prisoners attained level 5 prose literacy, while in the general adult population, between 3 percent and 4 percent demonstrated such ability.