The Juvenile Justice No Child Left Behind Collaboration Project

Proceedings of the 2006 National Conference on Juvenile Justice Education and No Child Left Behind

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Preface

The Florida State University College of Criminology and Criminal Justice's Center for Criminology and Public Policy Research is pleased to publish the Proceedings of the 2006 National Conference on Juvenile Justice Education and No Child Left Behind. The conference, held July 16-18 in Orlando, FL, focused upon the implementation of No Child Left Behind's (NCLB) four major requirements in juvenile justice schools, namely Highly Qualified teachers, Adequate Yearly Progress (AYP), transition, and evaluation. Prominent among the purposes of the conference was to provide a national forum for juvenile justice education administrators, evaluators, and agency representatives to address implementation impediments and discuss strategies for successfully meeting the four major NCLB requirements.

The conference included general sessions and specialized workshops. The general sessions focused on building consensus and establishing working relationships among juvenile justice education administrators, while the specialized workshops focused upon the four specific NCLB requirements. The conference activities were designed to meet the following objectives:

- 1. Gain a better understanding of NCLB requirements for juvenile justice schools,
- 2. Identify specific implementation impediments faced by states in relation to major NCLB requirements,
- 3. Identify specific strategies to ensure that the NCLB requirements are successfully implemented, and
- 4. Develop specific plans that prioritize each state's impediments and responsive strategies regarding NCLB requirements for juvenile justice schools.

Another guiding purpose of the conference was to initiate ongoing collaboration among states regarding ideas and effective strategies related to evaluating juvenile justice education and implementing NCLB requirements. The conference provided an impetus for developing a network of agencies, administrators, and evaluators responsible for juvenile justice education across the nation.

Preface

The Proceedings are comprised of four sections. Section 1 provides an historical overview of juvenile justice education, summarizes the main NCLB requirements for juvenile justice schools, and describes the purpose and goals of the Juvenile Justice NCLB Collaboration Project. Section 2 describes the conference activities and identifies general impediments to implementing NCLB requirements in juvenile justice schools discussed by participants, as well as offers strategies for overcoming these impediments. Section 3 outlines questions raised for the United States Department of Education (U.S. DOE) related to NCLB requirements for juvenile justice schools. Section 4 discusses strategies for the future of the National Collaboration Project and the establishment of a national association of juvenile justice education administrators and evaluators.

We wish to thank all those who completed our survey and those who participated in our national conference. We hope these Proceedings provide a foundation for future collaboration in juvenile justice education.

I: Introduction

Historically, the quality of juvenile justice education throughout the country has been largely inconsistent and inferior to that of public schools. Within two decades after the establishment of the first juvenile court in Cook County, Illinois, in 1899, most states had developed a juvenile court and juvenile justice system. However, each state's juvenile justice system grew primarily in response to its functional needs; consequently, models of juvenile justice differ from state to state. Moreover, differences in practices at the local level compounded the disparities in system policies within many states.

Given this history, it is not surprising that the administration of juvenile justice education varies substantially within and among states. For example, in some states juvenile justice agencies are ultimately responsible for the education of incarcerated youth, while elsewhere the responsibility of educating these youth lies with the state education agency (SEA). In some states the agency responsible for juvenile justice education is considered a special school district or its own local education agency (LEA).

Regardless of which agency is responsible for educating incarcerated youth, the level of collaboration with SEA's varies widely, and juvenile justice education systems are often not part of the local public school system. Furthermore, some state agencies do not claim responsibility for locally operated juvenile justice institutions; others have separate systems for particular cities or program types, such as detention centers. Given the fragmented nature of these systems, improved coordination among multiple state and local agencies is critical for successfully meeting many of the NCLB requirements. These requirements include conducting comprehensive program evaluations, tracking youth outcomes, measuring student performance, and providing effective transition services that assist youth in returning to school or entering the workforce after their release from custody.

Beyond the organizational and administrative structures of states' juvenile justice education systems, the diverse characteristics of the youth involved in juvenile justice create additional obstacles to meeting the requirements of NCLB. Juvenile justice students are often two to three years behind their appropriate age/grade level, and almost half are identified as needing special education services. Most have unfavorable school histories involving truancy, suspension, expulsion, and dropout. In addition , these youth

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are often incarcerated for relatively short periods of time and are highly mobile, frequently transferring from school to school and district to district before, during and after their involvement in the juvenile justice system.

These individual and organizational characteristics contribute to a myriad of difficulties in meeting NCLB requirements. The needs and transient lifestyles of at-risk youth, coupled with the often fragmented nature of the juvenile justice education systems, create disparities in the quality of education. The consequences of this have surfaced in recent decades, as evidenced by the large number of class action lawsuits regarding the provision of educational services in juvenile justice systems throughout the country.

Major NCLB Requirements

NCLB poses unprecedented challenges for the reform of juvenile justice education. The law mandates that the country's juvenile justice schools meet the same high standards as all public elementary and secondary schools. Under the general NCLB provisions, juvenile justice teachers must meet Highly Qualified teacher requirements, which include a bachelor's degree, professional certification, and competency in each core academic subject they teach. Requirements for schools' AYP include a 95% participation rate and progress based on a state's annual achievement testing. Title I, Part D of NCLB contains specific provisions for juvenile justice schools. These provisions emphasize processes such as students returning to school after release from an institution, providing transition services, and conducting program evaluations of juvenile justice schools using specific outcome measures and monitoring educational quality.

Overall, these various NCLB requirements emphasize greater accountability and the implementation of scientifically based best practices in juvenile justice education to ensure the successful transition of youth as they leave institutions and reenter their home communities. Across the U.S., however, numerous disparities exist among and within states in the quality of juvenile justice education services and practices, the methods for administering these services and practices, and the systems through which the educational services are evaluated and educational providers are held accountable. Meeting these requirements will be difficult for many juvenile justice schools because of several factors, including rural location of many programs, their relatively small size, students' disproportionate educational deficiencies, short lengths of stay, and subsequent mobility.

Ultimately, if states are to overcome these impediments and successfully meet the requirements of NCLB in juvenile justice education, a program model of incremental implementation must be developed. The purpose of the Juvenile Justice Education and NCLB Collaboration Project is to assist states in developing such an incremental plan for the implementation of NCLB in their juvenile justice schools.

Project Goals

The Project is focused on identifying common problems regarding the implementation of NCLB requirements and building a national effort to effectively address these problems. The process involves identifying each state's juvenile justice education administrators, implementing data collection practices to provide baseline information concerning each state's level of evaluation and implementation of NCLB requirements, and developing and maintaining effective working relationships among states. The Project has these major goals:

- Goal #1: Identify each state's administrative structure for juvenile justice education, including personnel responsible for administration and evaluation of juvenile justice education services.
- Goal #2: Determine current education evaluation practices and capacities and identify problems common to all states, shared by certain groups of states, and problems unique to a given state.
- Goal #3: Develop a network of agencies, administrators, and evaluators responsible for juvenile justice education throughout the nation.
- Goal #4: Provide information on evaluation methods to improve states' abilities to meet NCLB requirements and effectively evaluate their juvenile justice education systems.

To fulfill these Project goals, data collection on each state is fundamental. Through interviews and surveys the Project staff has collected information on states' organizational structures, levels of NCLB implementation, evaluation practices and capacity, and associated impediments to meeting NCLB requirements. Survey results and

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supplemental information can be found in Appendix A. The results of the Project's national survey were used to design the various conference activities.

II: General Sessions and Workshops

Primary Project goals include identifying the organizational structure of each state and determining its juvenile justice education evaluation practices and capabilities. Survey results were used to develop a typology or grouping of states according to common characteristics. The conference provided a forum in which state representatives could interact in workshop settings to identify impediments to specific NCLB requirements and discuss possible solutions. The state groupings allowed Project staff to identify problems which were national in scope, which were common to a subset of states, and which seemed to be limited to a particular state.

States were categorized according to the degree of centralization of juvenile justice education within the state and the size of their juvenile justice education systems. A state was considered to have a centralized system if either one or two state agencies were working jointly to oversee the education provided in all juvenile justice institutions within the state. If at least one type of juvenile justice institution or one geographic region within a state was not supervised by the state agency responsible for juvenile justice education, the state was classified as decentralized. Institution types include detention centers, locally or privately operated juvenile programs, and state-operated residential commitment programs. OJJDP¹ national juvenile residential census data were used to determine the size of each state's juvenile justice education system. States were then classified as large or small, depending on the size of the juvenile justice population; states with juvenile justice populations of 1,400 or more were classified as large, while those with populations less than 1,400 were classified as small. Juvenile justice systems ranged in size from 51 beds in Vermont to 16,782 beds in California. Approximately half of the states report incarcerated juvenile populations under 1,400.

Using degree of centralization and population size, states were assigned to one of four groups:

• Large/Centralized states (more than 1,400 in the juvenile justice education population and all juvenile justice institutions supervised by the same state agency);

¹ National Center for Health Statistics (2005). *Estimates of July 1. 2000-July 1, 2004, United States resident population from the Vintage 2004 postcensal series by year, county, age, sex, race, and Hispanic origin.* Prepared under a collaborative agreement with the U.S. Census Bureau. Available online from http://www.cdc.gov/nchs/about/major/dvs/popbridge/popbridge.htm

- Small/Centralized states (less than 1,400 in the juvenile justice education population and all juvenile justice institutions overseen by the same state agency);
- Large/Decentralized states (more than 1,400 in the juvenile justice education population with at least one type of institution or geographic region that is not directly supervised by the state agency responsible for juvenile justice education);
- Small/Decentralized states (less than 1,400 in the juvenile justice education population with at least one type of institution or geographic region that is not directly supervised by the state agency responsible for juvenile justice education). These state groups participated in a sequence of workshops that presented

information from the national survey tailored to their system's characteristics. Each attendee received an individualized template that included information on their levels of implementation and impediments for each workshop topic. Information on types of assistance needed by each state was also included.

Topics of the four workshops evolved from the major NCLB requirements. Specific NCLB requirements and national survey results pertaining to the workshop topic were outlined. States discussed primary impediments and proposed solutions in an open forum where ideas and strategies could be shared by all conference participants. Toward the end of each session, participants formulated a plan of action for overcoming major impediments. Many creative solutions (discussed below) evolved from these discussions. At the close of each workshop, Project facilitators reviewed impediments and solutions that had been discussed, and noted any questions the group might have for U.S. DOE. A summary of discussion points recorded by Project facilitators follows.

Daily Opening Sessions

Conference participants attended an opening session each morning. Jeanine Blomberg, the Florida Department of Education Chief of Staff, gave the welcoming address during the first session. Dr. Thomas G. Blomberg presented the general results from the national survey and briefly discussed the history of juvenile justice education leading up to the enactment of the NCLB. Tuesday morning's opening session began with Dr. Blomberg's summary of the first day's activities. Florida Representative Gustavo "Gus" Barreiro, the outgoing Chair of the Florida House of Representatives Criminal Justice Appropriations Committee, spoke to conference participants, emphasizing the importance of quality education for incarcerated youth. Representative Barreiro also discussed the necessity of collaboration. Dr. Blomberg reminded participants of the importance of a collective voice on the national level, and suggested that a national organization might help to elevate the profession of juvenile justice education and educators throughout the country.

1. Highly Qualified Teacher Workshop

The workshop focusing on Highly Qualified teacher requirements began with a description of the general requirements, followed by an overview of the research on teacher qualifications and student performance, and teacher retention and turnover. Results from the national survey were discussed, including the level of implementation in juvenile justice education of the Highly Qualified teacher requirement. Information on common impediments states have experienced and strategies being employed to meet this requirement were then presented, which led into discussions on various solutions for individual states concerning meeting the Highly Qualified teacher requirements.

Impediments

A common concern voiced is the difficulty short-term and smaller facilities have in recruiting and retaining teachers who have certification in the multiple core content areas and levels (e.g., middle and high school levels) they must teach. It is difficult for these types of institutions/schools to recruit and retain teachers. Concerns related to longterm commitment facilities include a shortage of Highly Qualified teachers at certain levels, lack of teachers certified in multiple areas, and the challenge of teaching subfields in core areas such as math (e.g., basic math, algebra and geometry) or science (e.g., chemistry and biology).

A lack of qualified substitute teachers to provide permanent teachers the opportunity to attend professional development training and a lack of mentors for beginning educators were problematic for a number of states. One interesting and

frequently voiced issue is the lack of college training preparing teachers for meeting NCLB requirements. Many participants stated that colleges and universities should make NCLB a part of their curriculum for prospective teachers.

Various funding issues were also identified as impediments, such as low salaries and a lack of resources for training teachers. Similar problems were noted in discussing current teachers' abilities to attend professional development training. Many states have found that funding is based on the number of students in a program; when the population fluctuates during funding survey counts, staffing is affected.

Other impediments to successfully meet the Highly Qualified teacher requirements include the high number of special education students in juvenile justice settings. It was noted that special education teachers often leave at a higher rate because of the volume of paperwork required. Moreover, a lack of knowledge about teaching in juvenile justice surroundings creates a misperception about the environment (e.g., programs that are well run are safe environments in which to work). This perception often makes it more difficult to recruit Highly Qualified teachers. Additionally, states discussed teacher turnover: often teachers leave the program for employment in other schools after the juvenile justice program had helped them obtain Highly Qualified status.

Finally, states discussed discrepancies and a lack of understanding between the U.S. DOE and states with regard to interpreting the Highly Qualified teacher requirements in juvenile justice education. There was discussion concerning the need for consistency in enforcing the requirements for all types of programs, providers and states.

Solutions

The participants offered suggestions for overcoming the challenge of recruiting and retaining Highly Qualified teachers in their juvenile justice programs. Among these suggestions were developing alternate licensure requirements, creating a certification area for teaching at-risk youth in multi-instructional level education programs, providing emergency certifications and a clear time frame to accomplish the requirements, and sharing among states creative ways of meeting the requirements. Prospective teacher training was also of interest. For instance, some participants recommended that special education graduates also become certified in core academic content areas. Other

participants recommended developing promotional programs to increase awareness about teaching in juvenile justice schools, placing college students in facilities for their teaching practicum, collaborating with local colleges and universities to recruit and properly train students, and focusing on early recruitment.

Other potential solutions included seeking additional funding sources and alternative resources to recruit and retain teachers in juvenile justice facilities. Financial solutions included using Federal Title II funds to help special education teachers expand their certification areas and providing attractive financial packages, such as full-year contracts, special education stipends, or bonuses for juvenile justice teachers. Areas of additional resources include using veteran teachers to enhance professional development and providing online coursework for teachers and students.

To address the negative perception of the work environment, states suggested getting strong internal administrative support to increase collaboration and alleviate conflict between teachers' needs and administrator's expectations. Another idea was to attend job fairs to publicize and recruit teachers for juvenile justice programs. Finally, to address many of the impediments mentioned in the workshops, some states suggested working with a national association to lobby for juvenile justice education interests.

2. Transition Workshop

The Transition workshop opened with a presentation of the NCLB requirements pertaining to transition and an overview of the best practices and monitoring of educational transition services. National survey results regarding the level of cooperation among state agencies providing transition services, states' level of implementation, and impediments were presented, followed by an open discussion.

Impediments

Major impediments involve coordination with the local schools and school districts. Many states have little or no coordination capabilities with the LEA's, and some states have problems with local schools not releasing students' transcripts; transmitting student records is often problematic. Moreover, some states have laws prohibiting students from returning to public schools, and others receive little or no

cooperation from local school districts when students are attempting to return to school. When juvenile justice students do return to school, keeping them in school is an additional challenge. In particular, states identified problems with negative attitudes toward the students when they do return to their public school districts.

Preparing students for transition back to school was also addressed. There was discussion regarding the lack of realistic plans to assist students as they transition, as well as an inability to identify the person(s) responsible for transition services. In some states, lack of statewide transition protocols and varying levels of transition services among private providers creates inconsistency for students and programs. Varying curricula, courses, and graduation requirements across different school systems further complicate this process.

Another major concern is the provision of successful transition services in shortterm facilities. These types of programs often do not have sufficient time to get all of the needed resources in place before students leave. Student data are not collected, and many times the education department does not become involved. As one participant stated, "The next thing you know, they are gone!"

Collaboration among agencies, community networking, and resources were all described as lacking in many states. Further, large caseloads in probation and aftercare, which is compounded by a lack of tracking tools, make it difficult to track the youth. Due to the large distances between the facility and the home communities for many of these youth, participants noted the need for liaisons.

Solutions

Transition encompasses a series of complex requirements that involve many aspects of the community and facilities. The groups discussed a number of potential solutions. Several states called for developing facility-wide transition plans that include a transition 'summit' to train all stakeholders in the transition plan. Assigning control of individual education plan (IEP) process to juvenile justice education and inviting education representatives from the next school to participate were also proposed. Providing post-secondary education such as online and/or correspondence courses for youth who have a high school or General Educational Development (GED) diploma

would assist students in transition to post-secondary education. One state suggested having detention centers provide daily transition skills sessions. Participants also thought that ensuring public school representatives participate in the students' exit transition process would be beneficial.

Several solutions were offered to address the impediment regarding lack of communication and coordination with public schools and school districts. Participants suggested establishing Memorandums of Understanding with local schools, designating school records liaisons, and providing education advocates to coordinate services between juvenile justice facilities and local communities. Recruiting retired people to serve as community mentors, and using IDEA funds to provide special education liaisons to coordinate services with students' next placements were also suggested. Solutions for assisting youth in transitioning into the workforce included offering job placement programs for detention centers and apprentice programs for released youth with the goal of securing future employment.

Statewide coordination of public and juvenile justice education school calendars could help with student mobility issues. Participants indicated that rigorous training for juvenile probation officers and pre-release notification systems should be developed. One state noted that incarcerated you who remain on the caseload until they are 18 years old are assigned personnel to assist them with community reintegration.

3. Program Evaluation I - Student Outcome Measures and AYP Workshop

The third workshop, Program Evaluation I – Student Outcome Measures and AYP, was designed to allow participants to review the student outcome requirements under NCLB and discuss how student outcomes and progress measures are part of a larger program evaluation model. These workshop topics apply to a program evaluation model that includes immediate results, such as academic gains and increased attachment and commitment to conventional institutions (e.g., school), as well as community reintegration such as return to school, graduation, and recidivism. We presented information from the national survey, including the percent of juvenile justice schools within each state that passed AYP, primary impediments to implementing AYP, and the

kinds of academic performance and community reintegration measures that states regularly collect. We presented information on data collection methods and areas of technical assistance requested by states then opened the discussion to participants.

Impediments

Inaccurate and/or non-reporting of juvenile justice students' test scores was noted by many participants. Some states waive juvenile justice students' assessment scores from state or district AYP reporting. Finding assessment measures that these youth take seriously and locating valid and reliable measures were frequently cited difficulties. Linking information together from various agencies or districts within the state is complicated because of the involvement of multiple agencies, a lack of accessibility, and incompatible data.

The mobility of the students and short lengths of stay were noted as major impediments to administering reliable measures of academic gains. Abrupt transfers of youth due to a lack of beds precludes administering post-tests. Another impediment discussed was that education programs might not be notified of a student's arrival before he or she is discharged, making educational assessment impossible. Having an assessment or screening tool designed for immediate evaluation was considered essential for the youth who are unexpectedly released. Participants noted that the juvenile justice population is sometimes a forgotten group when it comes to new testing mediums, such as the Internet. Students at all juvenile justice schools do not have access to the internet, preventing web-based assessment.

Confidentiality issues are problematic for some of the states. Either the agencies have no legal right to get information on how these youth are doing after leaving the juvenile justice institution, or the LEA and institution must jointly agree upon information being gathered about student progress after release. Other states have laws prohibiting agencies from following a particular youth for more than one year after they have left an institution, making it impossible to track employment, post-secondary education, and other similar outcomes.

Another impediment mentioned was inconsistencies with accountability. Many facilities are too small to successfully calculate AYP, because they have too few students

in their testing cohort subgroups. In addition, private providers are often not held to the same NCLB requirements as publicly operated facilities and some states have waivers excluding juvenile justice students' scores from the state, district, or school AYP calculation.

Many states (31 of 44) do not calculate AYP for a variety of reasons. Several states' juvenile justice education services have been legislatively exempted from calculating AYP on these schools; others are excluded from calculating AYP because the length of stay is shorter than the state's requirement for assessing academic gains. As so many states are exempted/excluded, discussion of solutions tended to focus on measuring and collecting student outcomes, such as graduation rates, re-commitment, and return to school following release.

Solutions

Finding a way to administer academic testing quarterly, instituting a data sharing task force or superintendent review board, and using tests similar to those used in public schools to prepare students for testing well when they return to their home schools were some of the solutions offered. Many states discussed establishing unique identifiers for youth that would be available to multiple agencies for tracking students' return to school, post-secondary education, or similar outcomes. Several participants discussed the use of transition funds to alleviate funding problems they are facing with tracking students' academic and community reintegration outcomes.

Other solutions regarding the tracking of youth included establishing a Memorandum of Understanding with adult Departments of Corrections to determine whether youth are sentenced to that agency and funneling commitment sheets through one central office that enters the information on a password-protected website. Participants from one state discussed their development of a life skills program in which the students participated for three weeks. The life skills teacher was able to track the youths' progress once they left the facility through channels not available at the institution. Another state noted that they have three people whose sole responsibility is tracking the progression of youth. These personnel determine where youth are and how

they are doing every three months for 18 months via telephone calls and face-to-face visits.

4. Program Evaluation II – Monitoring Educational Quality Workshop

The final workshop, Program Evaluation II – Monitoring Educational Quality, focused on the program evaluation model. For this workshop, however, the focus was on school inputs and activities such as facilities, curriculum and instruction, and teacher qualifications. Other topics included transition services and academic planning, as well as the learning process.

The presentation included information on Florida's Educational Quality Assurance (QA) monitoring system for the state's juvenile justice education programs. The development and implementation of a QA system, standards and review process were discussed, followed by an overview of the literature pertaining to promising educational practices for incarcerated youth. The national survey results presented in this workshop focused on the frequency of quality monitoring among states, the types of monitoring conducted, the types of agencies that perform monitoring, and the sanctions imposed for poor school performance. Discussion of methods used by states to collect data, as well as its purpose, concluded the presentation before opening discussion among the participants.

Impediments

Many of the impediments noted by conference participants in this workshop indicated a general lack of coordination in the monitoring of educational services. Often there are too many agencies involved within a state to effectively produce and implement a comprehensive evaluation model or protocol. For example, different state agencies and divisions within one agency conduct educational monitoring, but only for specific areas such as special education, finance, or Title I. These separate visits are not coordinated and do not provide a comprehensive review of the educational services within juvenile justice schools.

Major issues for many states that are unable or are limited in their ability to carry out a comprehensive monitoring or quality assurance program are the lack of evaluation/monitoring personnel and funding for these staff positions. Overlapping responsibilities among agencies can also create problems that make collaboration difficult. Further, states find the multiple - and often inconsistent - requirements of monitoring systems challenging. In some states, the actual definition of juvenile justice schools is another impediment because it is not clearly delineated.

Several states with larger juvenile justice systems conduct more comprehensive educational monitoring or have an educational quality assurance process. Because the majority of these evaluation and monitoring systems were developed independently by each state, different accountability measures and standards are being used throughout the country. Participants feel that more traditional school monitoring programs do not address the unique conditions in juvenile justice institutions and do not consider the diverse educational needs of their students. In addition, several participants stated that standards for monitoring correctional facilities often treat the education programs as secondary to safety, security, and medical standards. Out of this context, individual states have developed their own standards and monitoring processes for juvenile justice education.

Solutions

Participants discussed creating a unified monitoring system in which states could coordinate existing personnel, such as Title I coordinators, special education monitoring staff, and peer reviewers to create a more comprehensive and coordinated school review process. Participants also discussed developing a central repository of juvenile justice education standards from different states for nation-wide review to enhance their existing evaluation systems.

Another frequently mentioned solution is to ensure that juvenile justice schools become accredited. School accreditation would help to ensure that credits and diplomas earned while in the juvenile justice system would be accepted in public schools especially in states with laws prohibiting youths' return to their home school. Some participants suggested that educational monitoring and school accreditation be combined to eliminate multiple monitoring systems. In addition, conducting research on what works within the juvenile justice education system was also recommended as a strategy for implementing and conducting comprehensive and effective educational monitoring.

Final Workshop

At the end of the second day, a final workshop was conducted. During this workshop participants began to develop their state's comprehensive implementation plan for the NCLB requirements. During each of the previous workshops, participants began drafting implementation plans to address each impediment they faced. This final workshop provided participants with an opportunity to summarize problems and potential solutions, and to begin designing plans for their respective states. Additionally, the final workshop focused on collaboration within states; to successfully implement many of the NCLB requirements, cooperation among state and local agencies is necessary. Therefore, attention was placed on the development of Interagency Agreements. Sample Interagency Agreements were developed using existing agreements submitted to the Project from various states and were provided to conference participants as models for interagency collaboration.

Closing General Session

In the closing session on Tuesday afternoon, Dr. Blomberg discussed future plans for the Project. It was announced that these Draft Proceedings would be forthcoming and available to all participants for input. It was agreed upon that any questions to U.S. DOE would include an explanatory context. Secondly, Dr. Blomberg stressed the development of a national collaborative organization. He concluded that the conference was a tremendous opportunity to hear how other states have been addressing their respective impediments to NCLB's major requirements. He also noted that it is important to allow enough time at future meetings for states to interact and exchange information about effective means of coordination with officials within each state.

Discussion involved establishing a central evaluation unit to analyze all data for the evaluation requirements under NCLB, or at the very least, creating a method of exchanging evaluation procedures among states, allowing for replication and evaluation models. Participants discussed creating a national organization of juvenile justice education professionals that focuses upon evidence-based juvenile justice education polices and practices. Many attendees spoke of joining with existing organizations,

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where either a collaborative effort could work toward similar goals or could fill a gap in focus such as research in the field. It was stressed that however the collaborative is organized, its' function be to compliment rather than duplicate existing efforts. However, there was an emerging consensus that what is most lacking in the field throughout currently existing juvenile justice education organizations, is a targeted focus on evidence-based practices.

III: Policy Questions

Monday afternoon's closing session was a time in which questions could be posed specifically for U.S. DOE. There was considerable discussion among participants involving the phrasing of questions, topics to be presented and methods by which participants would be able to comment on questions before they are sent to U.S. DOE. Participants noted the complexity in posing questions for U.S. DOE; it was suggested that some questions not be asked.

A list of policy questions generated in conference sessions follow in draft form. The Project will solicit more input and clarification from states before submitting questions to U.S. DOE.

Highly Qualified Teachers

- Are Title I, Part D and/or IDEA funded programs that are not an SEA or LEA expected to meet the highly qualified requirements?
- Clarification on highly qualified deadlines and sanctions for non-compliance.
- How do highly qualified teacher requirements affect special education teachers?

Transition Services

- What is U.S. DOE's position on state laws that prohibit juvenile justice students from returning to public schools after release?
- Do requirements for transition services vary for long-term and short-term institutions?

AYP

• Can juvenile justice schools use pre- and post- academic testing instead of annual statewide assessments for calculating and reporting AYP?

Student Outcomes

- Why are follow-up outcomes of return to school and employment calculated at 30 days post release?
- Is there a source for technical assistance on tracking student outcomes and analyzing student data?

Program Monitoring and Evaluation

• Can federal evaluations of juvenile justice schools, such as Title I and IDEA, be consolidated?

General

• What is the definition of a private school?

IV: Future Directions

As mentioned earlier, the Juvenile Justice NCLB Collaboration Project's mission is to facilitate networking among state juvenile justice education administrators and personnel. The Project plans to continue to work with states regarding the implementation of NCLB in juvenile justice education. Project staff will remain in contact with state administrators to accomplish the following activities:

- Share information regarding state's efforts to implement NCLB. Project staff will follow-up on states' development of NCLB implementation plans. States may be asked to submit their goals and implementation strategies so that they may be shared with other states.
- Contact states for further discussion and possible site visits. Several states expressed a willingness to have case studies conducted of them regarding the evaluation of juvenile justice education and NCLB implementation.
- Collect various standards and instruments so that they may be shared through a common depository where other states can review the documents and compare their standards with those of other states. Conference discussion revealed that several states have developed their own on-site program evaluation standards and processes for monitoring the quality of juvenile justice education services within their respective states.
- Continue to meet with various juvenile justice education administrators at conferences around the country for the duration of the Project. These meetings will focus on collaboration, information sharing, and the development of accountability and evaluation practices that assist juvenile justice education systems with implementing NCLB requirements.

Long-term collaboration efforts were also discussed. According to the conference participant survey nearly all (50 of 51) respondents agreed that there is a need for a research-focused association of juvenile justice education administrators and that they would join such an association. Respondents (48 of 49) were also interested in the creation of a research journal on delinquency and education and would subscribe to such a journal. Forty-one respondents also indicated that they would be interested in contributing to such a journal.

Based on discussion at the conference and input from practitioners, these longterm activities are proposed:

- Form a national research-focused association of juvenile justice education administrators and evaluators.
- Collaborate with other existing associations, such as the Correctional Education Association (CEA), the Council for Educators for At-Risk and Delinquent Youth (CEARDY), and the National Partnership for Juvenile Services (The Partnership).
- Create a research journal for the field of juvenile justice education.
- Host future conferences dedicated to juvenile justice education.

As the Project continues, objectives and future activities will be refined through participant input. It is our goal to create a forum wherein juvenile justice education professionals can share information, ideas, and solutions for improving evaluation and research in juvenile justice education and successfully implementing the requirements of NCLB in our juvenile justice schools.

Appendix A: National Survey Results

The Juvenile Justice NCLB Collaboration Project collected information regarding juvenile justice education from several sources. Initially, Project staff conducted telephone interviews with 49 states regarding their organizational and administrative structures for juvenile justice education. One state did not participate and information from two states was incomplete; therefore, information on these states was collected through state agency websites, making the organizational information complete for all 50 states.

After the telephone interviews were completed, a survey was disseminated to each state's juvenile justice education administrator or secondary contact. States that have more than one agency that is ultimately responsible for juvenile justice education or have different agencies responsible for various program types received more than one survey. The response rate was 88 % (a total of 47 responses from 44 states were obtained).

In addition to the interviews and surveys, various sources were assessed for juvenile residential census data and litigation information. Online data from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) provided national juvenile residential census figures used to determine the size of each state's juvenile justice system. Information regarding class-action litigation in juvenile justice education was collected from the National Center on Education, Disability, and Juvenile Justice; the San Francisco Youth Law Center; case searches through Lexis Nexis; and other legal search engines.

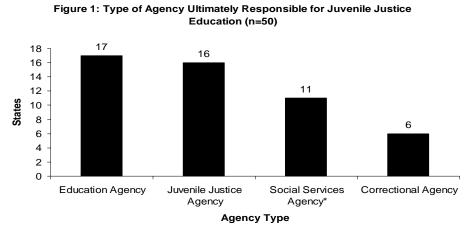
The following figures and tables are derived from these multiple data sources and are divided into the areas of state structure and reform, overall NCLB implementation, Highly Qualified teachers, transition services, student outcome measures, and program evaluation.

Organizational Structure and Reform

The interview results revealed that a variety of agencies are responsible for juvenile justice education. Figure 1 shows the distribution of states based on the type of agency ultimately responsible for juvenile justice education; the lead state agency that is

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accountable for the education provided to the students. (This may not be the agency that actually operates the education services or program).



*Social services agencies are defined as state agencies that oversee special populations in addition to delinquent youth (i.e. Health and Human Services).

State educational agencies and juvenile justice agencies are the two most common types of organizations ultimately responsible for juvenile justice education. Eleven states reported that social services agencies are in charge, whereas correctional agencies are in charge of juvenile justice education in only six states. Of the 50 states, 12 have multiple agencies with joint responsibility, and 16 states reported having special school district or LEA status for their juvenile justice education systems.

During the data collection process it became apparent that, although some state agencies could be identified as ultimately responsible for juvenile justice education, many of these agencies only claim oversight or responsibility for particular program types within their state system. Overall, 21 states reported that they oversee all programs in their states. However, 14 states reported that the agency ultimately responsible for juvenile justice education do not oversee privately operated facilities, while agencies in 12 states do not oversee education in detention facilities. Finally, the agency in charge of juvenile justice education does not oversee locally operated facilities in 11 states.

In addition, the organizational structure within states often changes as juvenile justice systems undergo significant organizational modification initiated by local and state reforms. For example, during the course of the telephone interviews and receipt of survey responses, three states were in the process of redefining state agency responsibility for juvenile justice education. Moreover, 40 states reported that they had experienced organizational change or reform during the last 20 years. Causes of reform according to these respondents are presented in Table 1.

Triggering Event for Reform	States
Major policy change from agency administration	26
Legislative or executive initiative	20
Litigation	17
Public or special interest group pressure	9
Special program initiatives	7
Categories are not mutually exclusive	

 Table 1: Triggering Event for Reform in Juvenile Justice Education (n=40)

Categories are not mutually exclusive

The majority of states (26 of 40) reported that major policy changes originate from agency administration within their states. Twenty states mentioned that the policy reform was initiated from the state legislative and executive branches. Litigation is the third most frequent origin of reform (17 states) whereas the effect of public or special interest groups (9 states) as well as special program initiatives (7 states) make up the remainder of other events that trigger organizational change or reform.

Further investigation of litigation in juvenile justice education systems revealed that 30 states have experienced 59 class-action lawsuits in the past 20 years. The most common federal law cited with violations regarding educational services for incarcerated youth is the Individuals with Disabilities Education Act (IDEA). Fifty-seven of the 59 cases to date have cited violations of a free and appropriate right to education guaranteed by the U.S. Constitution and enforced for youth with disabilities through IDEA. Other violations cited include Section 504 of the Rehabilitation Act, the 14th Amendment regarding violations of due process and equal protection, and the 8th and 1st Amendments; in some cases state constitutions were cited regarding responsibilities of the state to ensure appropriate educational services for all youth residing in the state.

NCLB: General Implementation and Impediments

The survey asked respondents general questions about their levels of implementation regarding NCLB requirements and specific questions regarding the four areas of transition services, Highly Qualified teacher requirements, student outcome measures and AYP, and program monitoring of educational quality. Of these major

NCLB requirements, most states reported that they provide some level of transition services and conduct on-site program monitoring of educational services at least once every two to three years. While 38 states indicated that they collect student outcome measures, most states do not collect all of the outcome measures required for program evaluation. Ten states responded that they do not require juvenile justice teachers to be Highly Qualified, and only 12 of 44 states indicated that AYP is calculated for their juvenile justice schools.

The survey also included a question about the level of difficulty in implementing NCLB across different requirements. Respondents were asked to rate the level of difficulty in meeting various NCLB requirements using a scale from 1 (not at all difficult) to 5 (very difficult). Based on state responses, the categories are ordered from the most difficult to least difficult to implement. Table 2 summarizes the results.

		1 Not at All				5 Very	
	Mean	Difficult	2	3	4	Difficult	Total
Calculating return to school and/or employment rates	3.67	4	3	11	9	15	42
Meeting highly qualified teacher requirements	3.59	4	3	9	15	10	41
Calculating Adequate Yearly Progress	3.47	4	4	12	6	12	38
Evaluating juvenile justice student education progress	2.95	1	12	18	10	1	42
Providing transition services for juvenile justice students	2.95	5	11	12	9	5	42
Evaluating juvenile justice education programs	2.88	4	9	18	10	1	42
Requirements of a State Education Plan for neglected and delinguent students	2.74	5	13	15	6	3	42

Calculating return to school and employment rates, meeting the Highly Qualified teacher requirement, and AYP are rated as the most difficult areas to implement. Evaluating juvenile justice programs and student educational outcomes, the providing of transition services, and developing a state education plan for neglected and delinquent youth are areas in which the states reported less difficulty in implementation.

In addition to the difficulty of implementing NCLB requirements, a question was also asked regarding the area of technical assistance most needed in relation to meeting NCLB requirements. Table 3 presents the responses to this question.

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Technical Assistance Area	Number of States
Tracking students for return to school and/or employment	34
Providing transition services for students from juvenile institutions	28
Evaluating juvenile justice education programs	26
Using evaluation data to improve your state's juvenile justice education services	26
Evaluating juvenile justice student education outcomes	25
Calculating Adequate Yearly Progress (AYP)	20
Measuring student academic gains while incarcerated (i.e., pre- and post-testing)	20
Meeting highly qualified teacher requirements	17
Developing a State Education Plan for neglected and delinquent students	12
Other	3

Table 3: Technical Assistance Needs (n=42)

Categories are not mutually exclusive

States indicated a need for technical assistance in many areas. Tracking students for community reintegration outcomes is an area in which 34 states reported a need of technical assistance. Twenty-eight states need technical assistance in providing transition services; 26 states cited evaluating juvenile justice education programs and using evaluation data to improve educational services as areas in which they need assistance; and 20 states reported that they could use technical assistance in calculating AYP and measuring students' academic gains. Despite being reported as a serious impediment, meeting the Highly Qualified teacher requirements was reported as a need for technical assistance in fewer than 20 states.

Many of the impediments reported earlier are related to the difficulty of meeting NCLB requirements in juvenile justice education settings. Table 4 reports the problems specifically related to the challenges of educating incarcerated students. Responses to this question were open-ended and coded into the following categories.

Primary Obstacle	States
Conflicting Needs, Requirements, or Priorities	12
Diverse Student Academic or Behavioral Needs	12
Transition and Community Reentry	11
Student Mobility and Short Lengths of Stay	11
Lack of Resources (Funding, Facilities, and Staff)	9
Student Assessment and Measuring Academic Gains	3
Other	3

 Table 4: Primary Obstacles in Educating Incarcerated Youth (n=44)

Categories are not mutually exclusive

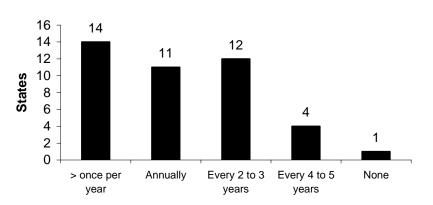
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Conflicting agency and programming needs and requirements (e.g. treatment priorities versus education priorities) and the diverse needs of juvenile justice students are commonly shared difficulties in educating incarcerated youth (12 states each). Similarly, student mobility, short lengths of stay, and transition back into the community present major difficulties. Nine states also indicated a lack of resources as a major obstacle in educating incarcerated youth.

Program Evaluation – Monitoring Educational Quality

Program evaluation - in particular monitoring the quality of educational services is an important process for implementing NCLB and improving juvenile justice schools. The survey included questions regarding program evaluation to assess the states' monitoring capabilities of educational programs. Survey results show 30 states reported that they use a formal evaluation instrument to monitor their programs. Most of these monitoring instruments were developed by the individual state to meet their program information and performance needs. Additionally, 13 states indicated that they use Performance-Based Standards developed by OJJDP and provided to states and programs by the Council of Juvenile Correctional Administrators.

The survey also asked respondents about the frequency of educational program monitoring conducted in their state. Figure 2 presents the frequency of monitoring educational quality.





The majority of states (37 of 42) monitor juvenile justice schools at least every three years. Fourteen states monitor the quality of education more than once per year, 11

states conduct annual evaluations, and four states reported that they monitor education quality every four to five years. The type of monitoring conducted in juvenile justice education also varied from state to state. One state indicated that it does not evaluate its juvenile justice schools.

Thirty-six states reported that they conduct monitoring to evaluate the overall quality of educational services. In addition, several states noted that many different monitoring processes were used in their juvenile justice education system; some states only monitor specific aspects of juvenile justice schools such as special education services or finance. Other states consider the school accreditation process a monitoring tool. The survey also asked which agency was responsible for conducting monitoring in juvenile justice education. Figure 3 reports the responses.

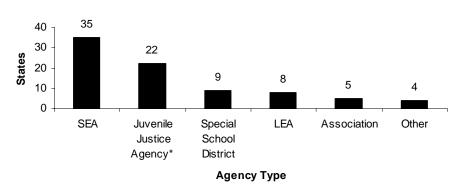


Figure 3: Who Conducts Educational Program Monitoring? (n=44)

Categories are not mutually exclusive *The category for Juvenile Justice Agency includes youth and correctional agencies

SEAs conduct educational program monitoring in 35 states while juvenile justice agencies evaluate school quality in 22 states. Special school districts are responsible for monitoring in nine states and LEAs are responsible in eight states. Additionally, five states reported that various associations monitor educational quality.

Program Evaluation – Student Outcome Measures and AYP

Data collection for assessing student academic gains and post-release outcomes is an important requirement for program evaluation and NCLB. AYP requires states to base school performance on annual statewide assessment. Given the importance of these requirements, the survey asked respondents how they collect data on student educational outcomes and for what purposes the data are used. Table 5 summarizes the state responses to these questions.

Data Collected Through	States
Juvenile justice school self-report	24
State management information system (MIS)	18
Juvenile justice school audits	10
Data Used For	States
Agency/juvenile justice school accountability	32
Federal reporting	29
State legislative or executive reporting	24
Research	17
Planning	6

Table 5: Data Collection Methods and Use (n=38)

Categories are not mutually exclusive

Twenty-four states reported that they collect data through a school self-report. Eighteen states utilize a management information system for data collection and 10 states use school audits to obtain information. Table 5 also demonstrates that 32 states use data for accountability purposes, 29 states use it for federal reporting, and 24 use it for state legislative and executive reporting. Only 17 states utilize data for research purposes, while six use data for educational program planning.

The survey asked the states what percentage of their juvenile justice schools met AYP requirements in the previous year. Surprisingly, the vast majority of states (31 of 43) do not report AYP for their juvenile justice schools.

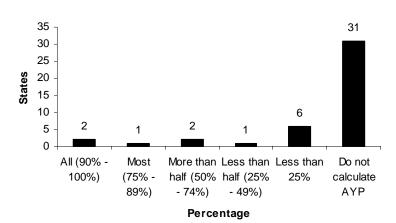


Figure 4: Percent of Schools Passing AYP (n=43)

Appendix: National Survey Results

Of the 12 states that calculate AYP, only five reported that more than half of the juvenile justice schools met AYP. These results are largely due to the impediments specific to juvenile justice schools in implementing AYP requirements. Table 6 summarizes the state responses regarding these impediments.

Impediment	States
Demonstrating student gains using annual state assessment testing	17
Inaccurate reporting of enrollment	5
Lack of annual state assessment resources in juvenile justice schools	5
Difficulty in calculating annual state assessment participation rates	4
Lack of annual state assessment data in juvenile justice schools	3
Small sample size for testing	2

Fable 6: Impediments to	• Implementing AYP	(n=18)
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Categories are not mutually exclusive

Demonstrating student gains using annual statewide assessment is reported as the major impediment in 17 states. Reported impediments included inaccurate reporting of student enrollment, lack of annual state assessment resources in those schools (10 states), difficulty in calculating participation rates (4 states), and the often small sample size of testing cohorts (2 states).

In addition to AYP, states are required to collect extensive data about academic gains and post-release community reintegration outcomes. Table 7 reports the status of data collection regarding community reintegration outcomes.

Data	States
Re-commitment	22
Return to school following release	21
Enrollment into post-secondary education	18
Employment following release	17
Arrest	13
Conviction	10
None	4

 Table 7: Type of Community Reintegration Outcomes Collected (n=38)

Categories are not mutually exclusive with the exception of the "none" category Information is collected on recommitment in 22 states, while 21 states collect data on students' return to school and enrollment into post-secondary education. More than one third (17) of the responding states obtain information about employment following release, while 23 states collect data regarding re-arrest and re-conviction. Only four states reported that they do not collect any community reintegration outcomes.

Most states are collecting various information regarding student academic performance measures. Table 8 summarizes the state responses about student academic outcome data collection efforts.

Educational Outcomes	States
Pre/Post Reading Assessment	33
Pre/Post Math Assessment	30
Academic Credits Earned while Incarcerated	27
High School Graduation Rates	27
Vocational Certificates Earned while Incarcerated	17
Grade Advancement while Incarcerated	16
Other Pre/Post Academic Assessment	8
GED Rates*	3

Table 8: Academic Performance Measures Collected by States (n=38)

Categories are not mutually exclusive

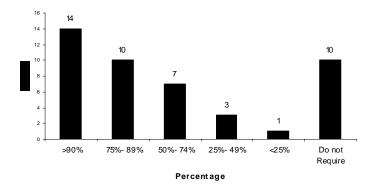
*Some respondents may have included collecting GED rates under the High School graduation rate category Pre/post-assessment results in reading (33 states) and in math (30 states) are the most commonly collected measures of academic performance. Twenty-seven states indicated that they collect graduation rates and academic credits earned. More than one third of the responding states collects data regarding vocational certificates earned while incarcerated (17 states) and grade advancement during incarceration (16 states); only three states reported collecting GED rates.

Highly Qualified Teacher Requirements

The survey asked respondents whether their state requires teachers in juvenile justice education programs to be Highly Qualified, and if so, the percentage of core academic classes taught by Highly Qualified teachers. Figure 5 reports the results.

Appendix: National Survey Results

Figure 5: Level of Highly Qualified Teachers (n=44)



Thirty-one states reported that more than half of core academic classes in their juvenile justice schools are taught by Highly Qualified teachers. More than 90% of the classes are taught by Highly Qualified teachers in 14 states, whereas this percentage is less than 50% for four states. Based on their definition and interpretation of Highly Qualified teacher requirements, 10 states reported that they do not require teachers to be Highly Qualified in their juvenile justice education programs.

The survey also included a question regarding an increase in the numbers of Highly Qualified teachers compared to the previous year. Based on responses from 37 states, 20 states indicated that this percentage has increased over the previous year, and 14 states reported that the rate has not changed. Importantly, only three states reported that the percentage of classes taught by Highly Qualified teachers has decreased compared to the previous year.

Despite these positive figures, many states are facing serious impediments in meeting Highly Qualified teacher requirements. When asked about the difficulties in this area, states responded as follows.

Impediment	States
Teachers responsible for multiple core academic subjects	29
Teacher shortage	18
High teacher turnover rates in juvenile justice schools	13

 Table 9: Highly Qualified Impediments (n=36)

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Lack of funding	12
Low teacher salaries	11
Poor facility locations or working environments in juvenile justice schools	10
Teacher migration to other schools	5
Low rates of professional certification	2
Categories are not mutually exclusive	

The major difficulty cited was that of "a single teacher being responsible for teaching multiple core academic areas" (29 states). Teacher shortages in 18 states and high turnover rates in 13 states are also reported as major impediments. Some states indicated that lack of funding (12 states) and low teacher salaries (11 states) pose additional difficulties in implementing Highly Qualified requirements. The survey results show that 10 states perceive unfavorable facility locations and work environments in juvenile justice schools to be barriers to meeting this requirement.

When asked for solutions and strategies implemented to cope with these difficulties, 15 states reported that they make use of alternative methods for teachers to become Highly Qualified. Seven states provide special professional development training to their teachers, and four states allow more flexibility in small and rural area schools. Revision of state licensure requirements, use of High, Objective, Uniform State Standards of Evaluation (HOUSSE) certifications, and online classes were also noted as possible strategies.

Transition Services

Transition services help incarcerated youth make a successful transition to school and/or employment after release. NCLB requires states to develop a plan for transitioning youth from juvenile justice institutions to local schools and programs in addition to designating individuals who are responsible for transition services. The survey asked states how well they feel they are meeting these requirements.

Overall, states considered themselves fairly successful in implementing these requirements. While 35 states indicated that they provide some transition services to assist students, 33 states reported that they have successfully developed an NCLB plan addressing transition services. Approximately 10 respondents believe that their states are only partially or minimally meeting these requirements.

States are also required to designate individuals to assist students in transitioning into schools and the community. Survey results indicate that states generally designate

individuals at the program, LEA, and state level to provide students with transition services. While 10 states reported that they do not have personnel at the state level dedicated solely for transition services, seven states reported that they are meeting the requirements at the LEA and program levels to some extent. A high number of states (more than 30 of 44 responses) reported that they are generally meeting the requirements to designate individuals at all levels. Major impediments in providing effective transition services are summarized in Table 10.

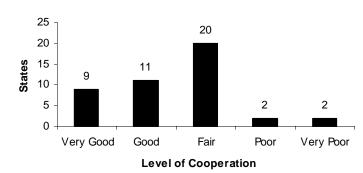
Impediments	States
Lack of coordination between public schools and juvenile justice schools	29
Lack of funding for youth to participate at post-secondary schools after release	25
Lack of transition resources	21
Regulations that inhibit students in returning to public schools	16
Inadequate funding	15

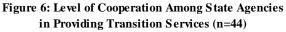
Table 10: Impediments to Providing Effective Transition Services (n=42)

Categories are not mutually exclusive

Lack of coordination between public schools and juvenile justice schools is the most commonly indicated impediment to providing effective transition services (in 29 states). Another major obstacle in this area is lack of funding for youth to participate at post-secondary education after release. While 21 states reported the lack of resources as an impediment, fewer than 20 states indicated that the existence of regulations inhibiting students from returning to public schools and inadequate funding were problematic.

In addition to these impediments, many states reported that lack of coordination among state agencies is a major challenge in implementing effective transition services. Responses are provided in Figure 6.





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The most common descriptor for the level of cooperation between state agencies is "fair." Only nine states indicated that they have a "very good" level of cooperation among state agencies. However, the number of states reporting cooperation to be "poor" or "very poor" is only four.