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Transcript of NCSET Conference Call Presentation

Education, Disability, and Juvenile Justice

presented by:

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MS. JOHNSON: Good afternoon everyone and welcome to the Education Disability and Juvenile Justice teleconference. I am Donna Johnson, a project coordinator with the National Center on Secondary Education and Transition at the University of Minnesota. One of our presenters today is Lili Garfinkel who is the project coordinator with Juvenile Justice, PACER Center in Bloomington, Minnesota, and also the associate director of the National Center and Education, Disability, and Juvenile Justice at the University of Maryland. Ms. Garfinkel has coordinated the Juvenile Justice Project, PACER Center since 1994 and prior to that she served as the coordinator of a child abuse project and worked for the Department of Health and Social Services in Ontario, Canada. Ms. Garfinkel has written more than 10 publications on youth with disabilities and juvenile justice, and is a frequent presenter at national conferences. Our other presenter, Dr. Peter Leone, is the director of the National Center on Education, Disability and Juvenile Justice at the University of Maryland. Dr. Leone is a professor in the Department of Special Education at the University of Maryland and has been actively involved in research, teacher training, and advocacy in public school and juvenile justice settings for a number of years. Dr. Leone's research has focused on schooling and institutional environment, policy studies, and evaluation of service delivery. He served as an expert in monitoring class action litigation involving juvenile corrections in a number of states. Recently, he has explored the relationship between school failure and vulnerability of youth in the juvenile justice system.

I want to say a special thanks to Peter and Lili for presenting for us today. I am excited about this topic and happy to have them present. Before we get started, I just want to take a minute to talk about the teleconference format. It will be presentation followed by question and answer. So, I ask that you hold your questions until the presentation is officially completed and also we ask that you avoid wrestling any papers or making any background noises. If you are on a speaker phone, put your phone on the mute button. With that I am going to turn it over to Peter who will share his information with us..

DR. LEONE: Thank you very much Donna. It's really a pleasure to be here today. One of the things that we hope to do is share some of the information that we've learned and some of the existing information about youth with disabilities in the juvenile and criminal justice systems. We think this is a terribly important topic not just because this is our primary area of professional work but also because we are terribly concerned about the lost potential of many youngsters in the juvenile justice system who really don't successfully make that transition from adolescence into adulthood.

So, with that brief introduction, let me turn it over to Lili who will talk a little bit about some of the characteristics of the youngsters in the system. I'll come back a little bit later and we'll talk about the prevalence of youth with disabilities in the justice system. Lili will then come back and talk about prevention and I'll then talk about educational gains in the system. Then we'll conclude with some discussion of transition and aftercare just prior to

the question and answer session. So, we are going to focus for about probably four or five minutes on each of these topics and then move rather quickly to the next part. Lili?

MS. GARFINKEL: Thanks Peter. Thanks Donna for that introduction. I am also very pleased to be here. When we talk about the kids with disabilities in the juvenile justice system, we are talking about a high percentage who, not surprisingly, experience school failure. Peter will talk more about prevalence, but over 50 percent of the kids have at least one identified disability. That's not including the kids who have unidentified disorders that are the root of emotional behavior disorders. This includes the possibility they have accumulated risk factors such as history of abuse, neglect, poverty, early involvement with the criminal system, truancy, family chaos, family history of criminality. They are three times as likely to have repeated a grade and are about four grades behind in reading, and are predominantly male. Although girls are being identified or sent to the correction system at a much higher rate in the last few years as they get involved in more violence or aggressive criminal behavior.

Typically, they have a disability such as ADHD and LD. Over 50 percent of the kids have, in addition, some chemical dependency problem. Basically, I am very concerned about learning disabilities because those are not identified at all. What you see is the pattern where kids in school are labeled and have difficulties and we respond in the school systems and in the different systems kids encounter to the behavior rather than the causes of behavior. I know when I talk to a lot of groups one of my first questions is, "Is there a learning difficulty other than tested for?"

We look at kids who are highly distractible, highly impulsive, which leads to school failure. You know that a lot of kids who had entered the juvenile justice system had dropped out of school. That tells us a lot about prevention and you know there are a lot of clues to prevention and what the causes of entering the system are. We look at ADHD and ADD and look at impulsivity, distractibility, low tolerance for frustration, no consequences, and no thought about consequences. There is no looking forward to what are the consequences of this behav-

ior. Maturity-wise, some interesting studies speak to the fact that kids with ADHD are about a third younger than their real age, the chronological age.

In learning disabilities, kids have difficulty decoding and understanding language and complex concepts, processing instructions, and information types at school. Difficulty remembering facts in a logical way, truancy, and different types of learning disabilities can also cause kids to respond inappropriately. A lot of these kids with emotional behavior disorders, ADHD and LD, have real difficulty with social interaction. They have a great need for peer approval. They aren't socially appropriate very often. This is a problem in the classroom and it becomes a problem in court too. So, again, it's about what we need to teach kids about appropriate behavior.

Kids with developmental disabilities, mental retardation, or cognitive disabilities are very vulnerable. They are often used by other kids or those more sophisticated in carrying out their orders for criminal behavior.

When we look at kids with emotional behavior disorders, we look at ADHD and a kind of continuum through oppositional defiance order, difficulty with authority figures. Unlike all the other disabilities we've talked about, conduct disorder is a learned behavior. Kids have social skills deficits and negative school experiences, which comes as a result of all these difficulties. They have a higher rate of suspension and expulsion and ultimately hang out with more problematic kids than delinquent kids because that's where they are going to be accepted and that's where they are going to be valued. Peter, how is that?

DR. LEONE: That sounds good. Let me make the transition and talk about prevalence and what we know about youth with disabilities who are involved with juvenile courts and corrections or with the adult criminal justice system. Let me just start up by saying that most youth with disabilities do not become involved with the courts with correction. So, the generalizations that we're making really apply for kids who may be vulnerable by virtue of some of these characteristics that Lili just described. There've been studies over the past 30 years or so that have attempted to identify how many kids with

disabling conditions are involved in the juvenile justice system. Most of these have been estimates based on surveys, very few have been actual headcounts. Most of the data, as I think Lili suggested, really underestimate the true number of kids with disabilities that are in the juvenile justice system.

A couple of years ago, EDJJ, our organization, the Center for Effective Collaboration and Practice, and AIR conducted a national survey and we tried to get at prevalence by asking how many youth were eligible for special education services and were receiving services. What we found was a kind of average. We've got about a 66 percent return rate. We found that the average rate of service delivery was 34 percent, that is, 34 percent of the youth in those facilities were identified as special adults and receiving services. Now, that percentage, as an average, included states that were serving fewer numbers of kids in juvenile corrections, they were in the public schools, and it included a handful of states. I believe four or five were serving more than half of their students in a special education service delivery program.

So, our best belief is that, in fact, in areas where rates are relatively low, we found that some kids are decertified from special education when they drop out of school or decertified when they get to corrections. Or, the correction's program may ask you that to indicate you've been in special education. Most kids don't want to say "Yes, I was in special education, let me tell you about it." So, we think the true number of kids identified or kids receiving services is at 50 percent or higher.

A couple of other things, this whole issue of identification is also suppressed in short-term facilities where kids spent time waiting for either trial or some kind of a judicatory hearing. In those short-term facilities, typically, there isn't the time necessary to collect the information from home school districts and determine whether they have been eligible or not. So if you do averages based on service delivery and detention centers, it's going to be suppressed by the short length of stay for kids who are there just 1 or 2, maybe even five days. Kids really need to be there two or three weeks before we really are able to contact the last school district or the last program they were in and come up with a more

realistic number of how many are being served. Let me turn it back to Lili now to talk little bit about prevention, Lili?

MS. GARFINKEL: Thank you Peter. I think, first of all, we need to have a common and very up-to-date body of knowledge about what the kids are entitled to. We find there are a lot of professionals that aren't aware that kids are entitled to the same services as they would be in the public school system from which they left, and I think it's important to look at what best practices are for keeping kids engaged in school. The research shows that you have to identify their strengths as well as their weaknesses and help them understand what strategies they need to kind of defend against the difficulties they have, the challenges.

So I would say first of all look at identifying the disability needs, identifying the risk factors, and then developing those kinds of defenses against all those factors in a kid's life. Keeping kids in school as long as possible is, of course, really important and providing information to educators, to teachers, to administrators about which behaviors are really a function of a disability is really important.

Training parents and working and working with families as much as possible or working or working with parents is important. A lot of these kids we know have come from chaotic families and it may be more difficult to reach out to their parents to have some impact. There are a lot of feelings of hopelessness in the population but we really try very hard to work with people who care about the kid. For example, I always ask whoever is involved with the kid's life, "can you say something nice about this person?" We start building from there to build the community so this kid feels welcome in the school and feels like he or she has a place in the school.

If you have an unidentified learning disability or if you have some unmet psychological needs and school is a bad place for you, what are you going to do? You're going to be drunk, you're going to act out, you're going to find out how you can get this fantasy. You don't have to be there and face that music. Getting mental health services, chemical dependency treatment, it's about unmasking the kid and their needs and looking at how to develop posi-

tive opportunities for them.

Also for kids who're in very chaotic situations it's about developing programs afterschool where they can develop skills as well. Sports, recreation, that's also a very big part of transition as we all know. It's a major goal of transition to look at recreational activities and activities independent of academics where kids can shine. I also feel we should all be looking at technical and vocational skills as we're looking at transition. Some kids are not going to succeed in typical or traditional academic settings and we often keep making them try and do it and it's not going to work.

I feel some of the kids are more experiential hands-on-learners. They need to have that opportunity and we need to be working on it. I think it's important to connect with kids in a very honest way, very clear, very structured way and they have to understand what the rules are. These are the consequences but we also have to look at the disability and see that we're not addressing disability issues with criminal consequences.

Too often we're seeing a rise in the number of cases referred to correction settings for nonviolent defenses or behaviors that are really the disability. I think that part of it is frustration in schools with lack of supports for educators who are working with these kids. There are a whole lot of issues. We don't have the time to take them up speaking here but we need to address that. Peter?

DR. LEONE: OK. Thanks Lili. Let me talk just briefly about education programs in juvenile adult corrections. Over the past 15 years, along with other staff members, I've had a chance to look at education programs in many correctional settings and while there are a few settings that provide adequate services and in a few cases provide very good services, the overall quality is really dismal.

One of the things that happened was the school districts operator program. Sometimes the teachers that they don't want in their comprehensive middle school and high schools wind up teaching in the Juvenile Detention Center and Juvenile Corrections. Sometimes when it's operated by a state or local Juvenile Justice Agency, you get teachers who are being paid substantially less than their counterparts in the public schools and so there is a real pull. I

mean we've seen as much as \$5,000 and \$6,000 differences, and so the people who teach, they're the ones who have recently moved to the area who are not fully certified and sometimes not completely invested in teaching. So, those are the kinds of challenges, in addition to the mobility of the youngsters and having to work in a correctional environment. I think one of the things that we collectively can do is we can look at the adequacy of services and supports in the juvenile justice facilities in our own community. You know, are the teachers certified, what curriculum are they using, is the program accredited, will kids get credit for the time that they spend there?

There has been class action litigation about this issue in more than 25 states since 1977, and we found that in many states it isn't just that they're not providing adequate specialized services, but they're not even providing the minimum number of contact hours or minutes in a week required of the state. So it's literally impossible for kids to get the kinds of credits they need so that they can graduate from high school or enter some kind of a secondary program after leaving Juvenile Corrections.

One of the things that I think is very healthy for education programs in many Juvenile Correction facilities is to provide support to volunteer activities whether it's a guest speaker that comes and talks to the school, whether it's a kind of literacy night, whether it's recreational or arts or fine arts kinds of activities. Those kinds of events communicate to correctional staff and to others that these kids are valued, that they're entitled to services, that we want them to be treated the same way our own children are treated, and it really has a tangible effect on the atmosphere within those correctional facilities.

So I guess I always start with the assumption that these places have education programs or are operating like schools and that the teachers are real teachers that are certified and that have real curriculum and real books and then you kind of work from there. But a lot of times these facilities are located in places that are either not close to population centers, or they're not close to the communities they serve and so they just don't get a lot of outsiders in kind of poking around and asking some questions about the quality of education. Lili, let me turn it

back to you for a brief discussion of transition and aftercare before we get to final comments and questions and answers.

MS. GARFINKEL: Sure, thanks. Transition and aftercare, which is probably the one area where kids kind of fall apart when they leave a correctional setting, is so critical and is the weakest link. I don't know how many resources we've looked at in identified transition as most problematic. Part of it, I think, is the language we're using refer to two things; the transition and services mandated under special ed. There are some real lags in most schools about what transition is and how many kids are receiving transition services.

I think from the kids who are transition service eligible amongst the kids I've worked with during advocacy, I would say that only a third of them has had appropriate transition services in their regular school. Then we look at the transition from their high school to a corrections facility and that is another transition but it, requires a new IEP, or a modification of their IEP, as soon as possible. Then we look at transition services within the correction setting, which is only as good as the school district wherever the correctional facility is located.

So, there is real variation in the number of services or the quality of services the kids have access to. The last piece is the reintegration or transition from the correction setting back into the community, which is a very critical piece and the piece where lot of kids just can't make it. We know that the recidivism rate is upwards of 50 to 60 percent at least to the minimum and is a part where they fall apart in coming back into the community.

And so when we look at transition services, we really look at how can these kids develop some competencies independent of their disabilities and look at those disability needs and develop competencies. We look at the five areas of transition and we want those competencies to focus on their ability to live independently and obviously without a criminal history.

So these are very complicated issues and I think that one other thing that makes it very complicated is that we don't have good transition services in corrections and we don't have good transition planning for when they leave. And what I see, and perhaps

some other people who work in the field and work with kids, is plans that are just not realistic for kids going back into very challenging situations and they may not work because schools have had it with them. They have had difficult experiences with the kids and they don't want them back. So, I mean, I think, some guidance that we would suggest is that we want to work it out so we look at those risk factors when a child leaves a correction setting even if they are in a program where they've learned a lot of skills. If they have had a vocational program, they had a learning experience, and how do we address the needs in the community, how do we work for the school to make it possible for that youth to succeed?

What do we do for a kid who comes into a very difficult family, how do we get a kid to understand appropriate behaviors, how to avoid taking drugs, how to avoid getting mix up with the same bad group of friends he was involved with before?

DR. LEONE: Thanks Lili. Let me just make a couple of final comments and then I'll turn it back over to Donna. One of the thoughts that I have given the enormity of some of the problems that Lili has discussed and some of the points that I made -- I think we need to think about each of us having a role, each of us concerned about kids with disabilities and their involvement in Juvenile Justice systems, we have got to figure out what our role is. Whether it's a kind of understanding about what's happening in our community, promoting successful integration of youth following incarceration, ensuring that there are well developed community programs to address the needs of youth, and provide an alternative to the court. One of the things that I found in several states is that sometimes kids get committed to juvenile corrections because there are not options available in communities for kids or because the kids don't meet some kind of criteria. I have also seen kids -- I have seen in my old state in Maryland that -- some kids with disabling conditions are in longer than other kids because they are not adequate community based placements. And so, it's much more difficult to place those kids as they are released.

And then finally, focusing back on school, I think we really need to closely monitor school district

policies and practices particularly with regard to zero tolerance. My sense is that in this age of high stake testing, kids who are marginal performers, either social or academically, are much more vulnerable when they act out to being excluded from school, particularly at times when these kind of system-wide assessment or statewide assessments are taking place. So, with that, let me turn it back to Donna.

MS. JOHNSON: OK, thank you Peter. And thinking about this issue, I have a couple of questions that I want to ask, but I am going to let the audience ask questions first. What I would like you do is if you have a question, just announce your name and the state that you are calling from, and then we will take questions till about 2:00. So, does anyone have a question?

UNIDENTIFIED PARTICIPANT: I understand everything about the laws, and my son right now currently is in the juvenile system.. He was going through another testing through my school for disability; they say he is not eligible for special ed. I started this in the third grade. He can't get help; he is 16 years old now and he is totally out of control. I can't get help from the school system.

MS. GARFINKEL: Can I answer that, Peter?

DR. LEONE: Sure. I wanted to ask is he still in the detention or he is in a place like Maxi?

UNIDENTIFIED PARTICIPANT: He is in a Juvenile Home -- Calhoun County juvenile home in the state of Michigan.

DR. LEONE: OK.

MS. GARFINKEL: But have you been in touch with any of the parent centers?

UNIDENTIFIED PARTICIPANT: I had just got in touch with a lady through calls.

MS. GARFINKEL: Yes, OK.

UNIDENTIFIED PARTICIPANT: But also I am working with the school systems -- the school systems say they can't do the testing until next August now because he is not in school; he is in a juvenile home. So, school is over, and he has been suspended and when he got suspended, he got in trouble again and juvenile system locked him up, and I am in trouble.

MS. GARFINKEL: You know, you can call me at PACER. This might take some time, and I will be

happy to work with you.

UNIDENTIFIED PARTICIPANT: I was actually going to ask a question, too -- we are wondering how we can stop the unilateral move to court because what we see a lot of times is that the schools have not exhausted all efforts.

MS. GARFINKEL: Right.

UNIDENTIFIED PARTICIPANT: But they are turning them over to the court.

MS. GARFINKEL: Right.

UNIDENTIFIED PARTICIPANT: And the courts don't understand children with disabilities, and we are not attorneys.

MS. GARFINKEL: One of the suggestions, I think it's really important, we have been doing this a lot in Minnesota, is to develop some good connections with the private corrections and with people in the court and do some training with them. We have some resources available that we can assist you where to do this training. We do one on one advocating with kids in a number of cases. It's about training and information about the kid's rights.

UNIDENTIFIED PARTICIPANT: Thank you. I have also talked to the judge, and I have explained to the judge about ADHD, and then I am trying to get help through the educational service. He has allowed my son to go out a few times because of this, but when he is out from juvenile home and has so far grown that I just know, and I have explained over and over and over about the attention deficit -- and I don't know what to do anymore.

MS. GARFINKEL: Can I give you my number, so you could get in touch with me? It's 888-248-0822, and you and the case people can call me.

UNIDENTIFIED PARTICIPANT: Sure.

DR. LEONE: OK, great. Because I just had a conversation with Kathy Divine, who is in the disability rights section at the Department of Justice, yesterday about these kind of issues and they are allowed to intervene on behalf of plaintiffs and situations like this when there is a pending litigation. Her number is 202-307-0480.

UNIDENTIFIED PARTICIPANT: Thank you.

MS. GARFINKEL: I just want you to know there are so many complications, and I will be happy to talk to people, I am sure Peter will as well,

afterwards.

DR. LEONE: Right, absolutely.

MS. JOHNSON: Any other questions?

MS. BENSON: This is Gerdine Benson from Alaska. My question is -- maybe three parts, maybe two. One of the concerns that we are having here in Alaska is that what we are seeing often is that early childhood mental health issues have not been addressed at all. So Lili was explaining some of the possible etiology you know that some of our kids experience, and then by the time they get diagnosed in Juvenile Justice, those things are all gone, and then we start getting things like ADHD learning disability. What we are really seeing--and I really don't have any data or resource in our state--really probably anxiety disorders. So, here we have kids now that are being misdiagnosed. And if you are trying to treat them for ADHD, that's a totally different treatment plan than for anxiety disorder, which is really trauma based. They mix in three to four years in the Juvenile Justice System and by the time they age out in transition, it's a done deal.

MS. GARFINKEL: Right. I know what you are saying, I mean, we see that the bottom line is having a very comprehensive and good assessment.

MS. BENSON: Right. So, how can we educate--and I am struggling with this as a professional-- really educate our Juvenile Justice Systems and get a correct diagnosis. How best can you give me some guidance and really helping our state better diagnose a kid.

DR. LEONE: You know I think a really big key is educating the judiciary and you kind of alluded to that. One of the things that we have done in several states, and I know Lili is working with the National Council of Juvenile Family for Judges, is to help them understand these issues, not so that they can become clinicians by any stretch, but so that they know enough so that when they are alluded to the possibilities of these issues or when they see behavior in courtrooms and chambers, it suggests there is really something more going on here that they have enough sense to have the child evaluated, request records from social services from the public schools or from other agencies so that they are able to pull the information together to make a good

decision about treatment and about adjudication for these youngsters. Because then the easy thing to do is to kind of clear the cases off your docket, I suspect as quickly as possible, because it reduces your work load and keeps kids out of lock up, but I think that comes at the expense of getting kids into treatment. I think there is a lot of kids who get locked up, and there are really other agencies that really have other options available, and I, you know it either has to stand from this notion of what's best for our community in the long run to look at is as "what kind of service would I want if this was my son or daughter or niece or nephew or grandson, what's most cost effective in locking these kids up." Those are the issues I think that the judges need to hear that need to be publicized.

UNIDENTIFIED PARTICIPANT: Is there a state that you are having some success in educating the judiciary branch?

DR. LEONE: I just know of some work that we have done in California in the last year and Lili, you might want to comment on what you have done with the national council in terms of their work.

MS. GARFINKEL: I would. One of the first suggestions I would make to you is that every year the judges in every state have a meeting, and I would see when that meeting is and try and get on that docket and make a presentation.

UNIDENTIFIED PARTICIPANT: That's the national council?

MS. GARFINKEL: No, every year judges in every state have a meeting--a state meeting. Find out when that is and talk to whoever is convening that and ask to make a presentation. And if you want some help in that, call me again. You can get in touch with me because I can give you some of the sets of reviews with judges.

UNIDENTIFIED PARTICIPANT: OK.

MS. GARFINKEL: And they have found it very helpful, I mean the questions the judges need when judges look at you, they say to you "You know this kid keeps coming up before us." The question we want is that we say to them is, "Well then why, what is wrong, what's happening, and what are we missing?" "Why is the kid in four different correctional placements and he walks out and does the same thing?"

UNIDENTIFIED PARTICIPANT: All right.

MS. NELSON: Donna, this is Connie Nelson calling from Nashville, Tennessee. And I was going to say we are starting here to have some successes here especially in Nashville by doing some of the things you are suggesting. We have put a lot of effort into educating the judges around the state by going to their meetings. And one of the things that happened locally here in Nashville is that some of those juvenile court judges have gone to some of the systems of care training, so, we now have an advocate where we have a group that meets with the schools and the juvenile court. And one of the things the juvenile court has gone ahead and done now is they wrote a claim I think probably to juvenile justice. They have hired an ex-social worker who works at the juvenile court here and so when children come in they check to see if that child is in special ed. or not, and depending on the essence, it will not go to the juvenile court. It will get referred back to the school. And with the advocate coming and I am here with the state-wide family supportive network we can work with the school system from an IEP perspective. So, if people want some information on that, I could probably give them some.

UNIDENTIFIED PARTICIPANT: There is another model that's been a good model to look at that ties together correctional issues as well as specialized issues and that's in Seattle and they have different outgrowth than other states and that's called Teamchild and it's www.teamchild.org and they have a Web site and they have different information about it and it's very good.

UNIDENTIFIED PARTICIPANT: Thank you.

MS. JOHNSON: Any other questions for Peter and Lili?

MR. RAUBACH: Yes, this is Bob Raubach from Georgia. I have a question about monitoring school district policies. You mentioned somewhere that we should monitor school district policies such as zero tolerance and there are other policies that we have children sent out to the juvenile courts on the basis of their school-based behavior, basically. What are the monitor school district policies, how do we do it? What are some of the practical ways of doing it and how do we deal authoritatively with them?

DR. LEONE: Sure. If I can respond to this Lili?

MS. GARFINKEL: Yes, absolutely.

DR. LEONE: There is a process that's occurring, but some of this is called the criminalization of school misbehavior and two things happen. One is, kids are getting excluded from school for misbehavior that at one time was kind of handled internally and so I think just on the baseline level, finding it out over the past let's say three to four years, what the rates of school exclusion are? Suspension and expulsions are broken down by race, you can ask for them broken down by disability and they probably won't have that information but I think that it's good to gather as much information as possible.

The second piece of information, which may or may not be occurring in your school district, the school districts you are concerned about involves what attorneys call school file delinquency petitions that it's cabled through--for whom there is a delinquency, where the school asks the police department or the corps to charge a youngster with crime for something that happens on school property. That's something that attorneys have said to me is a relatively new practice and it kind of, it enables the school to kind of wash their hands of stuff because they are police matters, but in essence it's something that happens in the school. Those are two situations that I think really demands attention.

There is another practice that occurs, I know and this is happening in Philadelphia. Kids can be suspended from school for events that occur off-school grounds that do not involve any police charges at all and so I think you would want to ask a school district about the numbers, but you probably also want to ask about policies. If school districts are excluding kids for misbehavior, what's the policy with regard to manifestation hearings if the child is a special education student? Do they keep data on the number of kids by race, gender, or disability that are being excluded from school? Do they know where those kids go when they are out of school? Some schools in some states, I think Texas has a mandate that kids go to alternative settings and so, the question is where do those kids go? I am a former middle school teacher and I used to tell my colleagues that if students are not in school during the day, they may be breaking into houses in the middle of the day. I think we need to pose

those kind of questions because some schools like to get those kids out of their system without thinking of the consequences that the kids or of community because their immediate problem has been solved. So, in response to your question I would say those are the kinds of things you need to pose perhaps in writing or perhaps in a school board meeting.

UNIDENTIFIED PARTICIPANT: All right. My question is then, OK what can we do about a course, we get the information or once we know that they are applying these policies. I have a case right now where a student was shooting out a school officer and with considerable terrorist threat.. In addition to their monitoring what are some ways of addressing this problem?

DR. LEONE: Well, one thing is to do is to find a local reporter who covers education issues and to provide that person with the information--kind of a little cost benefit analysis of what happens to kids. Let's say this kid is excluded from the school, kids caught up in the juvenile justice system, doesn't finish high school, is at greater risk for involvement in adult correction, adults courts and corrections. What are the costs to the community? What are the cost to your state when that kind of thing occurs versus putting the kid into a well-developed alternate setting for a short period of time, maybe excluding the kid but then getting him back into school, it's kind of like who wins in this situation?

Maybe the school wins in the short term but long-term consequences for this youngster and for the community and for the state really make no sense. I think it's sometimes hard to get that message across in the context of, you know, terrorist threats and law and order in the school. There just are enough voices saying wait a second, do we really want to exclude kids? I mean I wouldn't have graduated from elementary school if that was the case, you know, and I think some adults realize the quality of all this, the rest of them are just kind of caught up in the rhetoric and this notion, oh this is a federal mandate. We have to have zero tolerance, and so really, really dumb things are done to kids under the guise of zero tolerance and so I think exposing that stuff, I think talking about what it costs the state and kind of having a frank discussion within communities about that.

Some of the issues we have talked about today are available on the Web site for EDJJ, the National Center on Education, Disability and Juvenile Justice and that is www.edjj.org.

MS. GARFINKEL: And similarly if you look at the PACER Web site, www.pacer.org, many of the issues are raised and they are not necessarily raised under juvenile justice but under a couple of other projects as well. One of them being fate and the other one being the alliance project and there is a parent center in each state. So, if any of you from other states needs the assistance from a parent center, we have them listed on our Web site.

MS. JOHNSON: Thank you Lili, thank you Peter.

END OF TELECONFERENCE

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