

GETTING OUT OF THE RED ZONE

**YOUTH FROM THE JUVENILE JUSTICE AND CHILD WELFARE
SYSTEMS SPEAK OUT ABOUT THE OBSTACLES TO COMPLETING
THEIR EDUCATION, AND WHAT COULD HELP**

**A PUBLICATION OF THE EXPANDING EDUCATIONAL OPPORTUNITIES
FOR VULNERABLE YOUTH PROJECT**

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YOUTH LAW CENTER

The Youth Law Center is a national, public interest law firm working since 1978 to protect the rights of at-risk children and youth, especially those in out-of-home care. Using a variety of strategies, the Center investigates and addresses abuses in the child welfare and juvenile justice systems; advocates for legally required educational, health and treatment services for at-risk and institutionalized children; encourages the development and implementation of effective public policy for vulnerable youth; and supports improved accountability of public systems to children and youth in their care. The Youth Law Center works from its base in San Francisco, California and its Washington, D.C. office.

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GETTING OUT OF THE RED ZONE¹

YOUTH FROM THE JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS SPEAK OUT ABOUT THE OBSTACLES TO COMPLETING THEIR EDUCATION, AND WHAT COULD HELP

INTRODUCTION

In 2002, the Youth Law Center undertook a project, “Expanding Educational Opportunities for Vulnerable Youth,” with support from the Charles Stewart Mott and Walter S. Johnson Foundations. The goals of the project are to identify barriers faced by young people in the juvenile justice and child welfare systems in completing their secondary education and going on to college or meaningful employment, and to propose strategies to remove those barriers. Over the six years of the project, this work will proceed in three sites, and in collaboration with national organizations working on related issues. The first two sites are Fresno County, California, and Richmond, Virginia.

Although the Youth Law Center has worked for more than two decades to protect the rights of children in the juvenile justice and child welfare systems, this specific focus on the ways educational barriers affect outcomes for those groups is relatively new. The project team wanted to be sure that our lawyer lens did not cause us to miss important issues, and that the barriers to education identified by the project were truly the ones experienced by young people in these systems and their parents or foster parents. We also wanted to know whether youth in the system had received assistance that helped them educationally, and potentially would help others.

METHODOLOGY

Over the six-month period from May through October 2002, Youth Law Center convened a series of focus groups around California. Using contacts we had from past work, we assembled six groups of youth who had been in the juvenile justice and/or child welfare systems. One group was made up of Conservation Corps members; another was made up of the “leadership” students in a juvenile drug court school; yet another was composed of participants in a support program for juveniles on probation; and the others were made up of youth contacted through juvenile justice and child welfare professionals. In addition to the youth groups, we brought together two groups of parents and a group of parents and foster parents. One of the youth groups and one of the parent groups were conducted in Spanish, and in another group where a participant was more comfortable speaking Spanish, his comments were solicited and received through a Spanish interpreter.

¹ The red zone refers to areas on some tourist maps of San Francisco considered to be dangerous. Many of the young people who participated in our local focus groups live and go to school in those neighborhoods.

Prior to the focus groups, we had individual pre-interviews to learn about participants' experience in the child welfare or juvenile justice systems, their current educational placement, and overall educational and vocational aspirations. This helped us to ensure that we had a good mix of youth (and parents) representing a broad range of life situations. And although we did not approach the focus groups with any intention of scientific precision, the resulting groups were well balanced in age (mid-teens to early twenties), gender, and level of educational achievement.² Racially and ethnically the groups were diverse, and mirrored the child welfare and juvenile justice systems in being primarily youth of color.

Each group had approximately 15 participants and lasted approximately 2 hours. The groups were held in places the participants worked in, studied in, or could easily get to, including a Conservation Corps site, a school at the juvenile court, a community church, an after school program site, a county education office building, and a hotel. We used a standard set of discussion questions, but did not adhere to them in any rigid way (the questions are included as an appendix hereto). We pre-selected a discussion leader for each session, trying to pick the project team member most likely to quickly establish rapport with the particular group. We also pre-assigned responsibility for note taking and record keeping. At some of the sessions, we broke into smaller groups part way through (using project staff as small group leaders), and in others we kept the larger group intact throughout. For most of the groups, we brought in sandwiches or burritos, drinks and chips. Our primary goal was to get youth, parents, and foster parents talking about their educational experiences -- problems they had encountered, positive experiences (if any), gaps in services or supports, and what would have made things better. In most of the groups, we gave youth an honorarium to compensate for their time and to thank them for sharing their experiences.

A similar process was followed in the Richmond site. Project staff conducted six focus groups between April and August, 2003, including youth and parents involved with the juvenile court drug program, foster parents, parents of children in local public schools, youth detained in the juvenile detention center, and foster youth in the independent living program.

WHAT WE LEARNED³

The focus groups confirmed many of our theories about barriers to educational success, and gave us a number of additional issues to pursue. Thus, we fully expected the many comments about bureaucratic rules, and the funneling of these young people into programs outside regular high school. However, the focus groups gave us a much better sense of other barriers. For example, we learned a great deal about the ways in which lack of information about educational rights, and the absence of readily available advocates or other helpers, prevent

² One way the groups were probably *not* representative is that most of the participants (except those in detention) were youth who have in some measure succeeded by making it into supportive programs or staying in contact with helpful professionals. For the most part, we did not reach youth who completely dropped out or were disconnected from the kinds of programs we contacted. Considering that the youth we spoke with were those who were probably doing the best, the troubling comments we received should cause grave concern about those we had no way to reach.

³ In an effort to encourage candor and informality, we did not tape the focus groups. We took detailed notes, including as much original phrasing as possible; the statements presented here are taken from those notes.

youth from effectively navigating the educational system. The focus groups also gave us a much deeper understanding of the extent to which money – for housing, books, child care, and even transportation – poses a barrier to education and employment.

We also learned about more intangible barriers. While our past work has taught us that youth are often not supported by the very systems designed to help them, the focus groups dramatically underlined the ways these young people have been sadly alone at critical points in their educational and emotional lives. We also heard a disturbing number of comments describing bad treatment because of race/ethnicity, gender, or simply being in “the system.”

While comments in most of the categories tended to point in a uniform direction, that was not always the case. For example, while the vast majority of focus group participants had scathing comments to make about alternative educational programs, a discernible minority told us they had wonderful teachers, individualized services, and really “found” themselves in such programs. These rare positive experiences gave us helpful information about what it might take to provide better support and advocacy to help the many youth in the system that have not been as fortunate.

As it turned out, the comments from those who had been in the juvenile justice system were not very different from those of youth who had been in child welfare. And while the parents and foster parents tended to focus on the need for better information and advocacy, their overall perception of barriers was highly consistent with what we heard from youth. We have included comments from parents and foster parents in pertinent sections.

As background, it is important to recognize that the educational barriers experienced by the youth we spoke with occurred amidst a staggering amount of disruption, deprivation, negative peer influences, and abuse in other parts of their lives. Many of the concerns they voiced fall into more than one category, but we have organized them into predominant themes: disruption in educational placements; suspension/expulsion; quality of the educational program; lack of support; the need for information/advocacy; financial challenges in moving ahead; planning for employment; going to college; other needs for self-sufficiency; and the importance of attitudes.

DISRUPTION IN EDUCATIONAL PLACEMENTS

Youth and parents uniformly complained of policies that denied students the opportunity to stay in their home school during and after the time they were in the system. They also spoke repeatedly of problems with enrollment after placement change, lost credits, and bureaucratic rules that contributed to disruption in educational services. None of the participants had good experiences to report.

CHANGE OF SCHOOLS

- I was in 8th grade for 2 months, doing well, but then was moved 11 times in 9 months. It was almost impossible to go to school. During the first 3 moves, I stayed in the same school, but after that, I changed districts and had to change schools.

- I was in 52 placements. I did not do 8th grade, but went to a charter school, where the principal let me in, and went to summer school there.
- I have been in 47 placements, through three agencies. I did not have a lot of school options. I kept talking to social workers and eventually got to go to regular school.
- The system abuses foster children further, moving them from one educational placement to another. Time after time, I [a foster parent] have seen kids two weeks from graduation, and the social worker moves them.
- [The school district] has a policy to keep foster children in their home school, but only if the foster parent can provide transportation. The policy has no teeth in it, and doesn't cross district boundaries. [Comment of a foster parent]

ENROLLMENT

- It took me three weeks to get enrolled in school because of the delay in transfer of transcripts and credits when I moved.
- When I transferred schools, it took three months to get a transcript, so I had to go to summer school.
- I switched schools. They had lost all of my credits. I went back to my old school to see what happened, and they had faxed my credits to the wrong school. It took two weeks to enroll in school.
- The court ordered a one-day visit with my mom, but it was on the day I was supposed to enroll, so I missed one month of school.
- I can't get transcripts from juvenile hall despite trying for a week now. Where do I go to get transcripts? [Question from a parent]
- Sometimes I wait for an hour to meet with the Principal. That's an hour from work! They send you here, send you there. You go down a long list until you get what and who you need. When you finally see them, they don't have time for you and don't know where your child's records are. [Comment from a parent]

LOST CREDITS

- There was a new school rule that you have to attend the last day of class and be in class more than 90% of time, as well as the first two weeks of school and last two weeks of school – I missed the last week of school and lost that semester. I don't know if there are exceptions.
- I went to placement in three different counties. When I got back to [original county], I lost all my 9th grade credits. I graduated, but had to go an extra year.

- I received fewer credits for work when I was locked up than would have been earned in regular school.
- I was locked up for 8 months, and haven't gotten any credits yet for work I did inside.
- My son might not go to the next grade, because detention hasn't sent his grades to the school.

BUREAUCRACY/RULES

- I got kicked out of my neighborhood school, and then when I tried to enroll in another school they said "no" because I didn't live in the district.
- Regular schools won't take my [foster] kids – only the community day school will take them. The system that is designed to help them actually holds them down.
- My son's school experience was good when he was in the [juvenile] hall, but when he got out they said he had to go to alternative school rather than regular public high school – kids need to blend into normal kid life.
- Because summer school is only for those who are failing, I was told to go to City College. I was 16 years old, and did not know what to do. By the time I figured it out, the classes were too full, and I did not get in.
- The judge said, "Go to school," but the school says, "You dropped out too many times, we can't enroll you," so I don't know what to do.

SUSPENSION/EXPULSION

Many of the youth we spoke with had been suspended or expelled from school. They talked at length about the difficulty of coming back after being out of regular school – enrollment delays, policies against allowing students to re-enroll, problems for youth with disabilities, loss of credits, and lack of support during the time students were suspended or expelled.

- I was kicked out, expelled. It was hard to get back into regular school. I had to wait a year, and go through community schools. Now regular schools are not even accepting kids from community schools. They think you are a bad influence.
- My son is ADD [attention deficit disorder], but the school punished him for acting out - disability related behavior like blurting out answers, being fidgety. The first police call was when he was in 4th grade. I was diagnosed with cancer, and my son got upset and threw a chair – the school called the police. They restrained him and took him to the station.
- You miss a couple of days, and they try to kick you out for 30.

- I left school because of peer pressure; I was kicked out for cutting so much. It's been hard to find my credits, and hard to get back on track from when I left.
- When I was expelled, it took three months to get into community school.
- I tried to enroll in another high school, but my lack of credits, and my having been suspended for more than 20 days kept me out. I caught a case and spent time in "jail." Once you're kicked out, stuff is on your record and it's hard to get anyone to look at you twice.
- I brought liquor to school, and one of my friends threw up in class. They gave me a letter saying I was at fault, and I was expelled immediately. I went to [regular] high school. It was bigger but kids were doing the same stuff. The security guards would take their drugs or alcohol and use it themselves.
- When I went back to school, I was told that since I was convicted and treated as an adult in court, I should be going to adult school.
- I did not go to school for a year when I got expelled. I was in the streets using drugs, and did not believe in myself. If someone had reached out to help, I would have done better.
- One day I called the school to get information because my son's parole officer said someone saw him driving a car. But the school person couldn't tell me anything. They'll come in front of the judge and say something. They don't tell parents, and then the kids get punished in courts. Nobody calls us, gives us notice about anything.

Some of the participants had suggestions for how to deal better with exclusion from regular school:

- Something must be done about the school using police. If parents are involved early enough, they can intercede before suspension. [Comment of a parent]
- We should push community leaders to shut down "dual schools" that separate juvenile justice kids from the mainstream. [Comment of a parent]
- We need counselors to be more in the community where kids are messing up, and have counselors keep them going to school. The tourist map has "red zones" where the bad neighborhoods are -- the "red zones" are where you can help people. Counselors should come to the neighborhood, not to school.

QUALITY OF THE EDUCATIONAL PROGRAM

Almost none of the youth we spoke with attended regular high schools once they went into the child welfare or juvenile justice systems. Thus, while we have included a few parent comments about regular high schools, most of the comments on quality of education relate to institutional schools or alternative school programs (e.g., continuation school, community day school). Although a few students had positive experiences to relate, the vast majority of remarks about educational quality were extremely negative.

REGULAR HIGH SCHOOL (AND SPECIAL EDUCATION)

- Schools shouldn't wait so long – my son didn't attend for 23 days before they called me.
- Proficiency tests are a problem for special education kids. If they can't pass, they will stay in 10th grade forever. [Comment of a foster parent]
- My foster son was falling through the cracks. We finally got [special education] testing, but school just placed him anywhere. I received a letter from school about him not participating, and found that he had been mainstreamed without me knowing about it. Then I complained, and he ended up in another “class” where the school just had him walk around with the janitor.
- I've been to many Individual Education Plan meetings for my foster children, and after all the planning, nothing ever gets done.

INSTITUTIONAL SCHOOLS

- My son graduated from boot camp but cannot spell “noodles.” I was told he was doing well, but he cannot even make out a grocery list. My 7 year-old writes better than my 18 year-old.
- The tests they give you in juvenile hall are different from school. Teachers act like they care but they just give you work and don't help. Teachers are lazy. They just ask you to turn work in.
- It would have helped if juvenile hall school were the same as regular school.
- Juvenile hall school: “I didn't learn anything.”
- Juvenile hall treats the kids like dogs. They get one hour of school. [Comment from a parent]
- In terms of educational options they don't tell you anything. In lockdown, the kids only get an hour out and no education. [Comment from a parent]

- My son’s IEP wasn’t followed when he went to juvenile hall, and there was no IEP hearing in the hall.

ALTERNATIVE PROGRAMS/CONTINUATION SCHOOLS⁴

- For most kids who get out [of custody], community school is the only option, or continuation school because they don’t have enough credits [for regular high school]. You just have to connect the dots: all the kids doing negative things get sent to this school. There are drugs and drinking all day at this school.
- At lots of continuation schools the books are very old; the teachers are dried up and don’t care what the kids are doing. The idea is “if you’re a f-up you deserve a f-up school.” They need to have books with African-Americans in them; they need to be up to speed with what is happening in the world. Continuation schools should be better than other schools.
- Continuation school can never benefit me. They teach me things I already know. This is difficult because I want to go into the medical field, and they teach you things you learned in 5th or 6th grade. Also, employers hire kids who graduated from high school, not continuation school.
- When kids start to get into trouble they can’t expel them, so they send them to community day school – these kids are given less time, less structure, when they need more time, more structure. [Comment from a parent]
- The work is all outdated at [continuation school]. You go [back] to regular school and don’t know what they are talking about.

⁴ California has a broad range of programs for youth who do not attend regular high school. **Continuation schools** are for students 16 and older who are at risk of not completing their education -- they require four 60-minute hours of class per week and “an opportunity” for students to complete the required academic courses for high school graduation. Independent study (i.e., no classroom instruction) may be used. Students may be involuntarily transferred to continuation schools for truancy or commission of an offense for which they could be suspended or expelled. (Cal. Ed. Code § 48400 et seq.) [Note that the regular high school compulsory education requirement is 240 minutes per day, and high schools must provide classes needed for high school graduation and entrance into state colleges, Cal. Ed Code §§ 46141, 51225.3, 51228.] **Community schools** are for students who have been expelled, referred by a school attendance review board, referred by probation (juvenile justice and child welfare), on probation or parole, or homeless. The county board of education is to set academic requirements “leading to” the completion of a regular high school program; independent study may be used. (Cal. Ed. Code § 1980 et seq.) **Community day schools** are for “at-risk youth” and students may be involuntarily transferred to them if they were expelled, referred by probation for being in the child welfare or juvenile justice systems, or referred by a school attendance review board. The minimum school day is 360 minutes, and independent study may not be used. (Cal. Ed. Code § 48660 et seq.) **Juvenile court schools** are operated in juvenile halls and State law calls for them to meet the 240-minute per day compulsory education requirements. (Cal. Ed. Code § 48645 et seq.) California also has less remedial categories, such as “**alternative schools.**” These may be stand-alone schools or a separate group within a school, and may be designed to fulfill a broad range of instructional purposes. (Cal. Ed. Code § 58500 et seq.) Because instructional and curriculum requirements vary widely, educational outcomes may be drastically affected by the type of school a student is placed in.

- At [continuation school], I was just given a packet. You didn't have to do the work; and if you were there to learn, you couldn't, because others were goofing off.
- Some kids were sleeping in the back of class. The curriculum was not geared toward women or African-Americans. Few of the teachers tried to make class interesting and get students involved. One teacher did not call on female students; mostly he called on male Asian students, even though the school was mostly black.
- The “alternative to ranch school” felt almost like institutionalization. If you get in trouble, you have to drop and do pushups. You get drug tested, like boot camp. It's hard for kids to be positive or learn.
- Kids are suffering so much in juvenile hall, boot camp, and alternative schools. They go to alternative schools and watch movies. It's not fair. The kids are learning nothing. It's making kids into walking time bombs. [Comment from a parent]
- At the shelter [community] school kids go to the first 12 grades in one class – there is no way that the credits transfer to regular school – kids only have to take 15 credits in community school.

Although the vast majority of comments about alternative programs were negative, a few people had positive experiences to report:

- I went to a lot of continuation schools. I chose to go to continuation. I had a hard time with math. There were a lot of programs there and it was easier to get attention. Classes were shorter and you went at your own pace. I went to continuation since age 13, but I am a smart kid. I graduated with a 4.0.
- In middle school, I got F's and was distracting everyone. At [residential treatment school], I couldn't do that. I received consequences for my actions, stopped distracting others and myself, and saw that I could get A's. My teacher encouraged me. I used to beat myself up when I got a problem wrong; now I am not afraid to ask questions, knowing that I can get help without people laughing at me.
- I got in trouble in regular school. [Continuation school] helped me get through school, and helped me graduate earlier. You have to ask for help, but they will give it.
- Continuation school helped me to get on track, with smaller classes, more help.

LACK OF SUPPORT

Perhaps the most discouraging comments we received were those relating to the failure of people who should have been, but were not “there” for youth in the system. This group includes child welfare and juvenile justice professionals, teachers, counselors, and family. Also included are a few reports from youth who found support at a time they needed it.

PEOPLE WITH LEGAL OBLIGATIONS TO THE YOUTH

- When I got out of my group home two years ago, no one offered me any services. Now, two years later, the people who were supposed to help are helping me with emergency housing and financial aid to go to college. During those two years, I was caught for robbery because I didn't have anything to live on. Maybe it would have prevented me from going to jail if I had these services right out of the group home. The system will make you grimy and cold-hearted.
- No one explained to me what foster care is about, what happens in foster care, what my options are. I did not get a lot of that, and had to learn it on my own.
- I needed more support in school. I was by myself. No one came and asked how I was. I went off into the cracks. Teachers see kids hanging their heads; they need to really sit down and talk to kids. They shouldn't call the police; they shouldn't give up on kids.
- There are four counselors for many, many students. You have to make an appointment and they only spend 5-10 minutes with you.
- Probation hinders and doesn't help.
- My social worker? You have to say you are dying or something to get them to call you. If you say you need a therapist, it takes a month. She is really nice, but not there for me.

Not all of the reports were negative:

- My counselor at boot camp helped me. Now I am about to graduate.
- My probation officer took me places when others turned on me. He physically took me to schools.
- My teacher at [residential treatment school] was amazing. She taught 12 to 15 students on different levels, gave them all the support they needed educationally and emotionally, gave extra help, and would help with not only education things but also personal things. She would stop and talk to me, and showed her concern.
- I have had teachers that care. It's nice to have someone other than my foster parents proud of me. I have had teachers who stuck with me from elementary school on.
- When I was at continuation school, one of the teachers became a role model, friend and parent figure for me and helped to motivate me when I needed it.
- I have a counselor to talk to. He tells me the classes I need to get into college to be a psychologist. Before the end of the year he scheduled an appointment for me.

- A mentor at my school helped me get money for college. I am the only one in my family to graduate. My mentor has really helped -- calling every day, giving me pencils and papers, and a daily planner. She taught me study skills. She had a good life and showed me the way.

FAMILY

- My mother was into drugs, which is why we were in foster care. My mother was trying to get it together so she didn't discipline us. The kids got away with a lot. I got out of the group home at 12 years, but got into the neighborhood, which was hectic. I was bored with school, and in 10th grade stopped going.
- I don't know my father, and my mother came back into my life three years ago. I would like a role model or father figure – this makes me work harder for my own children.
- Things would have been different if my mom was really there to help and guide me. I was on the street selling drugs, and other members of the family were doing the same. Everyone had quick cash. I was trying to get everything the family couldn't provide for me.

Some youth had positive family involvement that made a difference:

- My Dad emphasized the importance of education, but when I was young, it went in one ear and out the other. In the last year or so, it finally hit home, and the real important factor was family support.
- My cousins made me go to school to do something for myself and that is why I don't have a record. My mother and father were not there.

NEED FOR INFORMATION/ADVOCACY

Almost every parent we spoke with voiced the need for better information about applicable laws and policies on educational rights. They wanted to know more about enrollment policies, special education, school discipline and secondary education/college requirements. Almost all also expressed the need for access to advocates or liaison people who could help them navigate the educational system or pursue legal claims for denial of their children's educational rights.

- I raised a learning disabled son. Every year they wanted to kick him out of special education. The schools have all this information that parents don't have. They have you check a box and later you learn you waived classes for your son. The timeline was so late for my son that he wound up graduating in independent study. The principal called and said if you drop the fair hearing we will give him a diploma. We took the diploma.

- My son's teacher at boot camp told me he was doing well but has a reading problem. I had him assessed. He went to [continuation school] when he was released, and I called to see what he was getting. No one called back, and my son told me he wasn't getting special education even though there was an IEP the week before he was released. He reads at the 5th grade level, and doesn't want to go to school. I am frustrated.
- Schools threaten the parents. They say, "we won't expel your children if you'll put them in another school."
- We need to have somebody there when the kids get out of juvenile hall and foster care. They need structure, help, money, and counseling for the parents and counseling for kids.
- We need to teach parents to create a paper trail like the system does. Parents with groups behind them get treated better. We need to get advocates.
- Parents need to be trained to advocate for our kids in the Latino community. I don't know of any services available. We need to inform parents about legal rights and services available, and we need culturally specific education for parents.
- We need more paraprofessionals and tutors. We need to advertise that these services are available.
- There is a need for advocacy on special education issues.
- We need to work with the birth family on educational issues. If my foster child goes back to her mother, she will not have the skills or knowledge to deal with the child. If the family is reunified, services may not carry over. The birth family needs to be educated and learn what I learned about this child.

FINANCIAL CHALLENGES IN MOVING AHEAD

Most of the youth we met with are from poor families and/or families where there is no one to help with the costs of setting up housekeeping, going to college, or pursuing professional training. Financial barriers were voiced both by youth in the child welfare system and the juvenile justice system.

- I wasn't worried about school, but was worried about living -- how to get money, and how my mother and sisters were going to make it.
- My job made it difficult to get into other schools; by 11th grade I didn't want to even try and became more interested in supporting myself. I was moving from family to family member at and needed a way to survive.

- I signed up for financial aid – but it doesn't start until mid semester! [A counselor] told me about other money that is available – about other organizations that will help you until your financial aid comes through.
- Books, tuition, money, money, money. The cost of books overwhelmed me, even at City College. What about State college? Graduate school? I don't understand why books have to be so expensive.

Nonetheless, some youth have found ways to support themselves or obtain needed financial skills:

- Through the Independent Living Program (ILP),⁵ I received money to go to college, expanded my finances, and learned to manage money
- A woman named Sarah comes to my group home and helps the girls with bank accounts, how to fill out applications, and how to apply for a Social Security number. One of the girls now has a job and a bank account.
- Funding such as McKinney-Vento [for homeless youth]⁶ is invaluable – we should expand it to use for foster children to stabilize them – so they are not pulled from friends, teachers, church, and families. [Comment from a foster parent]
- In my independent living skills class we learned how to manage money, and anything about college you wanted to know, including scholarships.

⁵ The Independent Living Program is a federally-funded, State-administered program (42 U.S. Code § 677), designed to assist youth likely to remain in the in the child welfare system until age 18, to make the transition to self-sufficiency by providing services including (1) assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities; (2) education, training, and services necessary to obtain employment; (3) assistance to enter post-secondary training and education institutions; (4) personal and emotional support, through mentors and the promotion of interactions with dedicated adults; (5) financial, housing, counseling, employment, education, and other appropriate support and services to former foster care youth between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency; and (6) vouchers for education and training, including post-secondary training and education.

⁶ The McKinney-Vento Homeless Education Act of 2001 (Title X, Part C, of the federal No Child Left Behind Act, P.L. 107-110, 42 U.S. Code § 11431 et seq.), provides significant assistance to homeless youth in school enrollment, maintaining stability of educational placement, liaison services, transportation, school records, involvement of parents, protection against segregation, and services to assure an education comparable to other students. For purposes of this project, the definition of “homeless” appears to include only youth in child welfare shelters (not foster care or group homes). However, many of the barriers for homeless youth addressed through McKinney-Vento are identical to the issues identified in this project. The participant who raised this issue was suggesting that one long-term strategy should be to advocate to extend the protections of McKinney-Vento to include youth in the child welfare system.

- Probation paid for all my books; the Veterans will help you too.⁷
- Workforce⁸ will help pay for your college if you are 18. I went to EOC [Educational Opportunity Center]⁹ to get help with a job and they referred me to Workforce.

PLANNING FOR EMPLOYMENT

Youth who had been in the juvenile justice system were especially attuned to difficulties getting into the work force when they had a record.

- After you have been to juvenile hall, people don't want to hire you full-time, it's hard to get a work permit and then if you get a permit they only give you three hours, so its easier to sell drugs because there is too much paper work for three hours work.
- I wanted to be a doctor but you can't write prescriptions with a felony conviction. It "felt like shit" when they told me.
- I have a felony, so it is hard to get a job. My goal is to get into landscape architecture. I haven't been going to school.
- With a felony you can't do a lot of things.¹⁰

⁷ This comment is included to make the point that financial assistance is sometimes forthcoming from unexpected sources. Professional groups and civic organizations sometimes collect funds to help low-income youth pay for education related expenses. The reference to assistance by the Veterans may also refer to assistance to certain dependents through the Veterans Administration.

⁸ The Workforce Investment Act (29 U.S. Code § 2801 et seq.), provides services primarily to low income youth age 14 through 21 who also fall within a range of risk factors, including being deficient in basic literacy skills, a school dropout, homeless, a runaway, or a foster child, pregnant or a parent, an offender, needing additional assistance to complete an educational program, or to secure and hold employment. The program works through Local Workforce Investment Boards comprised of individuals representing private sector businesses, organized labor, community based organizations, local government agencies and local educational agencies; Youth Councils composed of education organizations, Job Corps representatives, juvenile justice system representatives and youth service representatives; and One-Stop Career Centers. Under the Workforce Investment Act, eligible youth may receive tutoring, study skills training, dropout prevention, alternative secondary school services, activities that promote positive social behavior outside school hours, occupational skills training, summer employment opportunities linked to academic and occupational learning, leadership development, peer-centered activities and supportive services including follow-up for at least a year.

⁹ Educational Opportunity Centers are funded by the U.S. Department of Education (20 U.S. Code § 1070a-16), and provide academic, financial, or personal counseling, career exploration, assistance with the re-entry process to high school or college, information on post-secondary educational opportunities, assistance in completing applications for college admissions, testing, and financial aid, and coordination with nearby postsecondary institutions and community education to involve and acquaint the community with higher education opportunities. The target group is persons 19 or older who need such services to complete their post-secondary education.

¹⁰ Youth may have felonies (crimes punishable by prison, Cal. Penal Code § 17(b)) on their records after being tried and convicted as adults. In California, this can happen from age 14 up, depending on the offense. (Cal. Welf. & Inst. Code §§ 602(b), 707.) Having a felony on one's record substantially impacts employment and

- Since 1999, I've been going through temporary agencies to get jobs – I couldn't get a job at 17. I worked in a warehouse, at Radisson, but everywhere as a temp. Now I work at a stadium; it's [only] seasonal.

Despite the difficulties expressed by youth, some had good experiences to report:

- I talked to the public defenders where I am interning, and spoke to my counselor about wanting to go to law school. A public defender at the office said that, instead of picking up litter for community service, I could work at her office. The system helped me.
- I want to be a doctor because a doctor I had in the system allowed me to shadow her at work.
- The [Conservation] Corps¹¹ called me back; they helped me to get a job other than stripping.
- The Conservation Corps gets respect. People in the Conservation Corps come from the “red zone” (bad neighborhoods). We should take Conservation Corps members to [juvenile hall] and tell them about our work; and make a wait list for kids from juvenile hall. Conservation Corps members tell it like it is.

GOING TO COLLEGE

While almost all of the youth in the focus groups had faced daunting problems, some were in college, and many more hoped to attend. Unfortunately, for those already in attendance, the barriers did not disappear once they arrived on campus.

college, since it typically must be disclosed on job and college applications, and it precludes employment or licensing in some professions. (*See, e.g.,* Siegel, Warren, *How to Seal Your Juvenile and Criminal Records in California: Legal Remedies to Clean Up Your Past*, Chapter 1, “Criminal Records, What Do They Mean?” 7th ed., Nolo Press, 2000.) Sadly, too, these impediments fall largely upon youth of color, as they are disproportionately transferred to adult court both in California and nationally. (*See, e.g.,* Males, Mike, and Macallair, Dan, *The Color of Justice: An Analysis of Juvenile Adult Transfers in California*, Building Blocks for Youth (2002), showing that minority youth in Los Angeles are transferred to adult court at a rate of 2 ½ times more than white youth, even after arrest rates for serious crimes are controlled.)

Although youth involved in the juvenile justice system may be entitled to “seal” their record, sealing is not permitted for some crimes, and may not be permitted until a period of years has passed. (*See, e.g.,* Cal. Welf. & Inst. Code § 781). Moreover, even when records have been sealed, many youth find themselves being asked about their delinquent past, and are in a quandary how to respond to employers or school officials.

¹¹ The California Conservation Corps (Cal. Public Resources Code § 14000 et seq.) serves youth 18-23, by offering them the opportunity to complete their high school diploma or GED, while participating in career development, and community service projects focused on conservation and the environment. At the site the project team visited, youth were learning landscaping skills and building equipment for public playgrounds. At some sites, Corps members may also attend community college classes, and upon successful completion of requirements may qualify for scholarship assistance to attend college or vocational training.

- State college is scary and overwhelming. You go to an environment and don't know what to do. Everyone is rushing to get to their destination. Still, I'm going to "take it on, it feels like "me against the world."
- At City College another barrier is lack of supportive counselors. There are so many students; you need to take the initiative. It's especially hard when your parents haven't gone through college.
- The transfer center (to go from State to University) is bad because so many kids want to transfer. They are supposed to lay out a plan, but are too busy to give you enough help.
- I went to talk to a college counselor who only wanted to talk about basketball. I didn't want to talk about basketball; I wanted to talk about classes. I had to talk to someone else.
- Language barriers are a major problem. There are lots of students at City College where English is not their first language.

OTHER NEEDS FOR SELF-SUFFICIENCY

Aside from their pronounced financial needs, many of the youth in our focus groups expressed the need for other kinds of skills and support in order to be fully on their own.

- I do not know how to drive; I'm scared of driving. I'm worried about transportation, and money for the bus – which I'll need to go to college.
- They took my driver's license away, so I can't get a job.
- I'm getting out of a residential program, and will be going to transitional housing. I don't know how to deal with it, how to go to college. I'd love to say "forget work," but I have no one to support me. What do you do in this situation?
- Child care is not available to help facilitate work or school.
- We need to know more about subjects that you can apply in your life -- how to become organized, how you would invest money, how much money you would make. We need help to have goals at an early age, more classes on STDs and AIDS, real life stuff.
- We need drug intervention services, including testing – it helps to be drug free.

THE IMPORTANCE OF ATTITUDES

The following comments are representative of those we heard from youth and parents about being stigmatized and undervalued by the system.

- When the teacher found out I was in foster care, she looked down on me. She did not believe that I had done my own work.
- I go to continuation school. You have to be very patient, because there are teachers that support you and others that do not. One teacher gave me the keys to the supply closet but took them away when she found out I was in a group home.
- My son was labeled “special ed” and kids teased him in elementary school. In middle school, he wouldn’t go to special education. He took regular classes and had trouble with the work and started acting out (he hated the stigma of the yellow bus).
- It seems like adults pay attention to the better students, not us.
- Most kids in the system are Latino. The system writes kids off because of race.
- I was suspended 24 times in my freshman year. I hit people, jumped out of bus windows, etc. Four years later teachers come up to me and bring up what happened four years ago. I can’t get away from my reputation as a freshman.
- It’s always on you, starting at zero, knowing you have been in trouble. You have to work harder.
- It seems like as soon as the school learns that a child is in foster care, they stop caring about the child.

Not surprisingly, many of the youth we spoke with recognized the importance of personal determination in reaching their goals.

- I don’t really trust anyone to help me get by, but even so, my baby and I are going to make it. I’m going to get my education, have a good job and not be caught up in this system.
- When I leave here I plan not to get in big jails. Don’t want to catch no charges. I’m going to get a job and finish school.

We also received quite a bit of advice from youth about how to treat people (or themselves) in a better way:

- Realize that everyone is a whole person, with educational needs, emotional needs, and social needs. We need help with how to stay clean, and figuring out how to keep focused in the middle of everything.
- You need to start realizing you’re not dumb. I found out about the [court school program] through the system. It helped me to realize there was nothing in the streets

and that if I kept getting deeper and deeper into the system I wouldn't be able to get out.

- What turned me around is that my mom and dad have only a high school education; I am going to college for my mother and to show my brothers and sisters that I can do it.
- If you get kids surrounded by other kids doing positive things they will pick up positive things.

STRATEGIES FOR ELIMINATING BARRIERS

The focus groups provided us with a compendium of barriers from which to extrapolate principles and develop strategies for change. Over the past year, the project team has been working on other fronts, as well. We have reviewed national and state laws that have a bearing on educational rights of child welfare and juvenile justice populations, and have made contact with other national organizations working on these issues.

We have also begun more intensive work in the first of three sites, Fresno County, California. This has given us the opportunity to expand our knowledge of educational barriers in a localized context, and to hear the perceptions of educators, advocates, child welfare and juvenile justice professionals, people working in the court systems, and service providers. This local work has been vital to our action plans because it has enabled us to take apart the barriers reported to us, and focus on what would need to be changed to remove them in a specific jurisdiction.

From our work so far, we know that change will require a variety of strategies, and that the participation of multiple agencies will be critical to success. In many instances, change will require the implementation of new policies, and in some, change will require the system to recognize new values. It is also clear that education and training, both for system professionals and families, must play an important role. The barriers identified through the focus groups, our legal research, and meetings with other professionals suggest remedies that cluster around four themes:

1. Stability of Educational Placement

The stability of educational placement must become a core value of the system for youth in child welfare and juvenile justice, and that value must be implemented in policy. The system must also provide services needed to protect educational stability, such as transportation. The system must also recognize and eliminate unnecessary disruptions in services, including delays in educational transition and bureaucratic barriers to enrollment.

2. Educational Rights and Opportunities

There is tremendous need to disseminate information and training on educational rights, special education, and college or workforce preparation to youth, parents, foster parents, and child welfare/juvenile justice system professionals. There is also a need to provide public

education about financial resources available to help youth go to college, and acquisition of skills needed to achieve financial self-sufficiency.

3. Advocacy and Cross-System Liaisons

The system must provide liaison services to help youth and parents through educational transitions. Advocacy resources to assist youth and families with enrollment, suspension/expulsion, and special education, or other barriers must be more readily available. Assistance that specifically helps youth to prepare for college or the workforce, including assistance with housing, tuition, school expenses, childcare, and driver's licenses, must be increased. The system must provide ongoing opportunities for youth and families to provide feedback about educational needs to child welfare, juvenile justice and education professionals.

4. Quality of Educational Programming

The system must address quality issues in institutional and alternative school placements, including the process for determining curricula and graduation plans for individual students, quality of instruction, and cultural and linguistic competence. The system should reduce exclusions from regular school, improve services for youth who are excluded, and implement procedures to return them to regular school programs whenever possible, as quickly as possible.

Our work plan for Fresno County draws from these themes. Although we started with individual or small group meetings with agency professionals in Fresno, the project has now moved into a phase in which an interagency groups meets to discuss and strategize on particular issues. This task force includes advocates, child welfare, juvenile justice, court personnel and education professionals.

Since almost everyone we spoke with voiced a need for better information on educational rights and responsibilities, the first task of the interagency group is to develop and present training for social workers and probation officers, and training for foster parents on educational rights and pertinent laws. Training will also be developed for educators on what happens to youth in the juvenile justice and child welfare systems.

The project team has also proposed a more ambitious step – the development of an educational planning model that would convene a team to determine the proper educational placement when a child is removed from home or moved between placements. The educational team would be composed of an education representative, a representative of the placing agency, the parent (whenever possible), the foster parent or group home provider, and the child. A work group has now been convened, with direction from the interagency group, to develop this concept.

The presence of the project in Fresno has already provided an opportunity for officials in different agencies to meet and discuss educational policy for vulnerable youth. It has presented an opening for individual agencies to consider their role in underlying issues such

as departmental policies and training. In addition, project discussions have prompted local advocacy groups to explore the availability of additional funding to make assistance more readily available to families experiencing educational barriers. And while these efforts are going forward in a particular community, we feel certain that what we learn will be useful in other jurisdictions.

In Richmond, the project concluded its initial focus groups and agency investigations in August, 2003. The issues fell into categories quite similar to those we found in Fresno: delays in forwarding and obtaining educational records, lack of transition planning, inadequate access to educational information, lack of agency coordination, stereotyping and stigmatizing foster children and court involved youth, poor quality of education, and the impact of mandatory high stakes testing. In deciding which problems to work on, project staff considered the amount of time and resources needed to effectuate change, the legal authority supporting change, the system's capacity for change (stakeholders, media interest, political context, community resources), what realistically could be accomplished through the project, and whether our work would be useful to other jurisdictions.

The Richmond investigation pointed to a different work strategy than the broad interagency collaboration going forward in Fresno. After hearing repeated frustrations expressed about previous collaborative efforts on similar issues that failed to produce tangible results, project staff resolved instead to move forward on specific issues by working directly with agency officials and community leaders to address identified barriers.

Already, the project has received assistance from the Richmond Juvenile and Domestic Relations Court judges. Project staff and partners are recommending model court orders and motions to facilitate access to children's school records by guardians ad litem, advocates and parents. This will greatly reduce delays in obtaining educational records.

In addition, the project's local partner, the Just Children Program of the Legal Aid Justice Center, has trained social workers to serve as informed educational advocates for foster care youth. This will enable workers to overcome the bureaucratic hurdles they often encounter when they approach schools on behalf of the children in their care. In the next phase of the project, we plan to expand training on educational rights and responsibilities to include judges and court staff, probation officers, school principals, voluntary bar association members, and parents/foster parents.

The project's long-term strategies will include work to increase opportunities for attorneys in the Greater Richmond area to advocate on behalf of children. Project staff are also exploring the use of media advocacy to highlight the impact of high stakes testing on Richmond's youth, particularly those in the child welfare and juvenile justice systems. And finally, project staff have been invited to assist the Richmond Public Schools administration in its effort to create an evening alternative education program. Each of these endeavors would help to improve outcomes for Richmond's court supervised children.

A Final Note

Although much of what we heard in the focus groups related to obstacles, it was heartening to learn that at least some youth received good educational services and supports that enabled them to successfully pursue their educational goals. These reports will be just as useful as the ones about what was lacking, since we can retrace their steps to better understand what it was that worked.

We are grateful to all of the youth, parents and foster parents who participated in the focus groups. Their experiences have already contributed to our collective knowledge about what it takes to reduce educational barriers for youth in the juvenile justice and child welfare systems, and those experiences will continue to inform our work.

PRE INTERVIEW QUESTIONNAIRE

The following are the pre-interview questions asked of youth prior to focus groups. The purpose of the pre-interview was to provide an opportunity for youth to provide some potentially sensitive information without having to do it in front of other youth, and also to give the project staff some baseline information to direct the discussion.

Name, age, grade, address (optional)

What is the name of the school you are attending?

What type of school you are currently attending?

- no school
- high school
- continuation school
- vocational school
- charter school
- juvenile court school
- independent study
- other _____

What types of schools have you attended (please enter the number of times you enrolled in each type of school, for example: 3 high school)

- high school
- continuation school
- vocational school
- charter school
- juvenile court school
- independent study
- group home school
- other _____

Have you ever been in special education?

Have you ever been in an honor/accelerated/gifted program?

Have you ever been in the foster care system?

If so, have you ever lived in a shelter? Foster home? Group home?

Have you ever been in the juvenile justice system?

If so, have you ever been detained in a juvenile hall? On probation? Lived at a camp? Lived in a group home? Been confined at a California Youth Authority facility?

Do you plan to get a high school diploma? GED?

What do you plan to do after high school?

- Work
- Vocational school
- Community college
- 4-year college

Is there anything that would keep you from achieving your plans after high school?

FOCUS GROUP DISCUSSION OUTLINE

The following is the schedule and question outline used during focus groups with youth. Depending on the background of the group, we sometimes varied the questions slightly to draw on their particular experiences. Although the outline was structured for two-hour sessions, almost all of the groups went closer to three hours in length.

Focus Group Plan:

Introduction: Explanation of project, Youth Law Center description, purpose of focus group

Ground rules, confidentiality (we'll use the information, but not your name unless you give permission)

Ice breaker (names and brief education/career goals, impediments)

Discussion questions

Discussion of solutions – optional breakout groups with discussion and report back, or continue discussion of solutions in the larger group

Evaluation of focus group process

Discussion Questions:

What type of school program are you in?

How many types of school have you attended since your last placement?

What has been your best school experience? Worst?

Is your school work challenging?

Does school relate to your life?

Have you been expelled or suspended from school?

When you left placement, did anyone help you enroll back into school?

How long did it take for you to get back into school?

What problems did you have getting back into school?

What are the problems or do you have any problems staying in school?

What happened at school before your entry into the juvenile justice system? Compare your public school experience with school in the system. What school experience was good/bad?

While you were in the juvenile justice system, did you get any counseling about what would happen once you were out?

Have you ever talked to a guidance counsellor or teacher about problems in school and how did it go?

Is there anything outside of school in the community or at home that is affecting your schooling?

What would be your dreams for you and your friends?

What is really going to happen?

What would it take to make your dreams come true?

Discussion of Solutions (possibly break into small groups):

What will make things better?

What (if anything) has worked for you? (e.g., in the transition between schools)?

Focus Group Evaluation:

How did this process work for you? Suggestions?

Give information on how the youth can contact us.

PARENT FOCUS GROUP DISCUSSION OUTLINE

The following is an outline used in the parent and foster parent groups. As was the case with the youth groups, we used the questions to get participants talking, and then returned to them if there were particular points we wanted to be sure to cover.

Parent Focus Group Plan:

Introduction: Overview of the project, what the project hopes to accomplish, focus on youth in juvenile justice or child welfare, what it takes to finish high school and go on to post secondary education/training

Purpose of this focus group: Your experience as parents, things that helped your child, what went wrong? what should be done to fix it?

Ground rules and confidentiality - we will use the information but not your name unless we get permission.

Discussion questions, solutions, evaluation of focus group process

Discussion Questions on General Experiences and Problems:

General experience with your child's education

 Before your child entered the child welfare/juvenile justice system

 While in juvenile justice/child welfare system

 After your child came back home

Parental involvement - while your child was in the juvenile justice/child welfare system

 How were you as a parent included in your child's education?

 What did you know about your child's educational program and progress? How did you find out?

 What support did you receive? From the social worker/probation officer? From the school - teachers, guidance counselors? Did you contact/get help from advocacy or community support groups?

 Did your child have an education passport? Do you know whether his or her records were transferred in a timely manner?

 Did your child have a case plan? Did you get a copy of it? Were you involved in developing it? What did it say about education?

If your child was in a group home, did he or she have a needs and services plan? Did you get a copy of it? Were you involved in developing it? What did it say about education?

What support was available when your child transitioned out of the system?

Special education

Before entry into the juvenile justice/child welfare system

While in the system

Were you involved with the child's IEP?

After coming home

Do you think your child really needs special education?

Does the special education program meet his/her needs?

What support did you have in the IEP process? (Did you ever ask for mediation, due process hearing, etc.??)

Quality of education

How do you feel about the quality of your child's educational program?

Was your child tracked?

Did your child have the opportunity to take college prep courses?

Is there anything outside of school that is affecting your child's education?

Language/Culture

Have you or you or your child had problems because of language issues?

Have cultural issues affected your child's education? Your involvement in your child's education?

Specific Questions (if not addressed in general discussion):

What happened at school before your child entered the juvenile justice/child welfare system?

What kind of school?

Was the experience good or bad?

Were there discipline problems?

Was your child suspended or expelled from school?

What happened while your child was in the juvenile justice/child welfare system?

What contact did you have with the school? With the probation officer/social worker about school?

What happened to prepare your child to return home?

Did you or your child get any counseling about what would happen when he or she left the system?

What plans were made for the transition?

What happened after your child left the juvenile justice/child welfare system?

Did your child reenroll in school?

How long before your child was enrolled in school?

Was the process smooth?

Did your child go back to his or her original school? Did your child get into an appropriate school/program?

Did anyone help you or your child get back into school?

Is your child having problems staying in school?

What about the future?

What are your dreams for your child's future?

What do you think is going to happen?

What would it take to make your dreams come true?

Discussion of Solutions:

What advice would you give to another parent? What do you know now that you wish you had known before?

What has worked well for your child's education?

What has worked well in the transition from the juvenile justice/child welfare system?

What will make things better?

Evaluation of Focus Group Process:

How did this process go? Would you recommend that other parents participate in a focus group? What would make it better?