

# Developing Agreements to Promote Juvenile Justice Diversion of Youth with Disabilities

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# Context

- Youth with disabilities /youth identified as racial and ethnic minorities are incarcerated at disproportionately higher rates in the U.S.
- 65-70 % of youth in the JJ system meet the criteria for a disability
  - Rate is more than three X higher than general population
- 75 % of youth in the JJ system have experienced traumatic victimization

# Context

- Many incarcerated due to:
  - Gaps in the existing net of community based services
  - Lack of other appropriate options
- Do not receive the services they need and are not rehabilitated -- system intended to solve an entirely different set of problems

See: “ *Orphanages, Training Schools, Reform Schools and Now This?* “  
<http://www.ndrn.org/en/public-policy/justice-system/164-juvenile-justice.html>)

# Grant Details

## “Mis-Incarceration”

- Placement of youth with disabilities (YWD) in the juvenile or adult criminal justice systems due to
  - Lack of community-based services to meet their needs
  - Connection to appropriate services/placements
- Rather than ...a need for punishment or rehabilitation in the traditional sense

# Grant Details

Project Aim: To assist in the prevention of mis-incarceration by:

- Expanding advocacy services provided to YWD through the use of formal court referral programs
- Perfecting advocacy techniques
- Training advocacy groups how to provide services most effectively
- Informing courts and other stakeholders about it

# Which P&As?

- P&As currently working with probation departments and other government entities to divert youth with disabilities from the juvenile justice system
- Kentucky, South Carolina, Texas, the Native American Disability Law Center

# FORD II Tasks

- New P&As to participate in the project.
- Expansion in geographically, demographically, and culturally diverse locations.
- Mentorship opportunities between existing and new P&A partners.
- Outreach to the judicial community, advocacy organizations, civil rights coalitions and others
- Template for P&As and other advocacy groups to use in their own communities.

# FORD II P&As

AL

IL

ME

MN

NJ

OR

# Report

Ford I Final Report : [https://www.ndrn.org/wp-content/uploads/2019/10/Probation Referral Report FINAL w Appendices.pdf](https://www.ndrn.org/wp-content/uploads/2019/10/Probation%20Referral%20Report%20FINAL%20w%20Appendices.pdf)

# Contact

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# Partnering for Success of Native American Youth

Advocating for educational supports for Native American students in  
the Juvenile Justice system in San Juan County, New Mexico

Heather Hoechst, Staff Attorney, Native American Disability Law  
Center

# Who is the Native American Disability Law Center?

- Protection and Advocacy organization for Native Americans with disabilities living in the Four Corners
- Provide free legal assistance, advocacy and education in areas such as civil rights, special education, abuse and neglect, and housing
- Cover a large, mostly rural geographic area, including four states (New Mexico, Arizona, Colorado, and Utah)

## Starting the Juvenile Justice Project

### Meetings and buy-in from:

- The director of Juvenile Justice Services in San Juan County
- San Juan County Juvenile Probation
- Judges in San Juan County hearing the juvenile docket

### Other players:

- District Attorney's Office
- Public Defender's Office
- School administrators
- Community Behavioral Health Workers

# \$\$\$\$\$\$\$\$!! How is it funded?

- Access to Justice
  - Received a grant through New Mexico Commission on Access to Justice, which is dedicated to “expanding and improving civil legal assistance to New Mexicans living in poverty.”
  - First year funding: Granted and the project was started
  - Second year funding: Granted and project was strengthened and expanded
  - Third year funding: Requested!
- Additional Funding
  - Clients often qualify for funding under several additional funding streams

## Who are our clients?

Youth who have been suspended or face long-term suspension/expulsion from school

Youth who have not yet been identified as being eligible for special education, but whose parents, JPO, or service providers believe may be eligible

Youth who receive special education services and are in need of advocacy around those services

Youth who have, or may be eligible for, 504 Plans and accommodations

# How do referrals work?

- Juvenile Probation Officers (JPOs) directly refer youth to our office
- Advocate has an office at the Juvenile Justice Center 2 days/week
- Advocate is present in court for juvenile docket and specialty courts (wellness, drug, grade courts)
- Community organizations, such as mental health workers, involved with youth also refer clients to our office
- Parents/Guardians can contact our office directly

## Services Provided



Representation in Manifestation Determination Reviews



Representation in Disciplinary Hearings (long-term suspension or expulsion)



Advocacy around evaluations for eligibility for special education services



Advocacy around IEP services, particularly requesting Functional Behavior Assessments and Behavior Intervention Plans



Advocacy around Section 504 accommodations and legal requirements concerning discipline and Section 504

# Training

- Provide training to Juvenile Probation Officers and Community mental health workers to increase knowledge of the laws surrounding school discipline and IDEA
- Provide training to parents/guardians with youth in the Juvenile Justice System (formal or informal referrals)
- Created “Know Your Rights” brochures for distribution to families who may face school discipline issues

# First-year Success Stories

- Re-enrolled student who had been expelled for a year and a half
- Successfully kept students in school after long-term suspension/expulsion hearings
- Participated in MDRs and helped advocate for clients whose behaviors were related to their disabilities
- Advocated for evaluation and effective implementation of IEPs or 504 plans
- Educated parent/guardians, JPOs, community health workers, and court staff on student educational rights

# Second-year Success Stories

- Re-enrolled student who had been denied enrollment in his home district, advocated for evaluations, and ensured grade-level placement.
- Prevented long term suspension of student who had situational behavior concerns due to the suicide of his brother and advocated for 504 accommodations in the form of mental health supports
- Represented students in MDRs- often focused on trauma as a precursor to behavior

# Third-year Dreams

- Expand project to McKinley County-underserved portion of the state
- Expand project to the Navajo Nation Juvenile Justice System
- Provide training on Restorative Justice to school districts
- Offer mediation/restorative justice options for students being subjected to exclusionary discipline



# Trials and Tribulations

- Difficulty in maintaining contact with families in a way to effectively advocate for the students
- Encouraging JPOs to refer youth to our office
- Maintaining relationships with the schools- working with them while also maintaining position of legal advocate for students
- Obtaining referrals after students have already been suspended or expelled
- Current COVID 19 crisis has halted referrals



“

Too often we forget that discipline really means to teach, not to punish. A disciple is a student, not a recipient of behavioral consequences.”

”

— Daniel J. Siegel

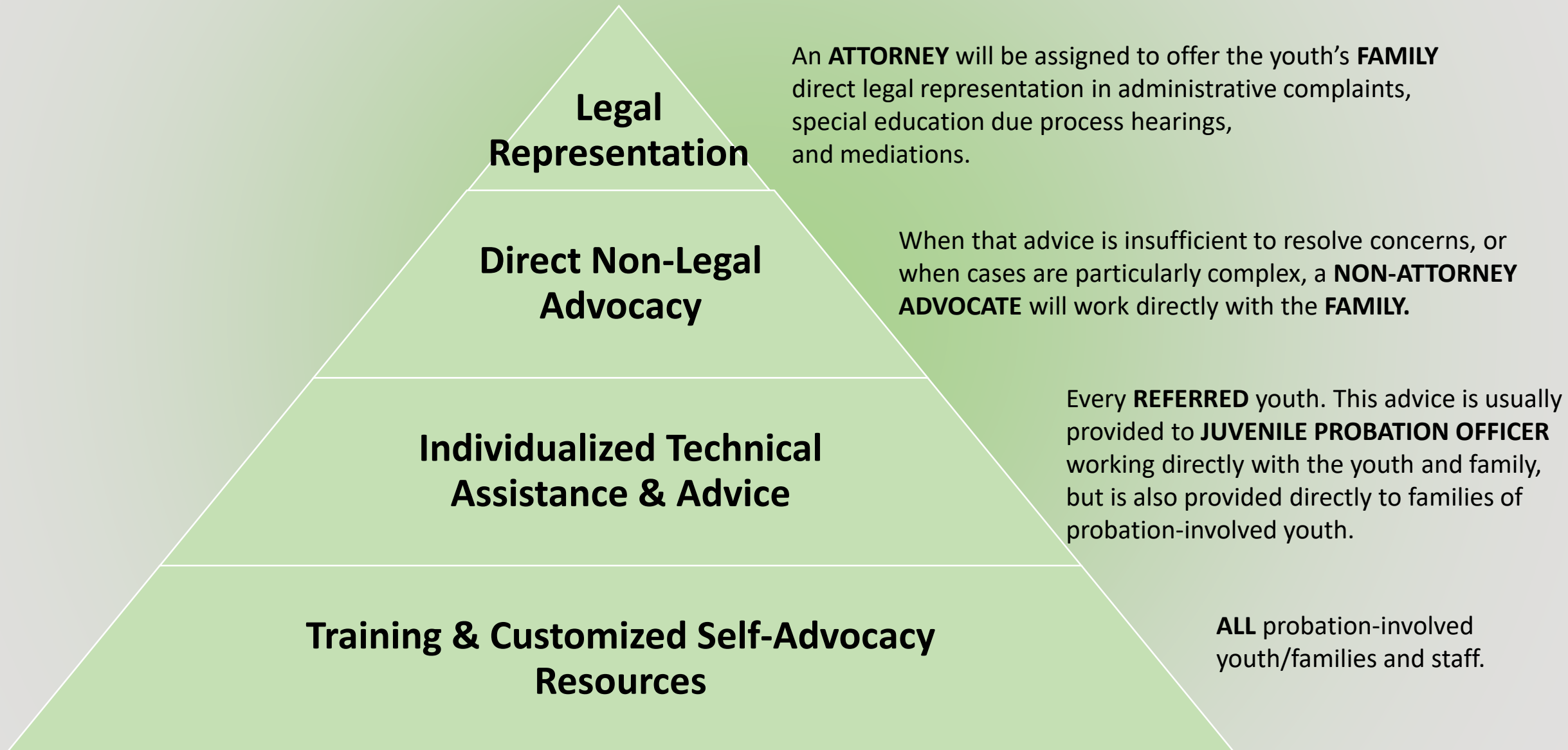
**Any Questions?**

Disability Rights Texas  
Juvenile Probation  
Education Advocacy Program

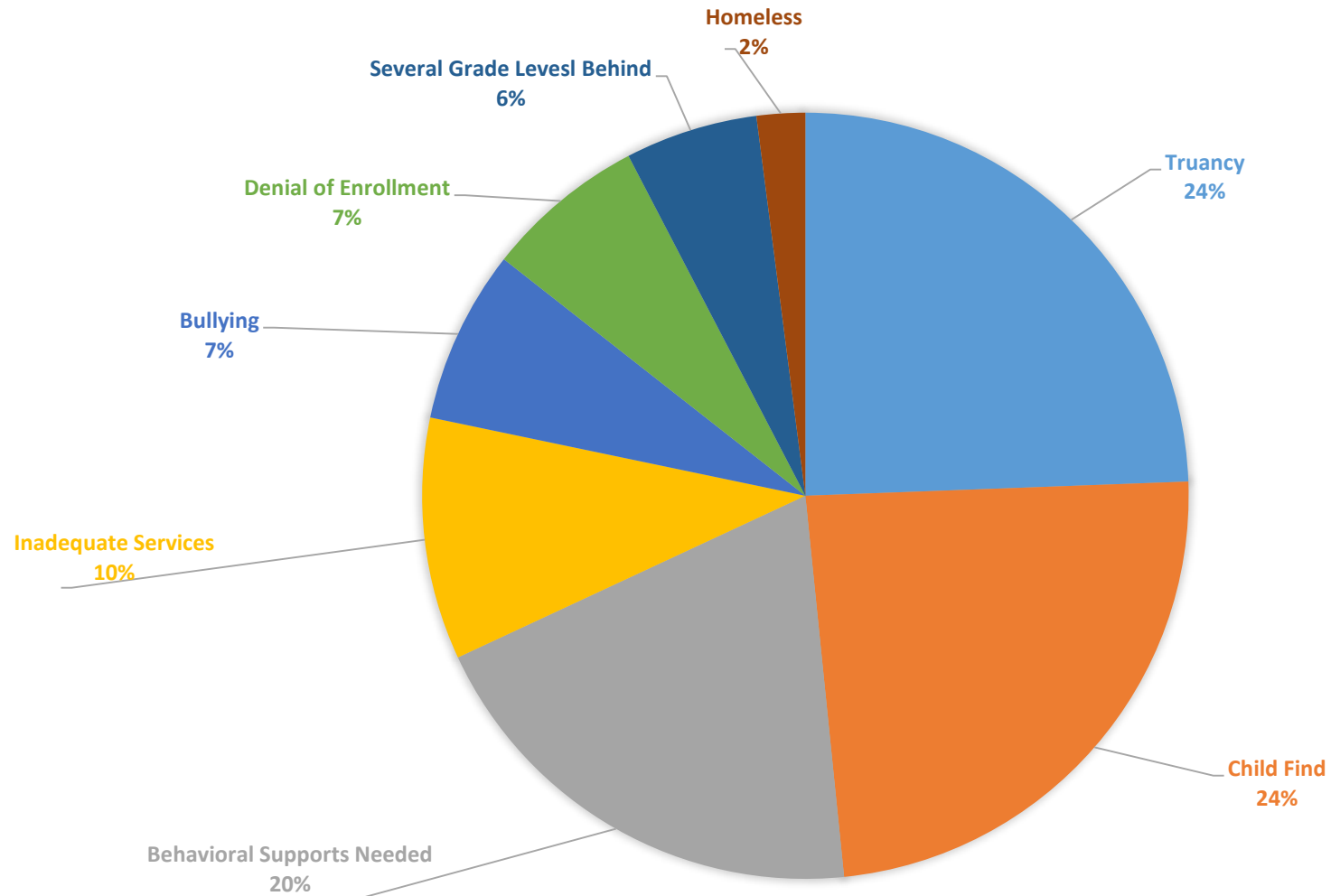
# Probation Department Partnership with Disability Rights Texas

- Harris County Juvenile Probation Department established a contact with Disability Rights Texas (DRTx) to provide education advocacy services to probation-involved youth in the community
- Program began accepting referrals on January 26, 2016
- DRTx has received over 2,350 referrals from probation officers since that time

# Tiered Advocacy Services



# Types of Cases Handled by Education Advocacy Program 2018-2019 School Year



# Barriers to Service Delivery

- Difficulty receiving referrals from probation officers instead of families seeking services
- Challenge to locate parents and keep them engaged
- Lack of school-based programming geared toward at-risk youth
- Need to expand the scope of the project beyond a specific county

# Outcomes and Successes

- Systemic advocacy to assist with the creation of new state laws and district-level policy to address re-entry
- Assisted hundreds of youth with being evaluated for special education services who were overlooked due to Texas' decade-long cap on services
- Improved special education services to assist youth with successfully exiting and not returning to the juvenile justice system
- Juvenile probation officers are now better equipped to troubleshoot education issues and identify youth in need of education services

# For More Information

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