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Overrepresentation of Special Education in the Juvenile Justice System

Abstract

The following study is based on the representation of special education students in our nation's juvenile justice system. Data was gathered collected through a literature review that analyzes two national studies and other studies from various states. A research study was also conducted in which detention centers in New York State were surveyed regarding the numbers of special education students in their facilities and the implications that special education has on the youth in the juvenile justice system. The findings of the literature review and the New York State study show that youth with disabilities and special education classification are overrepresented in our juvenile justice system when compared to the public school system.

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Overrepresentation of Special Education in the Juvenile Justice System

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Abstract

The following study is based on the representation of special education students in our nation's juvenile justice system. Data was gathered collected through a literature review that analyzes two national studies and other studies from various states. A research study was also conducted in which detention centers in New York State were surveyed regarding the numbers of special education students in their facilities and the implications that special education has on the youth in the juvenile justice system. The findings of the literature review and the New York State study show that youth with disabilities and special education classification are overrepresented in our juvenile justice system when compared to the public school system.

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Introduction and Review of Literature

Crime and violence in our society today has grown to be an overwhelming problem. The life of crime and violence often starts at a young age with youthful offenders. I have found that a large amount of youthful offenders that enter our juvenile justice facilities are youth with disabilities and special education status. With so many special education students entering our juvenile justice detention centers, special education students can be seen as at risk for becoming involved with the juvenile justice system. Special education students already have a difficult time succeeding academically and socially in school, and the stresses that come with involvement with the juvenile justice system (removal from the home, new living environment and school) can make academic success even more difficult for youth with disabilities. It is in the best interest of communities, educators, and society in general to do all that we can to prevent youth with disabilities (and all youth in general) from exhibiting behaviors that would cause them to become involved with the juvenile justice system.

In this study, I have completed a literature review containing information regarding the overrepresentation of special education students in juvenile detention. The literature review discusses data from two national surveys, and studies from various U.S. states. I have also conducted a study of New York State juvenile detention centers. Surveys were sent to detention centers across the state to collect data on the number of special education students in each facility, and the implications of special education on juvenile detention. Results from the New York State study were compared to state and national averages. The New York State study and the literature review are combined to

give a solid look at special education in juvenile detention throughout the country and in New York State.

Overrepresentation of Special Education in the Juvenile Justice System

Current research shows that youth with disabilities are overrepresented in our juvenile justice system when compared to youth that do not have disabilities. This poses a difficult challenge for educators within the public schools and the juvenile justice system. I have studied research from juvenile justice programs around the country and the research concludes to be the same: youth with disabilities are overrepresented in our youth correctional systems. Studies include a national survey and studies from various U.S. states.

National Survey of Juvenile Justice Facilities

A national survey of juvenile justice facilities will help us to begin to understand the problem of overrepresentation of youth with disabilities in our juvenile justice system. During this 2005 study, all state correctional systems in the United States were surveyed, which included every juvenile under the age of 22 that was incarcerated and committed to the juvenile justice system. Reporting agencies used data from the December 1, 2000 census that had been submitted to the Office of Special Education Programs at the United States Department of Education. Respondents were asked to provide information about the number of youth incarcerated in state and private facilities, as well as questions about the number of youth enrolled in special education programs (Quinn, Rutherford, Leone, Osher, & Poirier, 2005).

Survey respondents reported that in the year 2000, 33,831 youth were incarcerated in secure correctional facilities, of which 81 percent were enrolled in an education program. Of the total number of youth reported to be incarcerated in 2000, 33.4 percent had disabilities and received special education services. Percentages of youth with disabilities by state ranged from 9.1 percent to 77.5 percent (Quinn et al., 2005). In contrast to the juvenile justice system, only 8.8 percent of the United States student population between ages six to twenty one received special education services. These numbers show that youth with disabilities are almost four times more prevalent in juvenile corrections than in the public school system (Quinn et al., 2005).

Types of Disabilities

Participants in this survey were also asked to list the breakdown of the types of disabilities that are served in juvenile corrections. Out of the 33.4 percent youth reported to have disabilities, 47.7 percent were labeled with Emotional Disturbance, 38.6 percent labeled Specific Learning Disabilities, 9.7 percent were labeled with Mental Retardation, 2.9 percent were labeled with Other Health Impairments, and 0.8 percent of incarcerated youth were labeled with Multiple Disabilities (Quinn et al., 2005). This breakdown coincides with other research, which states that the most common disabilities of incarcerated youth include mental retardation, learning disabilities, and emotional or behavioral disorders (Leone, 1994). This study shows the current trend of overrepresentation of youth with disabilities in our youth corrections system on the national level. These findings are in line with state wide studies throughout the country.

Attention Deficit Hyperactivity Disorder in the Juvenile Justice System

Research has shown that youth in the juvenile justice system also show high rates of ADHD. Although ADHD is not always a sole determining factor for special education, many youth in special education do have ADHD. A study in 1990 reported that there was a co-occurrence rate between ADHD and learning disabilities that ranged from 19-26 percent of all school aged children. A 1992 study reports that 10 percent-20 percent of school aged children have ADHD and other learning disabilities; while another 1991 study reports that the overlapping of ADHD and reading disabilities was between 9 percent and 33 percent (O'Brien, Langhinrichsen-Rohling, & Shelley-Tremblay, 2007). This data helps us to understand that along with having ADHD many incarcerated youth also have other learning disabilities.

The general prevalence for youth with ADHD in 2000 ranged from 3 percent to 7 percent (O'Brien et al., 2007). However, rates of youth with ADHD have been reported to be as high as 46 percent among juvenile delinquent samples during a 1992 study (O'Brien et al., 2007). Other studies have found the prevalence of ADHD in incarcerated youth to be 27 percent in 1988 and 20 percent in 2005 (O'Brien et al., 2007). Percentage rates of ADHD are much higher in the juvenile justice system than in the public school sector. Youth with ADHD must receive the appropriate services because they are more likely to become repeat offenders (O'Brien et al., 2007).

Kansas Juvenile Justice Facility

A 2007 study interviewed 201 youth from a Kansas juvenile justice facility. The facility was a short term placement for youth waiting for a court disposition on their cases. Of the 201 youth interviewed, 52 students were special education students. This

provides 27 percent prevalence for this particular Kansas facility (Zabel & Nigro, 2007).

The 27 percent special education prevalence rate is 2-3 times larger than the state and national prevalence rates of students in special education (Zabel & Nigro, 2007).

Aptitude Testing

All students that participated in the survey participated in aptitude testing. Those students enrolled in special education scored significantly lower in the following aptitude areas: General, Verbal, Numerical, Form Perception, and Clerical Perception (Zabel & Nigro, 2007). This study proves the current trend that “On measures of intelligence, incarcerated juvenile offenders, as a group, perform in the below average to low average range, and their academic achievement scores are substantially below grade level” with juveniles that have special education needs scoring even lower (Zabel & Nigro, 2007, p.1). In 2001, Zabel and Nigro reported on achievement scores of juvenile delinquents in reading, mathematics, and language. Zabel and Nigro concluded that juvenile offenders that were not enrolled in special education scored 2-3 years below their grade level, while juvenile offenders that were enrolled in special education scored significantly lower (Zabel & Nigro, 2007). This study not only shows a high rate of special education in juvenile justice, but it also shows that these special education students performed below their non-special education counterparts.

Challenge of Juveniles with Disabilities

Lower level academic functioning and special education causes many youth to become involved with the juvenile justice system earlier on than other youth. Juvenile delinquents with disabilities have been termed as “early starters” (Zabel & Nigro, 2007).

Delinquents with disabilities tend to get into trouble and become suspended from school (which leads to court appearances) much earlier than other youthful offenders. Juvenile offenders with disabilities are also more likely to become repeat offenders within the juvenile justice system (Zabel & Nigro, 2007). Zabel & Nigro (2007) state that “Youth with disabilities are at an elevated risk for academic failure; higher dropout rates, and diminished adult educational, occupational, and social opportunities” (p. 1). Youth with disabilities are at a higher risk for becoming involved with the juvenile justice system due to the many issues they face.

Wisconsin Juvenile Justice System

A study completed in the state of Wisconsin compares the national trend of overrepresentation of youth with disabilities in juvenile justice systems to youth involved in the Wisconsin juvenile justice system. Surveys were sent to 18 juvenile detention superintendents throughout the state of Wisconsin. The data collected in the study stated that the average percentage of students with disabilities from the surveyed facilities was 60.46 percent. Percentages ranged from 85 percent in larger urban facilities to 40 percent in smaller facilities (Zenz & Langelett, 2004). The Wisconsin Department of Public Instruction stated that of Wisconsin Public Schools, 11.77 percent of students in the Wisconsin public school system receive special education services. The data in this survey shows that there are five times as many youth with disabilities in the surveyed juvenile justice system than in Wisconsin’s public schools (Zenz & Langelett, 2004). This data is even greater than the data collected in the 2001 National Survey, which showed the nationwide representation of incarcerated youth to be four

times greater than that of the representation in the nation's public schools (Quinn et al., 2005). Similarly, the responding Wisconsin juvenile justice facilities also reported students with a spectrum of special education labels, including hearing impairment and learning and cognitive disabilities (Zenz & Langelett, 2004). The data in this Wisconsin study shows that special education trends in juvenile justice follow the national trends of overrepresentation.

Oregon Youth Authority

In another state study, we find similar results. In the state of Oregon, Bullis and Yovanoff (2005) studied how youth transition from being incarcerated from the Oregon Youth Authority (OYA) into the community. The study looked at the differences between youth with and without disabilities. After exiting OYA, Bullis and Yovanoff (2005) tracked each of the 531 youth involved in the study for up to four years. Of the 531 youth surveyed, 57.7 percent had a special education disability, and 42.3 percent did not have a special education disability. The majority of youth with disabilities were labeled as emotionally disturbed or learning disabled. The 57.7 percent of youth with disabilities in this study is much higher than the previous national survey of 33.4 percent youth with disabilities, but somewhat lower than the Wisconsin study, which had 60.46 percent youth with disabilities.

Transition from Oregon Youth Authority

After tracking youth after they left OYA, findings displayed that 50 percent of the sample population became engaged in work or school. However, youth with disabilities were 1.76 times less likely to become engaged in work or school by the six month mark,

and were 2.22 times less likely to be engaged in school or work by the twelve month mark (Bullis & Yovanoff 2005). The amount of engagement of youth after they leave OYA is important because when they are engaged, youth are less likely to return to corrections. Youth who became engaged in school or work after leaving OYA were 2.38 times less likely to return to OYA after twelve months (Bullis & Yovanoff 2005). When sample youth engaged in public school, it was reported that 21.8 percent of the youth without disabilities failed a grade, while 37.1 percent of youth with disabilities failed a grade (Bullis & Yovanoff 2005). This evidence suggests that both disabled and nondisabled youth were in need of academic assistance, but youth with disabilities were in need of greater assistance. This study shows us that when juveniles with disabilities leave OYA, they have more difficulty than their non-disabled peers assimilating back in to the community.

Positive Transitioning into Arizona Communities

Transitioning into the community after leaving a detention facility has proven to be very difficult for youth with disabilities. A 2005 review of ten studies conducted at Arizona State University highlights the pieces of a successful transition program for incarcerated youth with disabilities. Two of the studies used in this article dealt with administering social skills to incarcerated females. The other eight studies reviewed in this article were meant to obtain a better understanding of incarcerated youth in the state of Arizona (Baltodano, Marthur, & Rutherford 2005). By understanding the characteristics of juvenile delinquents, the authors were able to create a transition program to help youth with disabilities leaving incarceration.

Baltodano et al., (2005) state that:

Meeting the more immediate transition needs of these youth as they move back and forth between corrections and the community is crucial to their long term success.

For most youth in the justice system, transition is a complex and uncoordinated process that often leads to further failure and recidivism. (pg. 34)

To help keep juvenile offenders with disabilities from returning to detention, the authors came forth with the following variables that affect transition success:

preplanning for transition, perceived control of life events, engagement in school or work, positive peer influences, high quality transition programming, addressing gender differences, and adult mentoring and support (Baltodano et al., 2005).

Preplanning for Transition

The authors of this study concurred that transition services should start as soon as a youth enters a detention facility, and the transition plan should be a main focus of the student's educational plan. Students also need to be aware that they have a transition plan and understand what it entails. Transition plans should contain life skills that will help them when they return to school or the work world upon release (Baltodano et al., 2005).

Perception of Life Events

The authors found that of students that had successfully transitioned into the community and done well in school, those students took responsibility for their actions. Students stated that the reason for their success was due to working hard and being resilient. Successful youth also had goals and planned for success. Those youth who

have done well outside of the detention setting have been able to understand that the changes that need to be made in their lives are made by themselves. This internal locus of control is not often associated with youth who often reoffend (Baltodano et al., 2005).

Engagement

Once exiting the detention facility, becoming engaged in school or work plays a large role in the occurrence of recidivism. The importance of engagement can be seen in the literature from the OYA. Many youth have difficulty transitioning back into school after being incarcerated. Many youth stated that they felt “unwanted or unsupported” upon returning to school. School districts need to be sure that they support students returning from the juvenile justices system as they are at a high risk of behaving in a manner that may cause them to return to detention, or drop out of school (Baltodano et al., 2005).

Lack of Positive Peer Influence

The authors reported that the majority of students interviewed stated that one of the greatest problems to being successful in the community was due to their friends (Baltodano et al., 2005). Many students return to school and the community to associate with the same youth that that they used to get into trouble with. This often leads to youth reentering the juvenile justice system. An efficient transition plan would include a support network that included positive peer groups within their community (Baltodano et al., 2005).

Adult Mentoring and Support

Youth with special needs that are involved in the juvenile justice system today need support from a positive role model in their lives. Many of the juvenile delinquent offenders do not have anyone to look up to. Many individuals with disabilities are more successful when they have an advocate (Baltodano et al., 2005). One on one programs that offer the support of adult mentors are important for the success of youth with disabilities reentering the school system. Transitioning back into the community from incarceration is a difficult task for students and the juvenile justice system and the school system should create an effective transition plan for transitioning students.

Holistic Assessment for Transition

To continue with an efficient transition plan, a holistic approach to assessment of students should be used. The holistic assessment takes into consideration student's needs along with the student's level of academic achievement. Other areas to be assessed are the student's vocational possibilities, employability, social and emotional stability, and the student's life skills. The student's level of moral development is also taken into consideration, as they need to know and care about the difference between right and wrong. Students will need to be able to not only complete a specific work task, but complete many tasks related on different levels related to their work (Platt, Casey, & Faessel, 2006). The Juvenile Justice and school systems should be assessing students while considering all of these factors. After this assessment, considerations can be made for students' transition plans.

Maryland Department of Juvenile Services

As the youth at the OYA served out their sentences and were released to the community, other youth have only brief interactions with the juvenile justice system. A study within the Maryland Department of Juvenile Services (MDJS) looked at academic achievement of youth who had only brief contact with the juvenile justice system. The study sample consisted of 157 youth, between the ages of twelve and seventeen, and their parent or guardian. Academic achievement was measured by youth and parent reports of school difficulties, the parent's rating of their child's school functioning, the youth's self-report of scholastic achievement, and standardized academic achievement (Brown, Riley, Walrath, Leaf, & Valdez, 2008).

At the time of the interview, 90 percent of youth were attending school, and 70 percent reported having been suspended, 24.8 percent reported failing a grade, and thirteen percent reported the need for extra educational services at school (Brown et al., 2008). Along with high rates of suspensions and failing grades, more than half of the surveyed students demonstrated poor academic achievement or poor school functioning on standardized tests (Brown et al., 2008). Youth in this sample were given the Behavior and Emotional Rating Scale-School Functioning Scale (BERS) and the Child Health and Illness Profile-Adolescent Edition-Academic Performance Scale (CHIP-AE). These tests are representative of students' school functioning and performance, and 62.4 percent showed poor performance on at least one of those tests (Brown et al., 2008). According to Brown et al. 2008, "Youth who returned to the community following brief contact with the juvenile justice system demonstrated problems functioning at school, and serious deficits in academic achievement" (p 69). Even when

youth are exposed to the juvenile justice system for only a short period of time we still can see a high rate of youth with disabilities and difficulties in school functioning.

Intake Screening in the Mid-Atlantic States

Along with community assimilation, other studies have found data that can be used to screen youth upon intake at juvenile justice facilities in the Mid-Atlantic region.

Krezmien, Mulcahy, and Leone (2008) screened 555 detained young males upon intake to try to predict their academic achievement and mental health. After collecting results, testers compared their findings to the actual special education status of the screened youth. Krezmein, et al (2008) found evidence that youth who have experienced prior therapy, psychotropic medication usage, and low academic achievement were each accurate in predicting special education status of the screened youth. When looking into the educational backgrounds of the 555 youth that were screened, data showed that 45 percent of the total population received special education services, as compared to the ten percent of students with disabilities that are typically served by public schools (Krezmein et al., 2008). Of special education students, nearly half of the population suffered from emotional behavioral disorders (EBD) (Krezmein et al., 2008). This data is in line with the current trend of overrepresentation of special education in the United States juvenile justice system.

Juvenile Corrections in Illinois

Studies conducted in the state of Illinois show similar results when compared to other studies around the nation. Data was collected in 1991 from six different juvenile justice facilities in Illinois. The Harrisburg Detention Center had a 27.8 percent rate of

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students with disabilities among the educational population. The Joliet Detention Center followed with a special education rate 92.9 percent! The Pere Marquette facility had a rate of 0 percent special education students (there were no students in 1991). The St. Charles Juvenile Detention Facility had a 62.7 percent rate of students in special education in 1991. The Valley View Juvenile Facility had a 39.2 percent rate of students with disabilities, while The Warrensville Juvenile Facility had a rate of 51.2 percent students with disabilities (Winters, 1997). The average percentage of incarcerated youth with disabilities in Illinois during 1991 was 51.3 percent. This percentage is exceptionally high and is also comparable to other data on the subject.

Survey of the States

A 1993 study polled all fifty United States. Surveys were sent to all states and to each state's administrator that was responsible for juvenile corrections. Administrators were asked to answer questions including the number of students with disabilities and the total number of students in that state's juvenile system. Of the fifty surveys sent out, thirty were returned completed for a 60 percent return rate. The surveys stated that in 1993 there were 39,000 students incarcerated in those states. Of the reported 39,000 incarcerated youth in these polled states, 23 percent of students had disabilities (Bullok & McAuthur, 1994). This percentage is high when compared to public school rates of students with disabilities that average from 5 percent-15 percent.

Emotional Disturbance

Current trends show that students with disabilities are overrepresented within the juvenile justice system at a prevalence rate of four to five times the rate that they

are represented in public school systems. The majority of the disabilities included are Emotional Disturbance and Learning Disability. In 2002 The US Department of Education reported that the public school population had an emotional disturbance prevalence rate of 8.2 percent, while school settings in juvenile correctional facilities had a 47.7 percent prevalence rate (Morris & Thompson, 2008). Youth with ED have serious academic, behavioral, and social problems (Krezmein et al., 2008). Youth with ED have difficulty with proper behavior. Consecutive behavior problems can lead to involvement with the juvenile justice system. Several studies show that youth with disabilities may be less advantaged socially when dealing with law enforcement officers (Brown et al., 2005). If youth have lower quality social skills, they may not be able to interact appropriately with people around them, and that can lead to trouble and eventually being placed in the juvenile justice system.

Conclusion

After collecting data regarding youth with disabilities in the juvenile justice system I have found evidence that youth with disabilities are overrepresented in the juvenile justice system. Youth with disabilities are at a higher risk for performing at lower academic levels, which can lead to earlier encounters with the juvenile justice system. As special educators, it is our job to work to help keep our students as successful as possible to help prevent them from repeatedly entering the juvenile justice system.

Method

For this research project surveys were created and sent out to 30 juvenile justice facilities in New York State during March of 2010. Surveys were sent to all areas of the

state, including New York City. Individual facilities will be listed as each facility is discussed in the results and discussion sections below. Of the thirty surveys sent out, thirteen surveys were returned, providing a return rate of 43 percent. Both secure and non-secure detention facilities were surveyed, although only one secure facility responded (Monroe Children's Center). The surveys asked questions regarding each facility's total number of students, number of students that receive special education services, number of students that do not receive special education services, and the average number of special education students vs. regular education students. The survey asked for the numbers of special education and non special education students and the total number of students in a facility so that the averages given by the respondents could be cross checked with the numbers given by the respondents. Cross checking averages was done to eliminate possible human error on behalf of the respondents. The survey also asked respondents for the number of students that were diagnosed with Attention Deficit Hyper Activity Disorder (ADHD), and for the number of students that were repeat offenders (youth who have been remanded returned to the same facility more than once). Along with the educational numbers of each facility, respondents were asked to provide information regarding the following issues: most prominent disabilities of their students; learning/cognitive impairments vs. behavioral/emotional issues, disability and juvenile justice involvement, preventative measures, challenges of special education students in the juvenile justice system, and special education status and repeat offending.

Surveys were sent out via fax and respondents were given the option of responding via fax or mail. I provided a contact phone number to be utilized by respondents if they had any questions regarding the survey. I was contacted by one respondent regarding the survey. The majority of surveys were returned via fax, with one survey being returned by regular mail. Survey respondents were asked to give data for the most current school year that they have records for. If respondents did not have yearly data at their disposal, they were asked to use data pertaining to the number of students in their educational program at the time of survey. A general average was also to be used when applicable; such as in cases when respondents may not have data but rely on their own experience and recollection to produce numbers for the survey.

Survey data will be analyzed by comparing the percentages of special education students in juvenile detention with the percentages of special education students in public schools in New York State and at the national level. Questions regarding educational issues of the students in the juvenile justice facilities will be interpreted by comparing answers amongst the different respondents and by using my own experience as a teacher in a juvenile justice facility of six years.

Results

Monroe County, NY Facility One

This Monroe County group home is a non-secure co-ed detention facility that holds up to 9 youth. Results were reported on the current number of youth in the facility when the survey was completed; as yearly data was not available. Respondent 1 reported that at the time of survey, the facility had 9 youth in the facility, of which 2

Special Education in Juvenile Detention

youth received special education services. The special education prevalence rate for the Monroe County group home at the time of survey was 22 percent. This special education prevalence rate is 5.6 percent higher than the New York State average of special education students when compared to the overall student population in New York. The most recent results that could be obtained for this study were from the 2007-2008 school year. During the 2007-2008 school year New York State reported a special education prevalence rate of 16.4 percent (US Department of Education, 2009). The US Department of Education also reported national results for the 2007-2008 school year with special education students making up 13.4 percent of the total United States student enrollment (US Department of Education, 2009). The special education prevalence rate of 22 percent at this Monroe County group home is 8.6 percent higher than the national average. These percentage rates submitted by the first survey respondent show that this group home's special education prevalence rate was higher than both the New York State and the national average at the time of survey.

No students at the time of survey were diagnosed with ADHD. Of the 9 students in the facility at the time of survey, seven students were repeat offenders. Respondent 1 also reported that ED (emotionally disturbed) was the most prevalent classification among special education students.

Impact of Special Education on Juvenile Detention

When asked what types of issues special education students have most in the facility, respondent 1 reported that some emotionally disturbed students tend to have

more learning/behavioral issues; however the first respondent stated that this is not always true for all emotionally disturbed students.

When asked if students with disabilities were more likely to become involved with the Juvenile Justice System, the responder stated no. This responder felt that more so than special education, the primary factor causing youth to become involved with the Juvenile Justice System (JJS) is poverty. The first respondent stated that “so many kids in the Rochester area come from single parent homes, where that single parent is the financial support of the family.” The 1st respondent did not believe that anything could be done to keep students with special needs from entering the JJS system because many youth are status offenders and need the level of care that is provided by non secure and secure detention facilities. The 1st respondent stated that depending on the laws broken, some youth go on to a secure facility that can provide a more intensive level of care. Some students with special needs move on to placement facilities where their problems can be dealt with on a long term basis. The 1st respondent stated that youth with special needs in juvenile detention at times get themselves into challenging situations with other youth and staff. Students with special needs often are lacking good social skills, and many may have emotional/behavioral problems (think emotionally disturbed). Youth with these types of diagnosis will often have a more difficult time dealing with others, which can lead to conflicts with other youth and staff in a juvenile justice group home.

This responder did not feel that special education plays a role in repeat offending because youth at this facility that were classified special education only made up a small percentage of the repeat population.

Monroe County, NY Facility Two

This Monroe County group home is a non-secure detention facility also in Rochester. This group home is an 8 bed coed facility that also provides juvenile justice service to the Rochester area. The 2nd responder also reported data based on how many youth were in the facility at the time of survey. The total number of students in this education program at the time of survey was 8, of which 2 students received special education services, providing an average special education prevalence rate of 25 percent. This prevalence rate again remains high. When compared to the New York State average prevalence rate, this group home's percentage was 9 percent higher. When compared to the National average of 13.4 percent (US Department of Education 2009), this Monroe County group home's special education rate was 11.6 percent higher than the National average. This group home's percentages are slightly higher than that of the first Monroe County facility surveyed, and this group home's percentages are encroaching on doubling the state and national data on special education prevalence.

Responder 2 reported that of the two students in the educational program that received special education services, one student was diagnosed learning disabled and one student was diagnosed health impaired. Responder 2 also reported that 4 of the 8 students in the facility were repeat offenders. Of the 8 students in the facility, one student was reported to have been diagnosed with ADHD.

Impact of Special Education on Juvenile Detention

Respondent number two did not feel that youth with disabilities are more likely to become involved with the juvenile justice system. The 2nd responder also felt that nothing could be done to prevent youth with special needs from entering the juvenile justice system, and that sometimes entering the system is beneficial to certain youth. This responder replied that entering the juvenile justice system can “sometimes be considered an open door for treatment that will allow the individual to live a better, more productive life.” I would agree that in many cases youth become acquainted with services and care that were not available to them before entering the juvenile justice system.

When asked about the challenges that youth with disabilities face within the juvenile justice system, the 2nd responder stated that “sometimes they have more problems in social situations; however this is not automatically the case”. This is an issue that many youth with disabilities face as often learning disabilities can effect students in a social manner. When asked if special education status played a role in repeat offending, responder 2 stated that of the four students in that were repeat offenders at the time of survey, only one of them was classified as a special education student. Respondent number 2 also stated that of all of the repeat offenders in the facility at the time of survey, 75 percent of those students were not classified.

Monroe County, NY Facility Three

The Monroe County Facility Three is a secure detention facility also in Rochester New York. The secure facility provides juvenile justice services to youth that require a

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more intensive level of supervision and care. For the 2009 school year, the 3rd respondent reported having 762 students in their educational system. Of the 762 students in the 2009 school year, the average number of special education students served was between 35-45 percent with a median of 40 percent. The numbers provided by respondent 3 are higher than the New York State average of 16.4 percent (US Department of Education 2009). The lowest percent given (35 percent) is 2.1 times the New York State average. The median of the range (40 percent) is 2.4 times the NYS average, and the highest percent of the range (45) is nearly three times the NYS average of special education prevalence. When compared to the national prevalence rate of special education students (13.4%) (US Department of Education 2009), respondent 3's findings are also high. The lower end of the range reported (35 percent) was 2.6 times higher than the national average; the median of 40 percent was 2.9 times higher; while the highest end of the reported range (45 percent) was 3.4 times higher than the national average. Monroe Facility Three reported much higher data than the First and Second Monroe County group homes. The higher special education rate could be in part due to the difference in cliental, being that the youth that are remanded to secure facilities need a higher level of supervision and care due to increased behaviors. The numbers reported at the Monroe County Facility Three show special education students being overrepresented in the juvenile justice system when compared to the public school.

When asked about how many students were diagnosed with ADHD, the 3rd respondent stated that this number was unknown. Of the special education students in

the facility in 2009, the 3rd replied that the most prominent disability that students were diagnosed with was emotionally disturbed. Of the 762 students that attended the educational program in 2009, 168 of those students were repeat offenders; which translated to a youth repeating rate of 22 percent.

Impact of Special Education on Juvenile Detention

Respondent number 3 stated that youth with special needs at the Monroe County Facility Three displayed both learning/cognitive impairments and behavioral/emotional issues during school. When asked if students with disabilities are more likely to become involved with the juvenile justice system, responder concluded that “poor academic performance of any cause is likely to increase criminal behavior.” Poor academic performance can lead to frustration, feelings of low self worth, and can eventually lead to truancy and crime which can all point youth towards becoming involved in the juvenile justice system. When asked about what can be done to prevent special education students from becoming placed in juvenile detention, responder 3 stated that enhancing efforts in community based services when problems are first recognized would help deter youth from entering detention. If youth receive services such as adult mentoring, counseling, and educational support when problems first arise, those problems may become under control instead of becoming worse.

Responder 3 stated that one of the challenges that youth with disabilities face while in detention is that they can be targeted by other youth. All children may be targeted by other youth at times; however youth with disabilities are at higher risk for targeting due to their educational and social disabilities. When youth with educational

and social disabilities are in juvenile detention with other youth that also have emotional/behavioral issues, they risk of being targeted or picked on becomes higher. When asked if special education status plays a role in repeat offending, respondent 3 stated: "It appears that the re-entry or re-integration process for children with disabilities is not effective in preventing behaviors that move children deeper into the system." If the process of re-entering children with disabilities into the community does not prevent these youth from displaying the types of behaviors that move them deeper into the system, then youth with disabilities can be seen as having a higher rate of repeat offending. Perhaps changes must be made in re-entry services for youth with disabilities when they return into the community after being remanded to juvenile detention.

Niagara County, NY

This Niagara County group home is a non-secure coed detention facility that holds up to 8 youth. From September 2009 to the date of survey the 4th respondent reported that 15 of 22 total students received special education services in their home schools. This computes to a 68% rate of special education prevalence in this detention facility. This prevalence rate is 4.15 times the New York prevalence rate of 16.4 percent (US Department of Education 2009), and 5.1 times the US national average of special education in the public school system. This rate of special education prevalence is much higher than the New York and national averages. The 4th responder also reported that the most prominent diagnosis of special education students was learning disabilities, ADD, and ADHD. From September of 2009 to the time of survey 5 youth were reported

to have been repeat offenders at this Niagara County facility. The 4th respondent also reported that of the 22 students in the educational program up to the time of survey, 8-10 students on average were diagnosed with ADHD, leaving a median average of 41 percent. This 41 percent of students with ADHD could have included students with other disabilities as well as ADHD.

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The 4th respondent stated that students in their educational program displayed both cognitive/learning impairments and behavioral/emotional issues. The 4th respondent also stated that their students were functioning anywhere between 3-6 grade levels below the actual grade they were enrolled in. This below grade level functioning often takes place with youth in juvenile detention because they become suspended from their home school for inappropriate behavior, are truant from school, or do not put energy into becoming successful at school. When these students are remanded to a juvenile detention facility due to Persons In Need of Supervision (PINS) or Juvenile Delinquent (JD) behavior, it is often apparent that they are functioning well below their actual grade level.

The 4th respondent stated that youth with disabilities were more likely to become involved with our juvenile justice system because they often become frustrated with school and look for other ways to feel successful and needed. If students do not do well in school, they may feel as though they are a failure, and they may also feel rejected by their peers. When this happens, these students usually will try to find other areas where they can fit in. This desire to be successful and fit in unfortunately can lead

youth to violence, drugs, and gang activity, ultimately leading to a stay in a juvenile detention center. When asked what can be done to prevent special education students from becoming involved with the juvenile justice system the 4th responder provided that paying more attention to students and being aware of their activities outside of the classroom could help keep youth from committing PINS or JD behaviors. If adults and teachers pay more attention to their children, they may be able to pick up on any inappropriate behavior and intervene before it spirals out of control. Respondent 4 also stated that another way to prevent youth with disabilities from entering the juvenile justices system was to provide students with other opportunities to be successful. If students have difficulty in the classroom, it is important to find activities in and out of school that they can be successful at. Parent education and linking parents with resources and services to help the youth was also recommended by the 4th respondent.

When asked about challenges faced by youth with disabilities in the Juvenile justice system, the fourth respondent stated that some placement options do not always meet the special education needs of the youth. Another challenge faced by youth with disabilities is the fact that parents and law guardians (lawyers) may not be able to meet the needs of the youth. Many of our special education youth that are remanded to juvenile justice facilities are in need of more specialized services to meet their needs. Regarding special education and re-offender status, respondent 4 felt that when students are frustrated with school and are placed back into the community in the same environment (home, school, same friends) without proper assistance, they will probably reoffend.

Albany County Facility One

This group home is a non-secure detention facility that can serve up to ten female youth. The 5th respondent reported that of the 60 youth in their educational program during the previous school year, 51 students received special education services, equating to an 85 percent rate of special education representation. This percentage is 5.2 times greater than the New York state average and 6.3 times higher than the US national average for students with special education needs when compared to students in the public school. This is an extremely high representation when compared to students in public schools. Of the 60 students in the educational program, 18 students were repeat offenders. In regards to ADHD, 30 of the 60 students were reported to have been diagnosed with ADHD, resulting in a 50 percent prevalence rate for ADHD. The 5th respondent reported that the most prominent diagnosis among youth with special education needs in care were ADD, ADHD, Bi-polar disorder, depression, Post Traumatic Stress Disorder, Oppositional Defiance Disorder, and separation anxiety. The special education students in the education program students were reported to have more difficulty with behavioral/emotional issues rather than cognitive/emotional issues.

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The 5th respondent stated that youth with disabilities are more likely to become involved in our juvenile justice system due to the need for better parenting, need for more consistency in school attendance, and the need for improved consistency in administering prescribed medications. If the above stated issues could be improved

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upon, the 5th respondent stated that some youth with disabilities could be prevented from entering the juvenile justice system. Challenges faced by youth with disabilities are stated by the 5th responder as misdiagnosis of conditions, non-diagnosis of conditions, and being passed through the juvenile justice system and home educational system at a rapid rate despite their disabilities.

Albany County Facility Two

The second Albany County group home surveyed is a 12 youth male non-secure detention facility. Respondent 6 reported that during the most recent school year, of the 50 students in the Emmet house education program, 43 students received special education services, equating to a special education prevalence rate of 86 percent. The reported special education rate is 5.2 times higher than the New York State public school average of 16.4 percent, and 6.4 times the special education prevalence rate of 13.4 percent (US Department of Education, 2009). This 86 percent special education prevalence rate is the highest of the facilities that returned surveys for this study. Of the 50 students that attended this education program, 10 students were repeat offenders, producing a repeat offender rate of 20 percent. Regarding ADHD, 25 of the 50 students in this educational program were diagnosed, producing an ADHD rate of 50 percent.

When asked about the diagnoses that are most prominent among the special education students in the program, the 6th responder stated the following diagnosis: ADD, ADHD, Bipolar Disorder, Depression, Post Traumatic Stress Disorder (PTSD), Oppositional Defiance Disorder (ODD), Separation Anxiety, and Psychotic Disorders.

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Respondent 6 reported that the majority of students in the Emmet House school program displayed mostly behavior/emotional issues more so than learning/cognitive issues. Respondent 6 also reported youth with disabilities are more likely to become involved in the juvenile justice system, and improvements in parenting, school attendance, and consistency in administering prescribed medications would help prevent youth involvement in the juvenile justice system. Challenges faced by youth with disabilities in the juvenile justice system were reported by respondent 6 to include misdiagnosis of condition, non-diagnosis of conditions, youth being passed through the juvenile justice and home school at a rapid rate despite their disabilities. These mentioned challenges when not improved upon are believed by the 6th respondent to play a role in repeat offending. The data provided for both of the Albany County facilities are similar in both special education percentages and short answer responses. This could be due to the fact that both houses are in the same area and serve youth from within similar demographics.

Onondaga County, NY

This Onondaga Non-Secure Detention Facility is a coed 12 bed facility. Respondent 7 responded via a letter instead of completing the forwarded survey. Respondent 7 stated that they do not have access to IEP or 504 plan information so they were not able to answer how many of their students received special education services. Respondent 7 did state that many of the students in their educational program did have learning difficulties. Some of the students in care were placed at the facility due to truancy issues, which may account for some of the noticeable educational

deficiencies. Some of the students were reported to be taking medications used to control ADHD, however no official documentation of this was provided. Youth are evaluated by educational staff when they arrive at a facility. Educators often have little information to work with due to the fact that IEP and 504 plans need to be provided from the youth's home school, and this often takes time. Juvenile justice educators should be able to evaluate students and provide them with services needed until educational information is provided from the home school.

Warren County, NY

This facility in Warren County is a coed non-secure detention facility that can house up to 6 youth. This Warren County facility admitted 121 youth in the 2009 school year. Of these 121 youth, the 8th respondent was unsure of how many of these students were weekend admits or were admitted during the week and had attended the educational program. The 8th respondent did not know how many of these youth received special education services. Respondent 8 stated that they do not test for special education needs do to youth only attending the facility for such a short period of time. This is common with many juvenile justice facilities; educational information is obtained from the youth's previous school or placement. The 8th respondent stated that they have difficulty retrieving educational information on their students, and the student's school and county officials do not send information to the facility. The 8th respondent also stated that students in this facility did not receive special education services. The 8th respondent was unsure of how what the most prominent disabilities and diagnosis was among youth that did receive special education services in their

home school. Of the 121 youth that entered the group home in 2009, approximately 21 percent were diagnosed with ADHD. Of the 121 students in admitted to the facility during 2009, 20 were repeat offenders producing a repeat offender rate of 17 percent.

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When asked what types of issues special education students display most in their facility, respondent 8 stated that students display both learning/cognitive and emotional/behavioral issues. This was data was probably a generalization for all students in the education program due to the fact that there was no data for the specific number of special education students at this facility.

The 8th respondent did not believe that youth with disabilities are more likely to become involved in the juvenile justice system. Respondent 8 did however comment on how youth with disabilities may become involved with the juvenile justice system. The 8th respondent stated that many youth with disabilities who should be taking medication are not either due to a non-diagnosis of impairment, or because the youth themselves have stopped taking their medication. Respondent 8 also stated that many of these youth may use other substances to self-medicate themselves when the proper medication has not been prescribed. The illegal drug usage that takes place when self-medicating can become a catalyst for PINS or JD behaviors, which can bring youth in contact with the juvenile justice system. The 8th respondent stated that some severely emotionally disturbed students often act out aggressively and end up in court if they assault someone or do damage to property.

When asked about what can be done to prevent youth with disabilities from becoming involved with the JJS system, the 8th respondent stated that more parental involvement, ongoing medical supervision, and services for at-risk youth would be preventative measures. The 8th respondent stated that because many schools target students with acting out behaviors, they easily suspend students, which often leads to school truancy and more PINS behaviors. It was also stated by the 8th respondent that many youth do act impulsively and commit crimes due to peer pressure and gang involvement, while other youth (including those with disabilities) are made fun of and then stop attending school, which also leads to truancy and PINS behavior.

The 8th respondent described challenges faced by youth with disabilities in regards to the reactions of other students. The 8th responder stated that youth with diagnosis such as ED (Emotionally Disturbed) tend to demonstrate or display their disability more, which other youth see and then act negatively or make fun of those youth with ED. This scenario holds true for not just youth with ED, but youth with any type of disability that can be seen by other youth. The 8th responder also stated that because youth with disabilities are only in juvenile detention for a short time, they do not receive the services that they need, which hinders their learning. The 8th respondent was uncertain as to whether educational status played a role in repeat offending or not.

Broome County, NY

This Broome County group home is a non-secure coed facility that holds up to 12 youth. During the 2009 school year, of a total of 95 students, 39 students were

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reported to have received special education services, producing a special education prevalence rate in juvenile detention of 41 percent. This special education prevalence rate is 2.5 times the New York State average of 16.4 percent, and 3.1 times the national average of 13.4 percent. Of the 95 total students admitted to the Children's Home of Wyoming Conference in the year 2009 20 were repeat offenders, producing a repeat offender rate of 21 percent. The 9th respondent did not have the information required to give data on the number of students with ADHD that were admitted to the facility. Of the students that receive special education services at this group home the most prominent diagnosis of those students was Emotional Disturbance and Learning Disabilities.

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When asked about what types of issues youth with special needs display more in the classroom, the ninth responder stated that both learning/cognitive and behavioral/emotional issues were apparent. The ninth respondent did however state that it was difficult to specifically pinpoint which issues were displayed by youth when compared to the different disabilities due to the limited background information and time of stay of each student. The 9th respondent stated that special education students are more likely to become involved with the juvenile justice system because many students do not want to deal with their disabilities, and disabilities can be ignored by parents and teachers. The 9th respondent also stated that when behaviors are ignored, they become more intensified the older youth become, and these intensified behaviors can lead them to the JJS System.

The 9th respondent stated that more preventative resources and preventative outreach programs from communities and schools could be utilized to prevent youth with special education needs from becoming involved in the JJS system. The 9th respondent felt that students with learning and behavioral needs are often pushed aside because nobody wants to deal with them. When these students are pushed aside, they become further isolated, experience a decrease in self-esteem, and turn to the streets for acceptance. The challenges that are faced by special education students in detention are reported by the 9th respondent to include the lack of 1:1 aides for learning support. Other challenges reported by the 9th respondent were that many students function much lower than their actual grade levels, and many need environmental structuring in order to have a quiet and stress free place to work. The 9th respondent did not feel that special education plays a role in repeat offending because of the fact that very few of the repeaters at the facility have been special education students, and the students that are repeaters, most of them have issues that are not school related.

Orange County, NY

This Orange County facility is a 10 bed coed non-secure detention facility. Of the 63 students in the facility during the most recent school year, 12 students received special education services. This data computes to a 19 percent prevalence rate, which is 2.6 percent higher than the New York State special education prevalence rate in the public schools, and 5.6 percent higher than the national average of students that receive special education services. Of the 63 students that were admitted to the facility only 4 students were repeat offenders, producing a repeat offender rate of 6 percent. When

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asked about the number of youth with ADHD, the 10th respondent reported that 12 youth were diagnosed with ADHD, producing an ADHD prevalence rate of 19 percent. The tenth respondent reported that the most prominent disabilities among those students with special education status include depression and trauma.

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When asked about what types of issues youth with difficulties face more often in detention, the 10th respondent reported behavioral/emotional issues more often than learning/emotional issues. The 10th respondent reported that they thought that youth with disabilities were more likely to become involved with the Juvenile Justice System because of family neglect. The 10th respondent also reported that they felt that educating parents about appropriate methods of child rearing would help to prevent special education students from becoming involved with the juvenile justice system. When asked about the challenges that youth with disabilities face within the juvenile justice system, the tenth respondent reported that level of comprehension was a challenge to youth with disabilities. Level of comprehension is a challenge to many students with special education needs as they may have issues with not only academic comprehension but with social comprehension as well. The 10th responder also stated that they felt that special education status does play a role in repeat offending due to the low social and academic comprehension of many special education students.

Dutchess County

This Dutchess County group home is an 8 bed coed non-secure juvenile detention facility. The Dutchess County respondent reported that in the most recent

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school year 90 of 130 students received special education services, producing a special education rate of 69 percent. Of the 130 students in this facility, 30 were reported to have ADHD, producing an ADHD prevalence rate of 21 percent. Regarding repeat offender status, about 15-20 students out of the total number of 130 students were repeat offenders. Using a median number of 17 repeating students, a 13 percent repeating average was produced. When asked whether the special education students in their class had more issues with learning/cognitive or behavioral/emotional issues, the 11th responder stated that students displayed both types of issues in the classroom. When asked about what the most prominent disabilities/diagnosis are among special education students in this facility the 11th respondent stated Learning disabled, Emotionally Disturbed, ADHD, and impulse control.

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When asked what can be done to prevent special education students from becoming placed in juvenile detention, the 11th respondent stated that smaller classrooms, training teachers to understand learning and emotional disabilities, and more 1:1 attention could all be utilized to prevent special education students from becoming involved in the JJS system.

Respondent 11 stated that they did believe that youth with disabilities are more likely to become involved with the JJS system because they thought that schools were overcrowded and students don't receive the attention that they need, so they fall behind and start acting out. When asked about the challenges that youth with disabilities face within the JJS system, the 11th responder listed the inability to cope,

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elevated levels of stress, and not knowing what will happen to them or where they will go after they leave detention. Although all youth in juvenile detention experience these issues, youth with disabilities may have a more difficult time dealing with such problems. When asked if special education plays a role in repeat offending, the 11th respondent stated that special education does play a role in repeat offending. The explanation given by respondent 11 for why special education may cause youth to be readmitted to detention is that if students are not successful in academics then they feel hopeless and frustrated, then start acting out. This acting out can lead youth to PINS or Juvenile Delinquent behavior that can lead them to the JJS system.

Oneida County, NY

This Oneida County group home is an 8 bed coed non-secure detention facility. Youth from the facility receive their educational services at the 853 school on campus. The school serves about 240 students in a year, and of those 240 students, about 160 were reported to receive special education services. The 12th respondent reported a special education prevalence rate of 67 percent. This prevalence rate is 4.1 times the New York State average rate of 16.4 percent, and 5 times the national average of 13.4 percent. The 12th respondent estimated that of the 240 students in the school over 100 students were diagnosed with ADHD, producing an ADHD prevalence rate of 42 percent. The 12th respondent stated that the most prominent diagnosis among special education students was Emotional Disturbance. When asked whether special education students displayed learning/cognitive issues or behavioral/emotional issues in the classroom, the 12th respondent stated that behavioral/emotional were more prominent. When asked

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how many students were repeat offenders, the 12th respondent stated about 10-15 students were repeat offenders. Using a median of 13 students out of 240 students during the reported school year, a 5.4 percentage repeating rate is produced.

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When asked whether youth with disabilities are more likely to become involved in our juvenile justice system, the 12th respondent stated that youth with disabilities are not more likely to become involved with the JJS system because people tend to not want children with disabilities to enter the JJS system because of their disability.

Although people may not want youth with disabilities to enter the JJS system, when youth with disabilities commit JD or PINS acts there are consequences for their actions and those consequences are usually a remand to a youth detention center. Youth with disabilities who have committed a JD act or exhibited PINS behavior are usually given consequences for their actions by the family court system regardless of their special education status.

When asked what could be done to prevent special education students from becoming involved with the JJS system, respondent 12 stated that more community services could help youth with disabilities to remain at home instead of out on the streets. Respondent 12 also stated that community based programs in school districts or BOCES programs would help to teach students how to deal with the stress of everyday life.

When asked about the challenges faced by students with disabilities, respondent 12 stated that many youth with disabilities do not receive enough support from their

families, and their families do not receive enough support from the community and local family court systems. The 12th respondent also stated that it is difficult for students to get out of the JJS system once they become involved. When asked whether or not special education status plays a role in repeat offending, respondent 12 stated that they believed that special education status does play a role in repeat offending about 70 percent of the time because they have difficulty understanding the consequences of their actions and they also have difficulty thinking long term.

Ontario County, NY

This Ontario County group home is an 8 bed coed non-secure detention facility that serves youth from Ontario, Wayne, Seneca, and Monroe Counties. During the 2008-2009 school year, respondent 13 reported that of the 69 youth that were admitted to the facility and served in the educational program, 29 students received special education services, producing a 42 percent special education rate. This special education rate is 2.6 times greater than the New York State special education rate of 16.4 percent, and 3.1 times the US national average of 13.4 percent. Respondent 13 reported an estimated average of 40 percent of students were diagnosed with ADHD.

When asked what the most prominent disabilities were among special education students in this facility, respondent reported that Emotional Disturbance and Learning Disabled were the most prominent disabilities. Respondent 13 also stated that special education students in their facility displayed more behavioral/emotional issues versus learning/cognitive issues. Although many of the youth in this facility may have learning/cognitive issues, they are often dealt with by the educational staff, and the

major issues shown by students in the classroom are the behavioral/emotional issues. When asked how many students in the facility had repeated, responder 13 reported that of 69 students, 9 had repeated during the 2008-2009 school year, producing a 13 percent rate of repeating.

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When asked if youth with disabilities are more likely to become involved with the JJS system, the 13th responder stated yes. The 13th respondent stated that youth with disabilities are more likely to become frustrated with school, which may cause them to become truant, and school truancy can be a catalyst for interaction with the JJS system. Also, the 13th respondent stated that some youth with disabilities may have a more difficult time controlling their anger, and angry impulsive outbursts can lead to JD behaviors and the juvenile justice system. When asked what can be done to prevent special education students from becoming involved with the JJS system, the 13th respondent stated that integrating behavioral education into special education services would be beneficial to help keep special education youth from entering the JJS system. Also, the 13th responder stated that services such as family court, probation, and drug court should provide services to help parents learn new and more effective methods to help maintain their children.

When asked about what challenges are faced by special education students in juvenile detention, responder 13 stated some student's behaviors are due to their disability. Students with emotional disturbance, for example, tend to have outbursts in behavior and display inconsistent behavior, which often leads them to earning

consequences within the group home. Students with disabilities such as ED (and other disabilities as well) often have difficulties with social interactions, which can cause conflicts with other youth and the staff in detention facilities. Many special education students have educational deficiencies that can lead them to having a negative view towards school and education in general. This negative view of school can be intensified when youth with disabilities are admitted to a detention facility due to the change in environment and structure of program. At times some youth refuse to participate in the school program, which also leads to conflicts with staff and consequences for the youth.

When asked if special education status plays a role in repeat offending, the 13th respondent stated that special education status does play a role in repeat offending because many students have difficulty controlling their anger, accepting consequences, and dealing with the pressures of school. Increased difficulties that special education students face can cause them to re enter the JJS system numerous times.

Discussion

The results of this study have clarified that among the New York facilities surveyed there was an overrepresentation of youth with special education needs when compared to the New York and national averages for special education enrollment in the public school system. The respondents in this study have reported special education prevalence rates that range from 19 percent to 86 percent. This range is similar to the range of percentages given in the National Survey conducted by Quinn, et al. in 2005. The results published by Quinn, et al. 2005 listed special education range from 9 percent to 78 percent among participating detention facilities. The average

special education percentage of the New York facilities surveyed was 51.3 percent, which was 18.3 percent higher than the average special education rates produced by Quinn, et al. 2005. The median of special education percentages among the New York facilities polled was 42 percent. All New York facilities that responded to this survey were included in the above mentioned figures, except for two facilities that did not report these numbers. One of the two respondents that did not report a specific percentage did however report that most of the youth in their educational program do have learning difficulties.

When respondents were asked to report what was the most prominent disability in their facility, emotional disturbance was selected 6 times, learning disabled was selected 5 times, ADHD was selected 4 times, depression and post-traumatic stress disorder were selected 3 times, ADD, bi-polar, oppositional defiance disorder, separation disorder, and psychotic disorders were all selected twice, and health impairments were selected once. Because emotional disturbance was selected the most times as the most prominent disability or diagnosis, that means that emotionally disturbed was the predominant disability of students in the surveyed New York State detention facilities, with learning disabled being the next most prominent disability. When respondents were asked what types of issues do their special education students exhibit more of, cognitive/learning or behavioral/emotional, all responses included behavioral/emotional issues. Of the 12 respondents that answered this question, 6 respondents stated that their students exhibited mostly behavioral/emotional issues, while 5 respondents stated their students exhibit both behavioral/emotional and

cognitive/learning issues in the classroom. The finding in this study that Emotionally Disturbed and Learning Disabled are the most prominent disabilities among JJS facilities from this study are comparable to other studies on the subject.

An interesting fact is that all of the percentages reported by the surveyed detention facilities are higher than both the New York State and US national averages for special education in the public schools. Some facilities thought that their special education rates were relatively low, which they were in comparison to some of the facilities with higher percentages. However, even in the cases when respondents thought that they had low rates of special education representation, they were still higher than the rate of special education in the public school on both the state and national levels. One fact that needs to be taken into consideration is that New York State has a 3 percent higher special education representation rate in the public school than the Nation does. This higher special education rate for New York State may be part of the cause of such high prevalence rates of the facilities polled, however, the majority of the facilities polled were much more than 3 percent higher than the New York State and national averages for special education prevalence.

Survey respondents reported an average ADHD prevalence of 30 percent among youth in their facilities. This ADHD prevalence is comparable to other prevalence rates among incarcerated youth such as 46 percent in 1992, 27 percent in 1988, and 20 percent in 2005 (O'Brien et al., 2007). Higher rates of ADHD in juvenile detention can contribute to learning difficulties in the classroom and focusing on program rules and routines in the facility.

When asked if special education students were more likely to become involved with the juvenile justice system, eight respondents stated yes, three respondents stated no, one respondent stated yes and no, and one respondent did not respond. The majority of respondents stated that the social and educational difficulties combined with family problems can lead many special education students to become involved with the juvenile justice system. The average rate of repeat offending among the respondents was 25 percent. This average included all surveyed facilities except one facility that did not produce data. Of the 13 facilities polled, eight respondents stated that special education status does play a role in repeat offending, three respondents stated special education does not play a role in repeat offending, and two respondents did not answer the question. Of the 11 respondents that provided data on this question, 73 percent felt that special education did play a role in repeat offending. If special education does play a role in leading youth towards JJS involvement, then it can also lead youth to become repeat offenders.

The respondents produced a wide variety of challenges that special education youth face when they enter the juvenile justices system. Challenges experienced by many special education students in juvenile detention include: mis/non diagnosis of disability, being passed through grades without proper learning, coping with increased stress, uncertain future, lack of support for and from families, controlling anger, social interactions, school frustration, lack of 1:1 adult attention, and being targeted by other youth. The above stated challenges were listed by the respondents of this survey and

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can be utilized as a tool to help youth with and without special education needs that are involved in the juvenile justice system.

When taking into consideration the challenges faced by students with disabilities and the increased possibility of involvement with the juvenile justice system, preventative measures can be created to help keep special education students from entering the system. Preventative methods provided by the surveyed respondents include: parental education, consistent medication administration, smaller class size, more teacher training, more 1:1 attention, community and in-district youth programs, and community based programs for youth when they first start to have problems. Two respondents did report that nothing could be done to prevent youth with disabilities from entering the juvenile justice system. It is very important that educators and social services work together to do all that they can do to help special education students and all youth in general from becoming involved with the juvenile justice system.

It is important that we realize that the juvenile justice system does not produce or label youth special education status. Youth are admitted to the juvenile justice system after they have committed a PINS or JD violation, and they are held in a juvenile justice detention facility until family court decides the youth's next placement. Youth enter juvenile justice detention facilities from a wide array of school districts and educational placements. It is at these school districts or educational placements where their original educational diagnosis is made. The juvenile justice system gathers what educational information it can on each admitted child and uses it to service that child.

It is impossible to walk into a school district, then walk into a special education classroom and pick how many students would become involved with the juvenile justice system. However, in this study alone, half of the youth committed to the surveyed facilities received special education services. See appendix for summarized data.

Conclusion

After completing the literature review and an independent study on the representation of special education students in juvenile detention, I have found that special education students are overrepresented in our juvenile justice detention facilities nationwide, and at the local New York State level. The fact that special education students are overrepresented in our juvenile justice system should inspire teachers and administrators of school districts to work preventative methods into school curriculum. Special education students already have a difficult time being successful in school, when they start to exhibit PINS or JD behaviors and become involved with the juvenile justice system more stressors are placed on their lives which can make school success more challenging. Implications for further research lie within this topic. More research could be conducted on why exactly so many youth with special needs are entering out juvenile justice systems, and how specifically can we prevent them from entering the juvenile systems. With further research, we may be able to keep more students living at home and succeeding in school.

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Appendix A

New York Juvenile Justice Facility Data						
Facility	% Special Education at Facility	% Special Education NYS	% Special Education National	Percent of students with ADHD	% of Repeat Offenders	Most Prominent Disability
Albany Co. Facility Two	86%	16.4%	13.4%	50%	20%	ADD, ADHD, Bipolar, Depression, PTSD, ODD, Separation & Psychotic Disorders
Albany Co. Facility One	85%	16.4%	13.4%	50%	30%	ADD, ADHD, Bipolar, Depression, PTSD, ODD, Separation & Psychotic Disorders
Dutchess Co.	69%	16.4%	13.4%	23%	13%	LD, ED, ADHD
Niagara Co.	68%	16.4%	13.4%	41%	23%	LD, ADD, ADHD
Oneida Co.	67%	16.4%	13.4%	42%	5%	ED
Ontario Co.	42%	16.4%	13.4%	40%	13%	LD, ED
Broome Co.	41%	16.4%	13.4%	NA	21%	ED, LD
Monroe County Facility Three	40%	16.4%	13.4%	NA	22%	ED
Monroe Co. Facility Two	25%	16.4%	13.4%	13%	50%	LD, HI
Monroe Co. Facility One	22%	16.4%	13.4%	0%	78%	ED
Orange Co.	19%	16.4%	13.4%	19%	6%	Depression, Trauma
Warren Co.	NA	16.4%	13.4%	21%	17%	NA

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Onondaga Co.	Most have difficulties	16.4%	13.4%	Some	NA	NA
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Appendix B

New York State Detention Facility Short Answer Responses
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Facility	Cognitive/ Learning Vs. Behavioral/ Emotional Issues in school	Can Special Education lead to JJS involvement?	Preventative Methods	Challenges of Special Education Students	Does Special Ed. Status affect JJS Repeat?
Albany Co. Facility Two	Mostly Behavioral/ Emotional	Yes	Better parenting, School attendance, Medications	Mis/Non-diagnosis, passed thru despite disability	Yes
Albany Co. Facility One	Mostly Behavioral/ Emotional	Yes	Better parenting, School attendance, Medications	Mis/Non-diagnosis, passed thru despite disability	Yes
Dutchess Co.	Both	Yes	Class size, teacher training, 1:1 attn.	Cope w stress, uncertain future	Yes
Niagara Co.	Both	Yes	More attention, educating parents, opportunities to succeed	Needs not being met	Yes
Oneida Co.	Behavioral/ Emotional	No	Community services, in district programs	Lack of support for families, getting out of JJS system	Yes 70 % of time
Ontario Co.	Behavioral/ Emotional	Yes	Behavior modification classes, family services	Anger outbursts, social interactions, school frustration	Yes
Oneida Co.	Both	Yes	Proactive outreach, preventative work	Not enough 1:1 aids, working at lower grade level	No
Monroe Co. Facility Three	Both	Yes	Community based services for youth when problems start	Targeted by other youth	Yes
Monroe Co. Facility Two	Both	No	Nothing	Difficulties in social situations	No
Monroe Co. Facility One	Behavioral/ Emotional	No	Nothing	Challenging situations with other youth/staff	No

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Orange Co.	Behavioral/ Emotional	Yes	Educating Parents on Child Rearing	Comprehension	Yes
Warren Co.	Both	Both	Parental Involvement, medical supervision, at-risk youth services,	Display of disability, teased by other youth	NA
Onondaga Co	NA	NA	NA	Truancy, ADHD	NA

