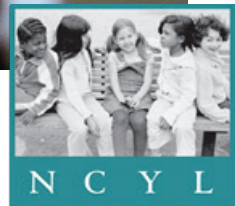




FosterEd
Champions for System-Involved Scholars



Championing the Potential of Youth on Probation:

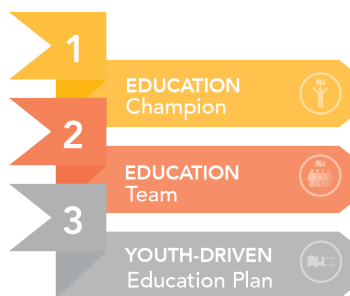
Critical Education Advocacy for Justice-Involved Youth

Atasi Uppal, Attorney, National Center for Youth Law

Executive Summary

Beginning in 2015, the National Center for Youth Law's FosterEd initiative expanded its policy advocacy and the use of its practice framework for education advocacy to serve probation-supervised youth, in addition to youth in foster care.

The FosterEd Framework



FosterEd advocates for improved education outcomes by ensuring every system-involved young person has: 1) a knowledgeable and supportive Education Champion, 2) an engaged Education Team, and 3) a strengths-based, youth-driven education plan. This brief will explore why probation-supervised youth, a population that is distinct from other justice-involved youth, requires significant educational support. It will also explore how FosterEd has worked with partners to advocate for policy change and direct services for the population, and what steps other organizations can take to join the movement to improve educational opportunities and outcomes for probation-supervised youth.

When a young person involved in the juvenile justice system makes strides academically, they are less likely to reoffend.¹ But it is well-documented that young people involved in the juvenile justice system face major roadblocks in achieving their education goals so that they can reorient their lives. Justice-involved youth lag behind their peers in grade level,² are suspended and expelled at a disproportionately high rate relative to their peers,³ are excluded from community school settings,⁴ are less likely than their peers to graduate from high school,⁵ and are less likely to attend college.⁶

Across the country, multidisciplinary initiatives have emerged to address these abysmal outcomes. Many such initiatives have focused on young people who are incarcerated or at a transition point into or out of incarceration. Public entities, like school districts, courts and probation agencies, have recognized the instability and sometimes inadequacy of students' educational placements during these times of incarceration and transition, and they have worked to address those problems by implementing transition plans and aftercare programs for youth who have been released from facilities. Early evidence suggests that transition planning and aftercare programs have a positive impact on justice-involved youth's educational paths.⁷

“When a young person involved in the juvenile justice system makes strides academically, they are less likely to reoffend.”

However, over the last several decades, as evidence has mounted that detention harms children, and juvenile detention

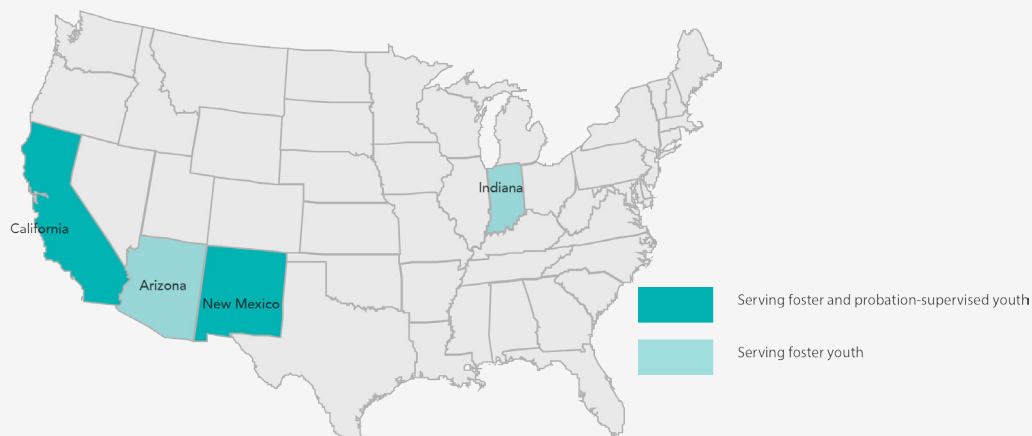
reform has swept the nation, juvenile justice agencies are serving an increased number of youth who are in informal probation (also called “diversion”) and in formal, post-adjudication probation programs, as compared to the number of incarcerated youth they serve.⁸ Youth supervised by probation who are living in the community – “probation-supervised youth” – differ from their peers who are incarcerated in juvenile justice facilities in that they may be charged with lower-level offenses, are younger, are not considered dangerous or flight risks, are first-time offenders, or some combination of the above. Yet these probation-supervised youth still have a considerable level of need when it comes to education, and adults working within and along side the juvenile justice and education systems have a responsibility to address those needs.

ABOUT FOSTERED

FosterEd is a program of the National Center for Youth Law. FosterEd is operating in four states – Arizona, California, Indiana and New Mexico – working in partnership with a deeply invested team of state and local partners, students, and parents to build a reality in which the vast majority of system-involved youth graduate high school with the widest array of possibilities for their future.

FosterEd measures success by the degree to which students in foster care and probation-supervised youth are positively engaged in school and learning, empowered to take charge of their educational futures, and have meaningful relationships with caring adults who support their education needs and strengths.

Where We Work



Map template designed by Drawnhy97 / Freepik

DEFINITIONS

The juvenile court system utilizes a different vocabulary than the adult criminal justice system. Below are some common terms.

- **Petition:** This is the juvenile court version of the adult court criminal complaint. It is filed by the prosecutor against the alleged delinquent youth.
- **Adjudication:** This is the juvenile court term for a trial. The term “adjudicated” indicates that a young person has been tried and convicted of a delinquent offense.
- **Delinquent:** This is the juvenile court equivalent of “convicted criminal.” Juvenile court minimum and maximum ages for jurisdiction vary, but a typical age range for young offenders is 9 – 18.
- **Disposition:** This is the juvenile court term for a criminal sentence. In juvenile court, dispositions range from case dismissal to probation to incarceration in juvenile hall or correctional facility (i.e. youth prison) to commitment.
- **Detention:** This term is typically used when a young person is incarcerated for a short period of time before their adjudication and/or disposition.
- **Commitment:** This term is typically used when a young person is incarcerated after adjudication. Commitments tend to last for a longer period of time, e.g. until a young person turns 18 or 21.
- **Dually-involved:** A dually-involved youth is a young person who has had some contact with both the child welfare system (i.e. through placement in foster care or a group home) and the juvenile justice system.



What We Know: Barriers to Educational Attainment for Justice-Involved Youth

Education outcomes for justice-involved youth are dismal, due to the stigma associated with juvenile justice involvement and the resulting collateral consequences. Collateral consequences include school mobility, school push-out, and reduced access to post-secondary college and career options. These young people need and deserve support in achieving their education goals.

Impact of Stigma and Collateral Consequences on the Education of Justice-Involved Youth

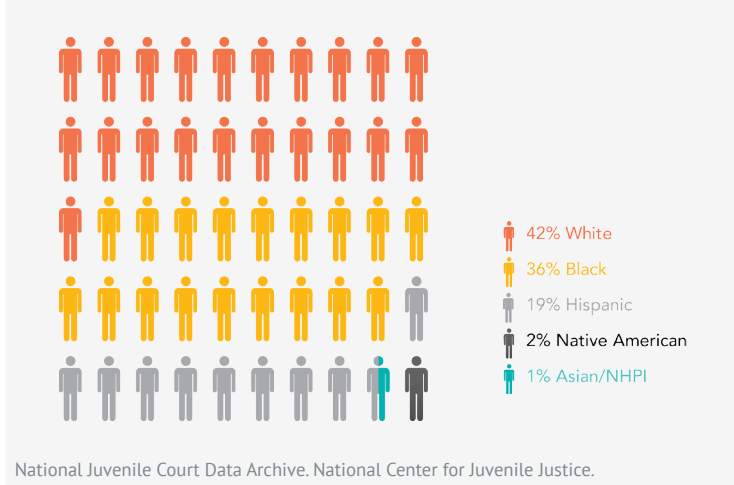
Labeling a young person a “delinquent” or a “criminal” by involving them with the juvenile justice system carries a stigma that can have far reaching negative effects. “Labeling theory” argues, in part, that “formal societal reaction to crime can be a stepping stone in the development of a criminal career.”⁹ One reason why formal sanctions such as arrest, court involvement and incarceration can have long term negative impact on a young person is that a “criminal” designation can affect the way educational institutions treat the young person.¹⁰

Evidence suggests that school districts and schools have imposed technical barriers to justice-involved youth reentering their schools,¹¹ which can lead to those students being pushed out of school into alternative settings. Justice-involved youth also experience multiple school changes,¹² whether as a result of suspensions and expulsions or as a consequence of changes in residence. Finally, youth who are arrested are significantly more likely to drop out of high school and less likely to attend four-year post-secondary institutions.¹³ This may help explain why justice-involved youth go on to have lower annual earnings¹⁴ and are more likely to experience extreme poverty and rely on the public welfare system.¹⁵

Notably, youth of color are disproportionately impacted by the forces described above. While a robust body of research confirms that most youth, regardless of socioeconomic status, race or ethnicity, commit some acts of delinquency in their lifetimes, only a small percentage of those young people are arrested and have contact with the juvenile justice system.¹⁶ It is widely recognized that youth of color make up the majority of this over-penalized subpopulation; decades of research indicate that there is disproportionate

“...justice-involved youth go on to have lower annual earnings and are more likely to experience extreme poverty and rely on the public welfare system.”

RACE OF ADJUDICATED CASES ORDERED TO PROBATION UNITED STATES, 2014



minority contact at all points in the juvenile justice system – “from arrest to confinement.”¹⁷ It stands to reason, then, that these youth of color – often African American and Latino youth – are more likely than their White peers to experience negative education outcomes as a result of juvenile justice involvement. Therefore, the critical need to provide education services to justice-involved youth is not just an issue of general fairness – it is an issue of civil rights and racial equity.

Educational Outcomes for Probation-Supervised Youth, Specifically

Much research on the relationship between academic achievement and juvenile justice involvement, including the research detailed above, has focused on currently or formerly incarcerated youth.¹⁸ While the youth within these research cohorts may have experienced probation supervision at some point in their involvement with the juvenile justice system, this period of supervision is not typically the focus of the researchers studying the youth’s educational experiences. Thus, the academic literature places little focus – and perhaps as a result, so does the reform world – on education outcomes for non-incarcerated youth supervised by probation.

64% of adjudicated youth are placed in the community on formal probation

National data indicates that approximately 64% of adjudicated youth – 205,300 young people – are placed in the community on formal probation each year, rather than being placed in an out-of-home placement, such as a secure correctional facility.¹⁹ And existing data

suggests that these probation-supervised youth, specifically those living in the community, face considerable educational challenges.²⁰

An in-depth study of probation-supervised youth in Ohio²¹ provides stunning statistics: these young people were three times more likely than their non-probation-supervised peers to be receiving special education services, and they were on average one full academic grade behind their peers, with some youth falling as far as five academic grades behind.²² A study of probation-supervised youth in Los Angeles County, which collected data for young people enrolled in detention facility schools as well as community day schools, found that only 26% of the population demonstrated English Language Arts proficiency, compared with 70% of the regular student population.²³ In addition, FosterEd’s work with

agency partners in Arizona, California and New Mexico, has documented significant anecdotal evidence that probation-supervised youth have low or unstable attendance rates, are not receiving appropriate services despite special education needs, and are frequently pushed into alternative education settings.

This disheartening information illuminates the urgent need for advocates, courts, educators and juvenile justice staff to reevaluate our approach to improving education outcomes for justice-involved youth – especially probation-supervised youth. Together with our partners, FosterEd is determined to change the narrative from one where education needs take a back seat in the name of “public safety” to a narrative that embraces proactive, strengths-based collaboration with young people and their families. We believe this approach will ultimately lead to better short- and long-term outcomes for youth, their families and their communities.

“Therefore, the critical need to provide education services to justice-involved youth is not just an issue of general fairness - it is an issue of civil rights and racial equity.”

HOW DO YOUNG PEOPLE IN THE COMMUNITY EXPERIENCE PROBATION SUPERVISION?

Young people living in the community may be under the supervision of a probation agency as a result of various circumstances. Some common circumstances are:

- **Diversion:** Young people may be referred to a diversion program early on in the juvenile justice process, particularly if they are first-time offenders and/or younger than the average youth on probation. In a diversion program, the young person may have to accomplish some tasks or participate in services, such as counseling and substance abuse classes, but the young person typically does not attend ongoing court hearings or receive a juvenile delinquency record. Referrals to diversion can also happen later in the juvenile justice process.
- **Consent decree:** Some jurisdictions utilize consent decrees – agreements between the young person and the court. Sometimes, a young person must admit fault before they can receive a consent decree. Consent decrees essentially put delinquency proceedings on hold for some number of months. If the young person follows the terms of the decree, their case will be dismissed. If the young person violates the terms, their case will reopen, and they may face a formal trial.

(continued on next page)

HOW DO YOUNG PEOPLE IN THE COMMUNITY EXPERIENCE PROBATION SUPERVISION, CONT.

- **Probation as post-trial disposition:** Young people may receive a disposition of probation after they are adjudicated through a plea deal or a trial. This disposition means they are formal wards of the court and must comply with a list of probation terms over several months to over a year. If a probation officer believes that a youth has violated their probation terms, the probation officer can request that the court detain the youth, extend the length of probation, or order other negative consequences.
- **Probation supervision during post-incarceration transition:** Young people may be supervised by probation after they end a period of incarceration in a juvenile detention facility or other correctional institution. These “aftercare” or “supervised release” periods are typically shorter than the average formal probation disposition described above.
- **Status offenses:** In some jurisdictions, probation officers supervise young people who have been adjudicated as “status offenders.” Status offenses are offenses that, if committed by an adult, would not be considered criminal acts. Examples of status offenses are “truancy,” “stubborn/incorrigible child,” and “runaway.”



FosterEd in Focus: Policy and Practice for Probation-Supervised Youth

National Center for Youth Law's FosterEd policy and program work has expanded to serve youth in the juvenile justice system, in addition to foster youth. FosterEd's specific focus, with regard to justice-involved youth, is serving young people who receive a formal disposition of probation and are living in the community, whether with family or in placements such as foster care, shelter care or group homes ("probation-supervised youth").

A focus on this specific sub-population is important for two reasons. First, as described in the previous section, the vast majority of adjudicated youth are placed under the supervision of probation. However, to date, few multidisciplinary initiatives, if any, have focused on providing education advocacy for that population.²⁴ Second, as described in more detail below, the elements of FosterEd's practice framework – Education Champions, education teams, and student-centered planning – may be particularly helpful in addressing the challenges these young people face.

The FosterEd Approach

FosterEd's aim is to ensure youth in foster care and the juvenile justice system graduate from high school with a wide array of opportunities, whether those opportunities are for college, career or both. We work toward this mission by implementing our System Improvement Framework, which is informed by a policy to research to practice feedback loop. FosterEd's efforts are built on five to eight year partnerships with states. The partnership with states includes three key strategies: implementation of demonstration sites with Education Liaisons embedded within public agencies, improvement of data sharing between public agencies at a state, regional and youth level, and the utilization of lessons learned on the ground with youth and families, along with research and evaluation, to inform the design and execution of our policy agenda.

At the demonstration site level, FosterEd's System Improvement Framework employs three intertwined strategies: 1) implementation of evidence-based interventions that are tailored to the unique circumstances of system-involved youth, 2) execution of evidence-informed practices to ensure all youth have a genuine system of support, and 3) system bridging, which we define as the alignment of education, judicial, housing, probation, mental health, child welfare, and community-based agencies to facilitate seamless education planning and effective coordination amongst professionals working on behalf of youth. Evidence-informed practices include the following: building an Education Champion and an education team, and ensuring opportunities exist for youth to have their voices heard and respected by adults through a student-driven education planning process.



Promoting **student empowerment, connections, and engagement**

“Education Liaisons” are at the heart of this framework and coordinate probation-supervised youth’s supports from an educational perspective. Education Liaisons help the young person identify an Education Champion (typically a parent or caregiver) who will support the young person through their educational life, and Education Liaisons support that Education Champion on an ongoing basis. Education Liaisons also bring together the young person with supportive adults, such as teachers, case workers, probation officers, and family members, to form an education team that creates a customized, strengths-based education plan for the young person. Finally, Education Liaisons help the probation-supervised youth become and stay engaged in this education planning process. Though the level of Education Champion and team engagement may vary depending on the specific needs of the young person, Education Liaisons support the youth and Education Champion with the goal that the Education Champion and youth will become self-sufficient at advancing the young person’s education plan. The initial workload for Education Liaisons is heavy, but the eventual goal is for Liaisons to transition into a monitoring and coordination role.

FosterEd’s approach is based on the theory that system stakeholders and families must come together to support the educational success of system-involved youth. System-involved young people are more likely to succeed in school if they have multi-faceted support, not only in the form of academic services, but also in the form of lasting connections with supportive adults.²⁵ Moreover, research indicates that programs facilitating greater bonds between families and youth lead to higher academic achievement, higher quality peer relationships and decreases in delinquency.²⁶

Advocating for Probation-Supervised Youth Using the Framework

One goal of FosterEd’s expansion to serve probation-supervised youth is to change the culture of agencies serving such youth from one of compliance to one of encouragement and achievement. For example, probation terms typically include

items such as “comply with school rules” and “attend school daily,” so any education discussions during juvenile court hearings and probation meetings tend to center on the young person’s ability to follow such terms. However, when adults focus on strengths-based education planning with youth, education becomes a positive and consistent topic of conversation in ways that identify and celebrate the young people’s accomplishments.

Because the framework identifies concrete leadership roles for the Education Champion and the young person, the family’s cultural strengths and perspectives are more likely to be elevated. For example, Education Liaisons work with young people such that they can ultimately lead discussions during education team meetings. This gives the young person an opportunity to voice their concerns and interests, and it also gives them a degree of control in a system when they are often the youngest person and the only person of color in the room. This stands in stark contrast to most system interactions, where they are powerless.

This framework is also beneficial because it creates conditions for multidisciplinary, cross-agency collaboration. Each FosterEd demonstration site begins with a local planning team and state leadership team, comprised of leadership from education, juvenile justice and the court. United in the opportunity to plan and oversee the demonstration site, these cross-agency leaders troubleshoot issues around enrollment, student transitions, information-sharing, data sharing, and more in real time. Over the years, the goal is for this teamwork to become a natural addition to existing infrastructure, which will provide the opportunity to improve the education outcomes of many more youth than those receiving services directly through the FosterEd demonstration site program.

Finally, the framework allows for individual probation-supervised youth to have fewer barriers to education success. In FosterEd’s demonstration sites serving youth, third party evaluations have shown that FosterEd-involved students improve their GPAs and attendance.²⁷ Staff from FosterEd’s first demonstration site serving probation-supervised youth have seen the students with whom they are working make similar gains. Staff report that probation-supervised youth have shown improvements in school discipline outcomes, greater stability in school, and earlier proactive planning for post-secondary opportunities. A multi-year third party evaluation of that demonstration site is ongoing, and data will be available in 2018.

“[A student-led education team meeting] gives the young person an opportunity to voice their concerns and interests, and it also gives them a degree of control in a system when they are often the youngest person and the only person of color in the room. This stands in stark contrast to most system interactions, where they are powerless.”

Facing Challenges Head On

As FosterEd has provided technical assistance, advocated for regulatory and statutory changes, and implemented a demonstration site in service to probation-supervised youth, key challenges have come to light. We continue to work creatively with our partners to effectively tackle these challenges.

One key challenge has been that probation-supervised youth experience school suspension and expulsion at a much higher rate than the foster youth that we

The Framework in Action: Santa Clara County, CA

Since 2015, FosterEd has worked with partners in Santa Clara County, CA, to build and implement the “Education Champion Project,” an initiative to improve the education outcomes of probation-supervised youth who have co-occurring mental health and substance abuse diagnoses. The Education Champion Project incorporates some core features of FosterEd’s System Improvement Framework – the identification and mentorship of Education Champions, and the creation of customized education plans. A legal services organization, Legal Advocates for Children and Youth, coordinates the project in close partnership with the juvenile court and the Fresh Lifelines for Youth (FLY) Mentor Program. Since its inception, approximately 75 youth have been served through this small pilot project, and early data indicates the majority of students have improved their attendance (or maintained attendance,

for those students who already had perfect attendance). Data also shows that the majority of students have accomplished at least one critical education goal in their customized education plans. Common goals include reevaluation of students’ Individualized Education Programs (IEPs) and enrollment in appropriate schools, since many students are not attending school suited to their IEPs. This data is particularly promising given the short period during which these students work with the Education Champion Project – typically 3-6 months. Bolstered by these encouraging results and the high need of other young people in the county, FosterEd is now partnering with local agencies and the juvenile court to build a FosterEd demonstration site, which would aim to serve all probation-supervised youth in the county and would incorporate all core components of the FosterEd framework.

serve. Therefore, demonstration site staff have had to become well-acquainted with state and local school discipline processes and have sometimes needed the assistance of National Center for Youth Law attorneys as well as local legal advocates for advice and consultation. Additionally, because of the geographic location of our demonstration site, opportunities for post-expulsion instruction are limited. FosterEd continues to work closely with district administrative staff and Education Champions to ensure that Education Liaisons can assist with school discipline issues at the earliest stage possible. Finally, the National Center for Youth Law is advocating for policy change on the state level to ensure that students who are expelled are provided appropriate opportunities for educational instruction.

Another significant challenge has been the competing tension between the probation agency and family’s desire to end the young person’s probation supervision as soon as possible and the FosterEd program’s need for lengthier involvement with the Education Champion and student. FosterEd has typically closed its engagement with the youth it serves when the students leave foster care; initially we envisioned the same model for probation-supervised youth. In recognition of this tension, FosterEd has extended the length of time and conditions under which staff make themselves available to continue working with probation-supervised youth and their Education Champions after their probation supervision ends. This ensures that short (six-month to one year) probation terms do not cut education planning short.

Advancing the Work Across the Country

The FosterEd mission and framework, when used in service to probation-supervised youth and their families, can bring a strengths-based perspective on education to the juvenile justice system, foster collaboration and coordination among agencies and break down barriers to educational success for these young people. While our technical assistance, policy and demonstration site efforts for probation-supervised youth are in the early stages, initial outcomes are promising. By continually assessing the challenges to this work and applying the lessons we learn across all projects in which we are engaged, we hope to expand and improve our work for this deserving group of young people.

Probation-supervised youth face significant challenges in achieving their education goals – stigma and school disruption being chief among them – but receive less attention than their incarcerated peers when it comes to advocacy that will improve their education outcomes. Based on our work over the past two years, we have learned that this apparent lack of investment is not due to a lack of will; nearly every agency and community partner we have worked with desires healthier educational futures for probation-supervised youth. Therefore, the obstacles to system change seem to be the lack of data, inadequate local and state policies to address education barriers for probation-supervised youth, and the lack of funding and coordinated strategies for change.

Education and juvenile justice agencies must collect more data on the educational realities of probation-supervised youth so we can further illuminate the barriers faced by this subgroup, which makes up the largest percentage of the population of justice-involved youth. Academics and researchers can partner with these agencies so that the data becomes publicly available research. We can improve our concrete strategies for system transformation as more information about the particular educational outcomes of probation-supervised youth becomes visible.

“We can improve our concrete strategies for system transformation as more information about the particular educational outcomes of probation-supervised youth becomes visible.”

Additionally, advocates can press for change at the local and state levels by introducing administrative guidelines and laws that provide more education support for probation-supervised youth. For example, states should ensure the availability of school district points of contact to support all justice-involved youth. These points of contact could be responsible for the immediate enrollment of such students, should they change schools, and the immediate transfer of education records and academic credits between school districts. The National



Center for Youth Law recently worked with partners in New Mexico to advance such bills, and New Mexico's governor signed the bills into law in April 2017. Furthermore, because probation-supervised youth are particularly vulnerable to extreme school discipline, such as expulsion, local and state policies that ensure students have access to positive behavior interventions and supports and instruction during periods of expulsion are pivotal.

Finally, short of implementing a full FosterEd demonstration site, school districts, juvenile justice agencies and juvenile courts can pilot the FosterEd framework with relatively low investment by creating a multidisciplinary leadership team that commits to sharing costs and responsibilities. Additionally, these partners can and should include the most important resources in probation-supervised youth's lives – caregivers, and the young people themselves. By working in partnership to ensure every probation-supervised youth has an Education Champion, an education team, and an opportunity to elevate their voice through a student-centered process, we can start to chip away at the barriers that stand in the way of these young people achieving educational success and, ultimately, building a stronger future for themselves.

Endnotes

- 1 See Thomas G. Blomberg et al., *Incarceration, education and transition from delinquency*, 39 *J. CRIM. JUST* 355, 355-365 (2011).
- 2 See Robert Zagar et al., *Developmental and Disruptive Behavior Disorders among Delinquents*, 28 *J. AM. ACAD. OF CHILD & ADOLESCENT PSYCHIATRY* 437, 437 (1989), and Michael P. Krezmien, Candace A. Mulcahy & Peter E. Leone, *Detained and Committed Youth: Examining Differences in Achievement, Mental Health Needs, and Special Education Status*, 31 *EDUC. AND TREATMENT CHILD.* 437, 445-64 (2008).
- 3 See Angela Irvine & Aishatu Yusuf, *New Information About the School-to-Prison Pipeline: Up to Nine in Ten Juvenile Justice-Involved Youth Have Been Disciplined in School* (Impact Justice, Oakland, CA, Working Paper, 2016), available at http://impactjustice.org/wp-content/uploads/2016/10/schoolto_prison.30aug2016.final-1.pdf.
- 4 See Jessica Feirman et al., *The School-to-Prison Pipeline...and Back: Obstacles and Remedies for the Re-Enrollment of Adjudicated Youth*, 54 *N.Y.L. SCH. L. REV.* 1115, 1116-1117 (2009-2010).
- 5 See Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 *JUST. Q.* 462, 473 (2006).
- 6 See David S. Kirk & Robert J. Sampson, *Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood*, 88 *SOC. EDUC.* 36, 36-62 (2013).
- 7 See H. Griller Clark et al., *Transition Toolkit 3.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System*, (National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At Risk, Washington, D.C.), 2016, at E-1.
- 8 See Sarah Hockenberry & Charles Puzanchera, *National Center for Juvenile Justice, Juvenile Court Statistics 2013* (National Center for Juvenile Justice, Pittsburgh, PA.), 2015, available at <https://www.ojjdp.gov/ojstatbb/njcda/pdf/jcs2013.pdf>.
- 9 See Jon Gunnar Gernburg et al., *Official Labeling, Criminal Embeddedness, and Subsequent Delinquency: A Longitudinal Test of Labeling Theory*, 43 *J. RES. CRIME AND DELINQ.* 67, 69 (2006).
- 10 See Kirk & Sampson, *supra* note 6, at 37.
- 11 See Kirk & Sampson *supra* note 6, at note 4.
- 12 See Clark et al., *supra* note 7, at 1.
- 13 See Kirk & Sampson, *supra* note 6, at 47.
- 14 STEPHANIE CROSS, *EDUCATION AND WORKFORCE OUTCOMES OF JUVENILE JUSTICE PARTICIPANTS IN WASHINGTON STATE* (2016), available at <http://www.ercd.wa.gov/publications/justice-program-outcomes/juvenile-justice-standardized-report#executive>.
- 15 Dennis P. Culhane et al., *Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles County*, (2011), at 15-16, available at http://works.bepress.com/dennis_culhane/113/.
- 16 See Kirk & Sampson, *supra* note 6, at 38.
- 17 See DAVID HUIZINGA ET AL., *DISPROPORTIONATE MINORITY CONTACT IN THE JUVENILE JUSTICE SYSTEM: A STUDY OF DIFFERENTIAL MINORITY ARREST/REFERRAL TO COURT IN THREE CITIES* (2007), available at <https://www.ncjrs.gov/pdffiles1/ojjdp/grants/219743.pdf>.
- 18 Jonathan D. Brown et al., *Academic Achievement and School Functioning Among Nonincarcerated Youth Involved With the Juvenile Justice System*, 13 *J. EDUC. FOR STUDENTS PLACED RISK* 59, 60 (2008).
- 19 See Hockenberry & Puzanchera, *supra* note 8, at 50 (the distinction in this report is between “probation” dispositions and “out of home placements,” and the latter category includes not only commitment to detention and correctional facilities but also other probation-supervised placements, such as placement in foster care and other non-secure community settings. So, the number of youth nationwide on probation, as defined by this issue brief, is likely higher than 64%).
- 20 Data tracking the education outcomes of probation-supervised youth may be sparse partly because of access issues. Probation agencies do not always track education outcomes, and school districts have no mandate to disaggregate data specific to probation-supervised youth. Additionally, studies of youth in the probation system often combine incarcerated and non-incarcerated youth on probation, which makes it difficult to get a clear picture of education outcomes for probation-supervised youth living in the community.
- 21 See Christopher A. Mallett, *Juvenile Court Probation Supervised Youths: At Risk in Cuyahoga County, Ohio*, *SOCIAL WORK FACULTY PUBLICATIONS* 28 (2006). 75% of the study cohort were probation-supervised youth residing in the community, while the remaining 25% were youth in secure custody.
- 22 See *id.* at 5.
- 23 *Educational Status of Probation Youth Enrolled in Los Angeles County Office of Education Programs*, (Education Coordinating Council, Los Angeles, C.A.), 2006, at 4, available at http://www.educationcoordinatingcouncil.org/ECC_DOCS/Reports/Other%20Reports/EdSTATED_%20Programs.pdf.
- 24 Examples of programs that may provide education advocacy to probation-supervised youth living in the community are: Project Youth Educational Advocates in Santa Clara County, CA; Education Support and Advocacy Services in Harris County, TX; Alternative Learning Program Helping Adolescents in Lehigh County, PA; and Ready to Achieve Mentoring Program, a federally-funded initiative with various program sites.
- 25 See Allison E. Thompson et al., *Natural mentoring among older youth in and aging out of foster care*, 61 *CHILD. AND YOUTH SERVS. REV.* 40, 40, (2016).
- 26 See Richard F. Catalano et al., *Positive Youth Development Programs in the United States: Research Findings on Evaluations of Positive Youth Development Programs*, 591 *ANNALS AM. ACAD. POL. & SOC. SCI.* 98 (2004).
- 27 See Foster-Ed.org, Evaluation, <http://foster-ed.org/data-and-technology/program-improvements/> (last visited June 5, 2017).



FosterEd

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