

# CHAPTER 11

## SPECIAL EDUCATION SERVICES IN JUVENILE JUSTICE EDUCATION

### 11.1 Introduction

There is growing recognition of the importance of providing appropriate educational services to students in juvenile justice facilities. Further, there is agreement that many incarcerated youth require special education services to benefit fully from an educational program. Juvenile Justice Educational Enhancement Program (JJEED) research has focused on providing an accurate assessment of the progress these programs are making and what future improvements are necessary. Although there has been positive improvement statewide, many juvenile justice education programs continue to provide inappropriate or inadequate services to incarcerated students with special needs. Effective educational programming is crucial for this population of youth. Description of Florida programs and related research in this area should provide administrators and educators a better understanding of current special education practices and future needs in Florida's juvenile justice programs.

This chapter focuses on the importance of providing exceptional student education (ESE) services to incarcerated youths with disabilities, and specifically, what is presently occurring in Florida's juvenile facilities. The purpose of this chapter is to assess how Florida programs have performed on quality assurance (QA) indicators addressing special education services over the last two years. Such information allows JJEED to identify and improve consistently weak areas and to enhance particular areas of strength by suggesting specific policy and research recommendations. Recognition of current program practice and performance is an initial step in identifying how best to provide educational programming to youths with disabilities.

The chapter includes three subsequent sections. Section 11.2 provides description of current state programming for juvenile justice students, including the overall prevalence of students with disabilities, as well as the prevalence of students with specific disabilities. Section 11.3 presents a content analysis of four of the QA indicators found in Standard One: Transition and Standard Two: Service Delivery, and provides a two-year comparison of program performance in Florida's facilities. Section 11.4 closes the chapter with a summary discussion of needed improvements for the provision of ESE services in juvenile justice programs.

## 11.2 Current Programming

As increased recognition of special education needs of incarcerated youth has evolved, many states have attempted to quantify the number of students with disabilities in their juvenile justice programs. Yet, providing an accurate estimate of the prevalence of students with disabilities has been difficult, producing imprecise and wide-ranging results. In Florida, the Department of Education (DOE) collects annual data regarding students in need of ESE services. Additionally, during the 2000 QA cycle, JJEEP collected the necessary data to provide a more careful and accurate account of students in need of special education services in Florida's juvenile justice programs. Before this year, JJEEP data were collected as to the prevalence of special needs students, yet these data previously lacked information regarding the specific disabling conditions of offenders in the juvenile justice programs. This information is fundamental if specific services for individuals with unique disabilities are to be provided. Specifically, it is essential that the particular disabilities of offenders be considered in developing an appropriate educational program for these youths.

JJEEP data capture seven major areas of disabilities that include specific learning disabilities (SLD); mentally handicapped (MH); emotional disabilities, including emotionally handicapped (EH) and seriously emotionally disturbed (SED); deaf or hard of hearing (DHH); visually impaired (VI); physically impaired (PI); and speech and language impaired (SLI). The following provides a brief description of each area of disability.

- **Specific Learning Disabilities (SLD)**—These students demonstrate significant problems in learning basic skills in one or more academic areas due to difficulties with psychological or information processing.
- **Mentally Handicapped (MH)**—These students have substantial cognitive and learning disabilities, including difficulty learning basic skills to perform routine activities.
- **Emotionally Handicapped (EH) / Seriously Emotionally Disturbed (SED)**—These students exhibit significant behavioral and emotional dysfunction. Students with emotional difficulties can exhibit normal intellectual functioning but have poor self-control, which impedes their academic success.
- **Deaf or Hard of Hearing (DHH)**—These students have substantial hearing impairments.
- **Visually Impaired (VI)**—These students have substantial visual impairments.
- **Physically Impaired (PI)**—These students demonstrate physical disabilities or motor impairments, which impede their learning capacities.
- **Speech and Language Impaired (SLI)**—These students demonstrate speech and language impairments, including problems articulating sounds and words, and difficulties with receptive and/or expressive communication.

Data regarding the overall prevalence of special needs students and the prevalence of specific types of disabilities for which students in the juvenile justice system are receiving services were collected from each of the 203 programs reviewed by JJEEP during the 2000 QA cycle.

On the first day of the QA review, the ESE specialist from each program provided these data to the JJEPP reviewer. For data collection purposes, the categories consisted of SLD, MH, EH, SED and Other, which included DHH, VI, PI, and SLI. Table 11.2-1 presents these data.

**Table 11.2-1 Students Requiring ESE Services in Florida’s Juvenile Justice Facilities**

Disability Type	Number of students receiving ESE services	Percent of students receiving ESE services*
SLD	1,060	32%
MH	255	8%
EH	893	27%
SED	537	16%
Other	215	6%
Unidentified	351	11%
Total	3,311	36%

\*Percentages are calculated by comparing the number of students receiving ESE services for a specific disability to the total population of students receiving ESE services during the time of the QA review, which was 3,311.

In Florida’s 203 programs reviewed by JJEPP, there were approximately 9,138 students served at the time of the 2000 QA review cycle. Of these, 3,311 (36%) were identified as receiving ESE services. Specifically, 1,060 (32%) were identified as SLD, 537 (16%) were identified as SED, 893 (27%) were identified as EH, 255 (8%) were identified as MH, and 215 (6%) could be categorized as having other disabilities (DHH, VI, PI, or SLI). In addition, there were 351 (11%) students for whom no specific disability was identified. It is important to recognize that these numbers may be slightly elevated as students with dual diagnoses may be counted in more than one category. However, it is highly likely that additional students in these juvenile justice programs exhibit characteristics of certain disabilities, yet have not been identified by the program or the prior school system, suggesting the possibility of a larger percentage of special education students. Particularly noteworthy from this information is that approximately 1/3 of juvenile justice students have learning disabilities and 41% have some type of emotional disability. Therefore, it is important that every program have complete access to accommodations and services to meet the needs of these students. Additionally, teachers should be hired on-site who are certified in ESE whenever possible.

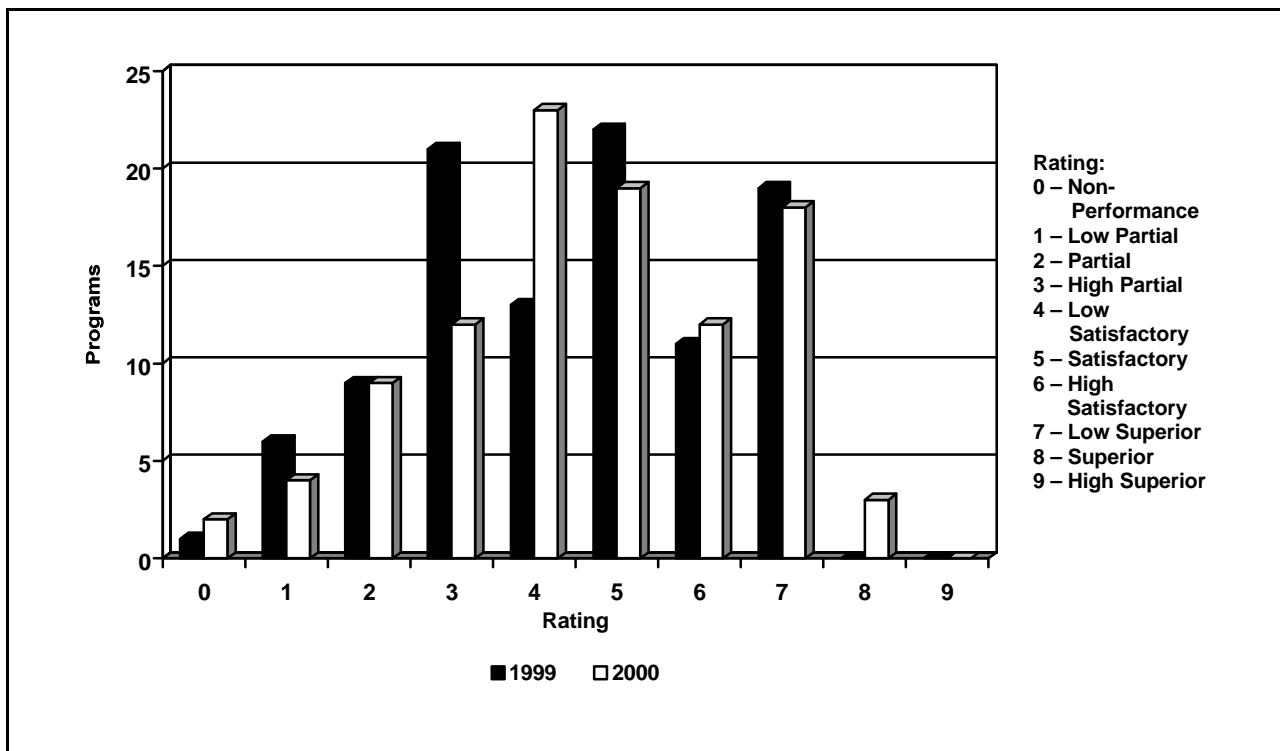
Information regarding overall prevalence and prevalence of specific categories of disabilities is extremely important in establishing successful educational programming for these youth and providing appropriate service delivery. The recognition of the types of disabilities in Florida’s juvenile justice programs allows for more accurate identification of what is effective educational programming and service delivery for youths with particular disabilities.

## 11.3 ESE Services in Florida’s Juvenile Justice Facilities

The following comparisons are drawn from results of QA scores for 1999 and 2000. Information from only 102 programs contained sufficient information for the analysis.

**E1.03 On-Site Transition (Student Planning): Development and review of IEPs for students assigned to ESE programs within 11 days of student entry into the program**—This indicator requires that there is an up-to-date individual educational plan (IEP) for each student which is in accord with state and federal law. The IEP must include a statement of the student’s present levels of educational performance; measurable annual goals, including benchmarks and short-term instructional objectives; accommodations and services needed; and the anticipated frequency, location, and duration of those services and modifications. The scores from the 2000 QA cycle were examined and compared to scores from the 1999 QA cycle. The comparison was meant to determine if there has been an increase in the number of IEPs that are being reviewed and developed within a timely manner, and if IEPs are addressing academic needs, vocational skills, personal/social skills, community/family involvement, and transition activities in Florida’s juvenile justice programs. Figure 11.3-1 presents the range of ratings for On-Site Transition in 1999 and 2000.

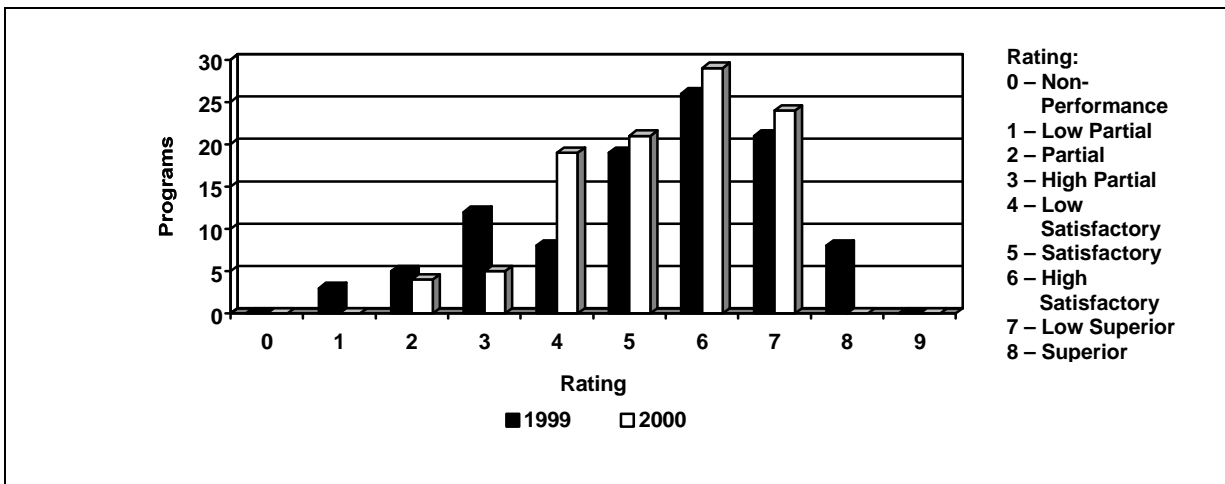
**Figure 11.3-1: Frequency of QA Ratings for Indicator E1.03 On-Site Transition (Student Planning)**



In 1999, the average score for this indicator for programs within all counties was 4.40, within the marginally satisfactory range. In 2000, the average score for this indicator for programs within all counties was 4.58, indicating no significant change in average score. Federal and state legislation mandates that students designated in need of ESE services who do not have an IEP, have an IEP developed within 11 days of entry to a commitment program. JJEEP data indicate that these mandates are still not being met in a consistent basis throughout the State of Florida. As approximately 37% of the youth in commitment programs have been designated in need of ESE services, it is essential that no program receive a score of partial or below in this area. All programs that received a score of partial were subject to a corrective action plan developed in conjunction with DOE and have or are in the process of correcting documented deficiencies.

**E2.01 Curriculum (Academic): Modifications and accommodations as required for students with disabilities**—This indicator requires that the short-term instructional objectives, accommodations, and services needed to ensure academic and vocational progress are being provided as specified within the IEP. The scores from the 2000 QA cycle were examined and compared to scores from the 1999 QA cycle. The comparison was to determine if there has been an increase in appropriate modifications and accommodations within the administered curriculum as identified in a student’s IEP. Figure 11.3-2 presents the range of ratings for Academic Curriculum in 1999 and 2000.

**Figure 11.3-2: Frequency of QA Ratings for Indicator E2.01 Curriculum (Academic)**

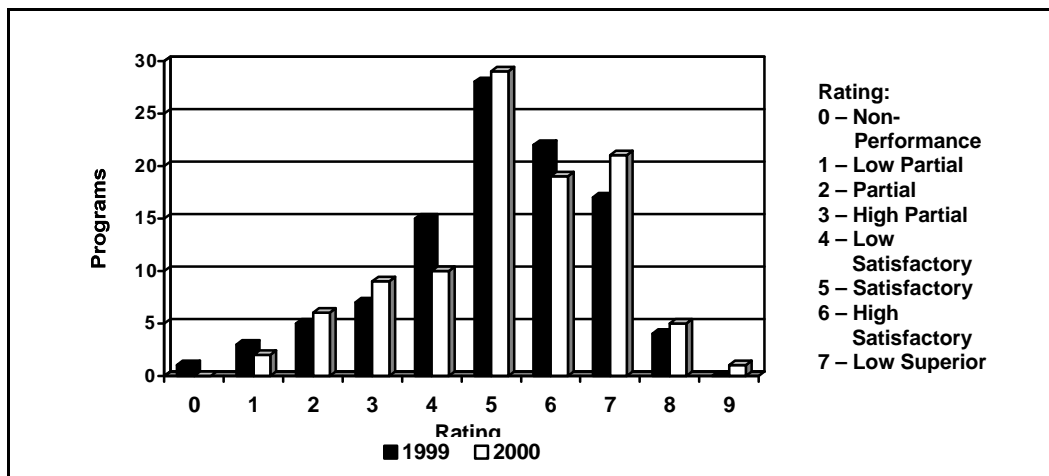


In 1999, the average score for this indicator for programs within all counties was 5.36, mid-satisfactory range. In 2000, the average score for this indicator for programs within all counties was 5.33, indicating no significant change in average score. This suggests that performance for this indicator remains in the satisfactory range and demonstrates that programs are continuing to make determined efforts to apply modifications and accommodations as required for students with disabilities. These data also indicate that during the 1999 QA cycle there were 20 programs performing in the partial range. By contrast, during the 2000 QA cycle there were only nine programs performing in the partial

range, suggesting improvement in this area. The nine programs that received a partial score in this indicator were subject to a corrective action plan developed in conjunction with DOE. There were an additional 19 programs scoring in the low satisfactory range that must be particularly attentive to ESE needs.

**E2.03 Instructional Delivery: Individuals delivering educational services have access to IEPs for students assigned to ESE programs**—This indicator requires that the individuals who are delivering educational and vocational education services to students are using the IEP as a working document to incorporate the necessary accommodations and modifications within the taught curriculum. Scores from the 2000 QA cycle were examined and compared to scores from the 1999 QA cycle. The comparison was to determine if there was an increase in the level of individualized instruction and, if instruction is delivered through a variety of instructional techniques, to address the goals and objectives, including remedial strategies contained within the IEPs in Florida’s juvenile justice educational programs. Figure 11.3-3 presents the range of ratings for Instructional Delivery in 1999 and 2000.

**Figure 11.3-3: Frequency of QA Ratings for Indicator E2.03 Instructional Delivery**

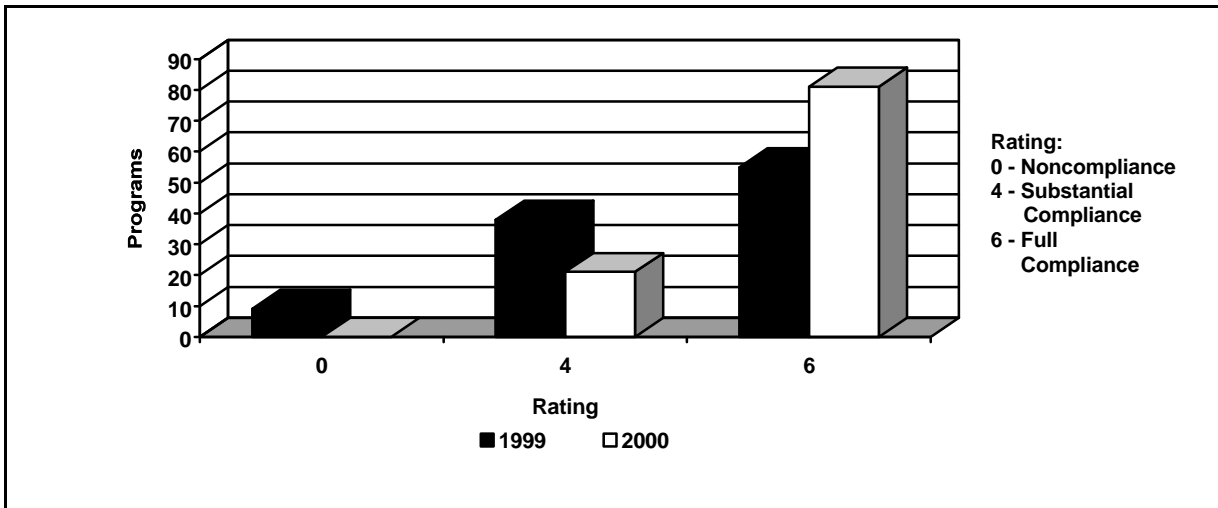


In 1999, the average score for this indicator for programs within all counties was 5.01, mid-satisfactory range. In 2000, the average score for this indicator for programs within all counties was 5.26, indicating a slight improvement in the scores for this indicator. These data indicate that instructors delivering ESE services to students generally have access to students’ IEPs. In 2000, no program scored a non-performance, however, 17 programs scored in the partial range. This suggests that instructors continue not to know what the educational plan and remedial strategies are for their special needs students, and therefore, these students are not being served. The IEP should be readily available to all teachers so that appropriate educational services can be provided to this population of students.

**E2.05 Support Services (E2.04 in 1999): Student support services are available and include ESE services**—This indicator requires that all support services and support personnel be available to carry out the IEP. The scores from the 2000 QA cycle were

examined and compared to scores from the 1999 QA cycle. The comparison was to determine if there has been an increase in adequate support services that are being offered to meet the needs of students receiving ESE services and if an increase in support is being provided for those individuals delivering specific ESE instructional services in Florida's juvenile justice programs. Figure 11.3-4 presents the 1999 and 2000 compliance scores for Support Services.

**Figure 11.3-4: Frequency of QA Ratings for Indicator E2.05 (E2.04 1999) Support Services**



In 1999, the average score for this indicator for all long-term programs within all counties was 5.68. This average was based on the nine-point rating system. In 2000, this indicator was evaluated as a compliance indicator. Compliance indicators are assigned a rating of 6 (full compliance), 4 (substantial compliance) or 0 (noncompliance). For the purpose of comparison between these two years, 1999 scores were converted to compliance scores.

These findings must be considered with some caution. First, these data are not limited to ESE support services and include all support services offered to students. Additionally, because of the two different rating systems and the conversion of 1999 scores to a compliance scale, it is difficult to identify significant changes in the data. However, it appears that support services to all students, including those in ESE programs, are in the satisfactory range. The 2000 QA data indicate that 81 (79%) of the programs are providing full student support services.

## 11.4 Summary

Currently, there are nearly 3,000 students in juvenile justice commitment programs identified as in need of ESE services within the State of Florida. A predominant concern that has

emerged is whether ESE services are being delivered appropriately to these youth. However, there is no consensus on how to best serve this population. In addition, specific educational practices for youth with particular disabilities have yet to be identified as effective practice.

JJEEP data gathered during the 2000 QA cycle suggests that approximately 37% of all incarcerated youth are identified as in need of ESE services. Moreover, nearly 1/3 of these youth are identified as SLD and 41% are identified as emotionally disabled. These findings strongly suggest that juvenile justice educators need to be prepared to teach students with disabilities. Specifically, all educators must have complete access to accommodations to meet the needs of these students and should be certified in the area of ESE when possible.

A review of QA scores compiled for two years indicates that long-term commitment programs within the State of Florida, in general, are providing satisfactory services to disabled youth. Moreover, there has been slight improvement in 2000 scores for most indicators addressing special education services.

QA data reveal that many programs are still lagging behind regarding timely review and development of IEPs. The IEP is the core of any educational program that is developed for the special needs student. It is not likely that any special needs student who does not have an operational IEP is receiving appropriate educational services. Although programs overall have shown some improvement in this area in 2000, it is essential that every program provide all students in the ESE program with the necessary tools for an effective education.

The QA scores for both 1999 and 2000 reveal that overall program performance for modifications and accommodations in the curriculum as required for students with disabilities fall in the satisfactory range and demonstrate that programs are making determined efforts to apply modifications and accommodations as required for students with disabilities. The number of programs receiving a score of partial has decreased by 50% since 1999. It is imperative that all programs score at least in the satisfactory range to ensure that students with disabilities are being served appropriately.

Data also reveal that instructors in long-term commitment programs do not always have access to IEPs for use in the development of lesson plans. Again, scores for these data suggest improvement in mean QA scores and a decrease in the number of programs scoring in the partial range in 2000. Yet, IEPs must be available to all academic and vocational instructors in the program to provide appropriate educational services to each student.

The data indicate that the majority of the long-term commitment programs and school districts are providing support services and support personnel to deliver services outlined within existing IEPs. Overall, these data reveal that programs have improved the quality of support services and that 79% of programs in 2000 provided full student support services.

The results of this study present several issues that should be addressed. First, it is evident that programs are still having difficulty with development of and access to IEPs. To ensure that all students in need of ESE services are receiving appropriate educational services, the process of obtaining past educational records, reviewing current IEPs, and developing

revised IEPs must be a priority of the educational program. The IEP must be a document that is used throughout the student's entire educational program. It should be utilized as the primary transition-planning document and influence the curriculum that is taught, instructional strategies and assessment procedures used and support services and personnel that are needed. Therefore, it is essential that the school districts, DOE, and JJEEP staff continue to provide programs with specific guidance and technical assistance as to how best to develop and implement these documents to ensure the most appropriate education for the special education population.

To expand our knowledge regarding the depth and quality of services being provided to special needs students within commitment programs, DOE and JJEEP collected data concerning the disabling conditions of students within programs during the 2000 QA cycle. Yet, effective educational programming for the specific types of disabilities remains in question. Therefore, additional data should be collected to assist JJEEP in identifying what works for students in special education programs in juvenile justice programs. In particular, it is essential to consider whether the placement of students with special needs into particular programs is appropriate given their specific disability. Further, data regarding service delivery models used and the quality of IEPs should be assessed.

Identifying what works for students in juvenile justice education is a multifaceted question. Further, whether these same educational strategies work for students in need of special education remains in question. Technical assistance and more comprehensive data collection efforts should provide needed information related to how best to provide appropriate educational services to these youth. In addition, future educational outcome and community reintegration research should be used to assess whether students in ESE programs are making educational progress comparable to their non-ESE peers.

