

**Intersection Between Special Education and the Juvenile Justice System: An Exploration of
Legal Compliance, Transition Services, and Recidivism**

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Abstract

This paper explores the intersection between special education and juvenile justice. Specifically, it looks at the legal authority compliance in juvenile justice facilities, the transition services for juveniles once they return to school, and the recidivism rates of juveniles who have been in the system. It seeks to answer whether the current approaches to these legal issues are valid, or whether there are better or different approaches that might yield preferable results.

Keywords: juvenile justice, juvenile justice system, special education, detention, correction, and disproportionate minority contact.

Intersection Between Special Education and the Juvenile Justice System: An Exploration of Legal Compliance, Transition Services, and Recidivism

The focal problem of my culminating project is the improvement of special education services in the juvenile justice system. The research on three areas of inquiry is examined in an effort to gain a comprehensive understanding of the current state of special education in the juvenile justice system and where it can be improved. These include compliance with special education legal authority in juvenile justice facilities, transition services for youth re-integrating back into school after being detained in juvenile detention facilities, and recidivism rates.

Disabled children living in the United States are guaranteed a right to a free and appropriate public education (FAPE) pursuant to 20 USC § 1400, et seq. and 34 CFR § 300, et seq. Disabled children living in Washington State are guaranteed a right to a FAPE pursuant to RCW 28A.155, et seq. and WAC 392-172A, et seq. These federal and state laws also apply to disabled children involved in the juvenile justice system. Special education services, including identification services, must be provided to qualifying children detained in juvenile justice facilities.

Context

I live and teach in the Puget Sound region. There are three juvenile detention/correction facilities operating in Pierce and King Counties: Pierce County Juvenile Detention Center (aka Remann Hall) in Tacoma, King County Juvenile Detention Center (aka Interagency School) in Seattle, and Echo Glen Children's Center in Issaquah. The Pierce and King County Juvenile Detention Centers are considered short-term facilities (juvenile detention), while Echo Glen is a long-term facility (juvenile correction).

Figure 1

Offense Numbers for Pierce County Juvenile

Felony	Misdemeanor	Violation – Offender	Violation – Non-offender
53.7%	28%	17.4%	.05%

(Washington State 2020 Juvenile Detention Annual Report)

Figure 2

Race and Gender Numbers for Pierce County Juvenile

White Boys	White Girls	Latinx Boys	Latinx Girls	Black Boys	Black Girls	Asian/PI Boys	Asian/PI Girls
31.7%	9.4%	10.6%	5.7%	27.3%	8.9%	4.1%	0%

(Washington State 2020 Juvenile Detention Annual Report)

Figure 3

Offense Numbers for King County Juvenile

Felony	Misdemeanor	Violation – Offender	Violation – Non-offender
65.9%	26.1%	4.6%	1.7%

(Washington State 2020 Juvenile Detention Annual Report)

Figure 4

Race and Gender Numbers for King County Juvenile

White Boys	White Girls	Latinx Boys	Latinx Girls	Black Boys	Black Girls	Asian/PI Boys	Asian/PI Girls
17.7%	8.0%	15.8%	5.3%	30.1%	12.0%	6.7%	0%

(Washington State 2020 Juvenile Detention Annual Report)

In both counties, felonies represent the majority of offenses for which juveniles are detained. This is a significant finding because it demonstrates that most juveniles are not being detained for reasons of misdemeanor violations, truancy violations, or chemical dependency. The majority of juveniles detained are alleged to have committed more severe offenses for which detention might be viewed as more reasonable. Troubling, however, is the fact that boys represent an overwhelming majority of alleged offenders. More troubling still is the fact that Black and Latinx boys comprise a majority of juveniles detained. This overrepresentation

dovetails with the overrepresentation of boys of color who receive special education services in schools. It points to a systemic link between the treatment of racial and gender biases in both schools and the juvenile justice facilities.

Based upon the most recent numbers available, Pierce County Juvenile Detention Center (Remann Hall) has six students and three teachers (who are contracted with Tacoma Public Schools) (National Center for Education Statistics 2021-2022). While this number may appear impressive, it does not consider the students who may be detained in excess of 10 days, but who are not considered “long-term” detainees. Thus, the number is relative to a transient population of students who may remain detained for over 10 days for reasons involving lack of placement options (such as foster families, group homes, or other juvenile facilities). On the other hand, King County Juvenile Detention Center (Interagency School) has 14 students and no teacher (National Center for Education Statistics 2021-2022).

There are 22 juvenile detention facilities (generally 7-10 days) and three juvenile correction facilities (generally 6+ months) operating in Washington State.

Figure 5

Offense Numbers for Washington State Juveniles

Felony	Misdemeanor	Violation – Offender	Violation – Non-offender
43.6%	34%	11.6%	3.6%

(Washington State 2020 Juvenile Detention Annual Report)

Figure 6

Race and Gender Numbers for Washington State Juveniles

White Boys	White Girls	Latinx Boys	Latinx Girls	Black Boys	Black Girls	Asian/PI Boys	Asian/PI Girls
34.1%	15.0%	20%	7.2%	10.3%	3.3%	3.9%	1.6%

(Washington State 2020 Juvenile Detention Annual Report)

Felonious offenses make up the majority of offenses for which juveniles are detained in

the state. However, it is troubling that almost 12% of detained juveniles are alleged to have committed violations, not felonies or misdemeanors. Holding such a high number of juveniles for violations is a concerning trend that further compromises the education of disabled children. Boys, particularly boys of color, who are also overrepresented in the state's detainee numbers. Again, these numbers point to a systemic link between the treatment of racial and gender biases in special education and juvenile justice.

It is estimated that between 30-80% of juvenile offenders have special education needs, with the majority qualifying in the disability categories of EBD (emotional behavioral disorder) and SLD (specific learning disability). The number of disabled children in the juvenile justice system is estimated to be 7 times higher than the number in the school system (National Evaluation and Technical Assistance Center 2014). These numbers suggest that there exists an overwhelming overrepresentation of disabled children in the juvenile justice system.

Importance

“Your honor,” said I, “may my client’s handcuffs and shackles be removed?” That is how I learned to start every hearing. Then, I waited for the sound of the shuffle of a child’s freed hands and feet. This was my picture of the juvenile justice system. And somehow, in the middle of this nightmare, a kid was supposed to keep learning. Herein lay the problem. Most kids I worked with had special learning needs; some qualified for special education services and far more would have likely qualified, except for the fact that they had never been in one school long enough for a teacher to refer them for identification. These kids were “multi-system youth.” They had lived in foster or group homes and in juvie. In Washington State, 43.9% of justice-involved youth have been referred to CPS or placed outside of the home (Washington Courts 2010). Familial neglect and abuse are a common thread between dependency and delinquency. And I, having left a special education teaching career to pursue a career in special education law,

was passionate about helping kids in these two systems.

Now that I am back in the special education teaching field, I remain passionate about helping kids in the dependency and delinquency systems, particularly those who are on the delinquency side. In the future, I anticipate working again with EBD students in a self-contained classroom or teaching in a juvenile detention facility. My knowledge of special education in the juvenile justice system will be key to my ability to effectively educate and advocate for my students.

The school-to-prison pipeline is flowing fast. Children are being pumped into the adult penal system at an alarming rate. Many of these children have disabilities. If the community can provide comprehensive special education services to these children while they are in juvenile justice facilities, research suggests that it can decrease the rate of criminal recidivism and thereby decrease numbers in the adult penal system (Breaking the School-to-Prison Pipeline for Students with Disabilities, National Council on Disability, 2015).

Purpose

My purpose in undertaking this project is to demonstrate weaknesses in the delivery of special education in the juvenile justice system in order to effect statewide legislative changes in special education policy directed at justice-involved youth.

Focal Questions

My focal questions for this paper include:

1. What does research demonstrate about the level of compliance with special education legal authority in juvenile justice facilities?
2. What does research demonstrate about the types of transition services back into school that are available to youth after being detained in juvenile detention facilities?
3. What does research demonstrate about the recidivism rates for disabled youth?

Literature Review

The focal problem of my culminating project is the improvement of special education services in the juvenile justice system. First, Disability Studies and Critical Race Theory, called DisCrit and its informing theories, is explored in order to understand the context of the intersection between special education and the juvenile justice system. Second, the research around three areas of inquiry is pursued in an effort to gain a comprehensive understanding of the current state of special education in the juvenile justice system and where it can be improved. These include compliance with special education legal authority in juvenile justice facilities, transition services for youth re-integrating back into school after being detained in juvenile detention facilities, and recidivism rates.

Theory

At the heart of this review is the theory of DisCrit: Critical Race Theory (CRT) and Disability Studies (DS) combined to make Disability Critical Race Theory. Derrick Bell, a lawyer, founded CRT “when the Critical Legal Studies movement was critiquing the legal system based on class, but simultaneously ignoring racialized aspects of the law” (Annamma, 2014, see also Crenshaw (1993)). Out of CRT, “DisCrit grew from the need to address the mutually constitutive nature of race and ability” (2014). It abandoned the medical model of disability and pinpointed the evils of ableism, just as CRT pinpointed the evils of racism. A disproportionate number of students in both special education and in the juvenile justice system are boys of color. This fact not only goes to the issue of disproportionate representation (due to the gold standard of whiteness and able-bodiedness), but it also goes to the lack of special education compliance in the juvenile justice system and the lack of transition services for youth re-entering schools after being detained (Yang, et al., 2019).

Cheryl I. Harris introduced the concept of the property value of whiteness in her

historical article in the Harvard Law Journal in 1993 (Harris, 1993, see also Annamma et al. (2015)). In her article, she stated that whiteness is a property right held in the United States. This property right comes with a value, a monetary value (1993). It bleeds over into the special education and the juvenile justice systems, especially when it comes to boys of color (2019). In order to understand the barriers that boys of color face in the special education and juvenile justice systems, one must understand the history of the property of whiteness (2019). As much as males are impacted by this trend, so too are girls of color (Annamma et al., 2019). According to Annamma et al., girls of color are overrepresented in the juvenile justice system yet understudied (2019).

Special educator and professor Subini Annamma would argue that ability also has a monetary value; that it, too, is a valued property. Annamma et al. introduced the theory of DisCrit in a 2013 article entitled “Dis/ability Critical Race Studies (DisCrit): Theorizing at the Intersections of Race and Dis/ability,” arguing that disability in schools is an equity issue, not merely a special education issue. In this study, Annamma et al. posited 7 tenets of DisCrit:

- (1) DisCrit focuses on ways that the forces of racism and ableism circulate interdependently, often in neutralized and invisible ways, to uphold notions of normalcy.
- (2) DisCrit values multidimensional identities and troubles singular notions of identity such as race *or* dis/ability *or* class *or* gender *or* sexuality, and so on.
- (3) DisCrit emphasizes the social constructions of race and ability and yet recognizes the material and psychological impacts of being labeled as raced or dis/abled, which sets one outside of the western cultural norms.
- (4) DisCrit privileges voices of marginalized populations, traditionally not acknowledged within research.

(5) DisCrit considers legal and historical aspects of dis/ability and race and how both have been used separately and together to deny the rights of some citizens.

(6) DisCrit recognizes whiteness and Ability and Property and that gains for people labeled with dis/abilities have largely been made as the result of interest convergence of white, middle-class citizens.

(7) DisCrit requires activism and supports all forms of resistance. (11)

In this literature review, I have considered these seven tenets in examining each of my three themes.

Special Education Legal Compliance in the Juvenile Justice System

In this section, I examine the research on special education legal compliance in the juvenile justice system. A lot of research demonstrates that legal compliance is lacking in the juvenile justice system, particularly for racially minoritized groups. Issues of Child Find and least restrictive environment are particularly prevalent in juvenile justice facilities, along with adequate testing and individualized education programs. Some of this can be blamed on the length of time it takes detention and correction facilities to obtain school academic records.

In Burke's et al. (2016) case study of 8 probation officers in the Advocacy Unit of a juvenile justice center set out to establish the special education advocacy roles that probation officers (POs) can take on to further assist their clients who have special learning needs. The article notes that there are four main types of advocacy in special education: intuitive, expert, agent for systematic change, and strategists. Most of the POs in the study tended to take on the strategist advocacy type. As such, they maintained an assertive, but respectful, communication with the school and with families. Additionally, they sought the help of attorneys in situations such as school suspension or expulsion hearings.

Burke et al. used a qualitative phenomenological approach, incorporating information

sheets and interviews into their data collection process. In order to develop the interview questions, a draft was completed and given to professionals in the juvenile justice system for feedback. Once the question protocol was revised, the information sheet and the interview questions were improved by the juvenile justice center's review board, along with a juvenile justice judge. Additionally, constant comparative analysis was used to code themes discovered in the interview process. First, it was demonstrated that an accurate paper trail is one of the best methods to holding schools accountable for juveniles' special education needs. Additionally, collaboration with stakeholders, using an assertive approach, and the use of creative strategies all were found to be good strategies for advocacy. It was also discovered that two drawbacks to good advocacy were advanced: student age and lack of parental approval or involvement. Both of these presented considerable barriers to the PO advocates. This article emphasized the role that POs could take in advocating for justice-involved youth with special education needs. The article discussed the four types of special education advocacy and the two main barriers to effective advocacy.

Burke et al. examined the outcome of court-involved youth with and without disabilities. The authors focus particularly on disabled youth adjudicated as delinquent and placed in juvenile justice facilities. According to the article, youth who are racially minoritized, of lower socioeconomic status, and/or who have disabilities are disproportionately represented in juvenile justice facilities. Youth with disabilities are particularly overrepresented in juvenile correctional facilities (longer-term facilities). The authors postulated three theories about this overrepresentation. First, there is a period of disengagement and delinquency following youths' school failure. Second, there may be cognitive and interpersonal differences related to youths' disabilities. Third, there may be differential treatment of individuals with disabilities by agents in the juvenile justice system. The authors took information from the Minnesota Department of

Education's Minnesota Automated Reporting Student System and the Minnesota Court Information System State Court Administrator's Office for all youth in the state from 2008-2012. Link Plus, a probabilistic matching program, was used to match cases across data systems. The matches were 99.4% accurate.

Burke et al. sampled 41,812 students, of whom 64% were male, and 70% were white, 17% were Black, and 8% were Latinx, 16% were diagnosed with a specific learning disability, and 16% were diagnosed with an emotional behavioral disorder. Logistic and linear regression models were used to address the research questions: 1) Are youth with disabilities more likely to receive a more restrictive adjudication and 2) For youth adjudicated delinquent and committed to a facility, do youth with disabilities received a longer commitment? The authors found that 44.2% of youth with disabilities were adjudicated delinquent, as compared to 44% of youth without disabilities. Thus, neither disability status nor disability category had a significant impact on adjudication as delinquent and subsequent placement options. The authors of this article found that no significant disproportionately existed between students with and without disabilities in the adjudication and delinquency and the placement options stemming from that adjudication. This finding goes in direct opposition to findings in multiple other sources, but it is an interesting study to consider in light of all the other studies that oppose it. This reader cannot decipher any questions or approach so different from other studies that would render the results of this study different from the rest.

In contrast, Mendoza et al. (2020) focused on the number of arrests that stem from school accounts, which make up a huge proportion of overall arrests. The authors focused on the fact that 16% of Black youth receive one or more school suspensions and 3.2% Latinx students receive one or more school suspensions, while white students received only 5% or fewer school suspensions. These numbers show immense disproportionately. Mendoza et al. posited three

theories to explain the discrepancies. First, the classroom and office process. Second, representativeness of faculty and students. Third, relationship to achievement and school climate. While approximately 7% of students are suspended, 15% of special education students are suspended. The purpose of this study is to examine adolescent risk factors for juvenile justice contact through an intersectional lens considering disabilities, race, and gender. The authors relied upon three state and two national databases, including the Texas Education Agency, Public Education Information Management System, Academic Excellence Indicator System, Texas Juvenile Probation Commission, U.S. Department of Agriculture, and American Fact Finder.

In Mendoza's et al. study, males comprised 51% of the youth studied, and 39% of youth identified as Latinx, 14% identified as Black, and 43% identified as white. In total, 3,941,535 students were available for analysis. The authors found that youth who were disciplined in the previous year were much more likely to encounter the juvenile justice system in the subsequent year. Students diagnosed with an emotional behavioral disorder were also more likely to come into contact with the juvenile justice system. And, Latinx students with learning disabilities were also at an increased risk. This study demonstrated that student with special education needs, particularly those of racially minoritized groups, were at an increased likelihood to come into contact with the juvenile justice system sometime during their school careers. These findings support the findings of other studies which reached similar conclusions (Miner et al.).

Similar to Mendoza et al., in an article by Miner et al. (2018) the relationship between race and ethnicity, school discipline practices, and juvenile justice referral in schools was examined. Data were collected from Texas Academic Excellence Indicator System (EAIS), Public Education Information Management System (PEIMS), and Texas Juvenile Probation Commission (TJPC). The study examined discipline rates among racially minoritized groups in urban, suburban, and rural schools. Urban schools were found to have the most restrictive

discipline policies.

As noted by Mendoza et al. above, urban schools were the strictest and the race/ethnicity of the students were related to juvenile justice referrals. Disparities were noted. Additionally, age did not appear to be a protective factor in Texas schools. Elementary and middle school schools were also referred to the juvenile justice system. Student-teacher racial disparities also added to referrals. The cultural synchronicity hypothesis, which holds that cultural disparities among students and teachers, can account for more referrals. Suburban and rural schools tended to have higher referral rates the more racially and ethnically minoritized were enrolled in the schools (Mendoza et al.; Miner et al.).

On the other hand, Prince et al. (2020) took a different approach (Kincaid et al.; Shifrer et al.; Mallet et al.). They postulated that between 40-70% of justice-involved youth have special education needs. And, all students with special education needs have the right to special services in juvenile detention and correctional facilities. State educational agencies (SEAs) are responsible for providing these services. The authors begin their article with two main research questions. First, to what degree does litigation address the educational needs of students with disabilities? Second, what is the likelihood of a family successfully pursuing their special services claim? Prince et al. relied upon the LRP's Special Education Connection databased to yield case citations in the IDEA Law Reports. The authors looked at cases occurring between 1998-2017. The Detained Youth Dear Colleague Rubric was used to analyze 37 cases. Ultimately, the authors declared that litigation may be a necessary part of securing FAPE in juvenile justice facilities. This is particularly true in cases involving due process protections and placement in the least restrictive environment (LRE). This fact left the authors to conclude that federal agencies may need to provide policies, funds, and reinforcement of mandates. State agencies may need to provide infrastructure, resources, and technical assistance. Local agencies

may need to implement effective practices shown to improve outcomes for disabled youth who are detained. This article deals with recent court cases in which FAPE, due process, and LRE were all prominent issues among lawsuits against juvenile justice facilities. The authors offer possible national, state, and local solutions to help ease the burden on the courts and more importantly, provide justice-involved youth with the special services to which they are entitled with the goal of helping to end recidivism and encourage transition back into school post-release.

Similar to Prince et al., Kincaid et al. (2019) estimated that as many as 85% of youth in the juvenile justice system have disabilities. The 1998 reauthorization of the Juvenile Justice and Delinquency Prevention Act codified concerns about DMC (disproportionate minority contact), requiring states to report annually on racial/ethnic minorities in confinement. This law was expanded to include 9 points of contact: arrest, referral to county attorney, diversion by county attorney, detention, petition to juvenile court, adjudication as a delinquent, probation, placement out of home, and transfer to adult court system. Kincaid et al. referenced the Minnesota Linking Information for Kids administrative records from state departments of education and courts. The number of youths involved with court cases was 41,812. The overrepresentation of youth with disabilities remains a huge problem because of the negative consequences of involvement. Students with disabilities were at a greater risk for court referral, especially from school referral. Students with disabilities were 50% more likely to receive a higher degree of offense than students without disabilities (Prince et al.; Shirer et al.; Mallet et al.).

As did both Prince et al. and Kincaid et al. above find disproportionate representation among Black and Brown youth, so did Shifrer et al. (2018). Shifrer et al. found that there is a disproportionate number of racially and ethnically minoritized youth diagnosed with learning disabilities. This may be due to the fact that classification processes are inconsistent among schools. It may also have to do with youth who are linguistically minoritized, those students who

have yet to master English. This may be the case despite the fact that language barriers are not supposed to enter into specific learning disability (SLD) diagnosis criteria; they are supposed to be clinically irrelevant. Peers and their performance may also factor into placement in special education, depending on the advanced levels of the peers around the subject student. If racially minoritized youth are disproportionately represented in special education, it might be because they attend school with more white students. Minoritized children are less likely to qualify for special services in schools with a majority of minoritized students. Shifrer et al. used the National Center for Education Statistics (NCES) database to look at 11,670 adolescents in 546 schools around the country. About 6% of students were classified as learning disabled. NOTE: This study only looked at students receiving services under the category of learning disabled.

Shifrer's et al. study found that males from racially minoritized groups were the most likely to receive learning disability classification (8-11%). The study also found that special education may not improve learning outcomes for already-disadvantaged youth, leading to the conclusion that special education placement may only reproduce disadvantage. Additionally, even though "cultural factors" and "economic disadvantage" cannot be considered in diagnosing learning disabilities, it is unclear whether diagnostic criteria make such distinctions.

Mallett et al. (2011) argues that youth with disabilities are at risk for earlier juvenile court involvement and longer probation supervision. Children with disabilities range from 28-43%. Learning disabilities and emotional disorders are most prevalent in the juvenile justice system. Youths with unidentified disabilities may be especially at risk for juvenile justice contact. Also, youths with learning disabilities and emotional disorders are at a greater risk of being arrested while in school and in one year after their schooling ends.

Mallet's et al. retrospective study utilized youth and family records tracked over a three-year timeline. The records were provided by two different Ohio county juvenile courts. A total of

430 were included in the sample size: 306 youth from the first county and 124 youth from the second county. The majority of the youth in this study were male and minoritized (15.8 mean age and 62.1 Black). Multivariate analysis of covariance was used to evaluate the relationship between the two dependent variables of age and probation length. Of the 430 youth in the study, 26.5 had special education disabilities. Having a disability had an effect on both of the dependent variables (age and probation length). School social workers and juvenile courts can take action toward prevention and also toward intervention. One prevention could be Promoting Alternative Thinking Strategies (PATHS). As for intervention, knowing that youth have disabilities and may, therefore, be at risk, can help probation officers, judges, and school personnel plan and coordinate. Such measures could take the form of wraparound services and school-wide system approaches for youth with behavioral difficulties.

Mallett et al. (2009), taking a slightly different tact than those above, approached service delivery for at-risk youth is through four distinct systems: a) special education, b) mental health and substance abuse, c) juvenile justice, and d) child welfare. Anywhere from 33-41% of youth in the juvenile justice system have special education needs. Research has found that disability identification, treatment, and diversion from punitive outcomes helps many youth in the juvenile justice system discontinue offending and decrease recidivism. Two questions were asked: a) how many adjudicated youth had disabilities and b) what were the outcomes for incarcerated youth versus non-incarcerated youth. This study used a randomized sample of 397 youth in Ohio. A majority of the youth were Black (70.6%), male (79.8%), and poor (72.4%). Additionally, 32.5% had a special education disability. The study found that youth with disabilities needed multiple social policy systems to meet their needs. This included youth both detained and in community service placements.

Taking a different approach and focusing more on the school-to-prison pipeline, Morgan

et al. (2017), states that minority disproportionate representation (MDR) may be linked to misidentification based on race and ethnicity, meaning biased and discriminatory identification procedures. ERIC, PsychINFO, Web of Science, and PubMed were searched to identify disproportionate representation. A total of 89 studies were included. The study found, at best, that minoritized overrepresentation in special education based on misidentification was modest. In fact, underrepresentation may be the case... Overrepresentation of these children did not seem linked to race or ethnicity. Underrepresentation could occur because racially and ethnically diverse students in urban schools may have a large majority of racially and ethnically minoritized youth.

Similar to Morgan, Annamma et al. (2019), states that the school-to-prison pipeline (STPP) disproportionately impacts students of color through disciplinary actions and increased police presence. Intersectional analysis, one that recognizes oppressions do not occur in isolation and instead are mutually constituted, interrogates how justice can be both gendered and raced (Crenshaw, 1993). A qualitative study of 10 girls of color diagnosed with emotional disabilities was undertaken by collecting and analyzing textual (interviews) and visual (identity mapping) narratives. Data was collected at MLK and Hull, both residential facilities in the Juvenile Justice Department (in a larger state in the U.S.). At Hull, 26 of the 40 girls were Black and 19 had disabilities. At MLK, 29 of 55 detainees had disabilities and 23 were of color. Of the 10 female participants, 6 were Black, 3 Latinx, and 1 Native American. They ranged in age from 14-20. Only 2 of the students committed criminal offenses, the other 8 girls committed statutory offenses such as drinking, running away, and truancy. Two major themes came to light in this study. First, there were issues with disability labels in the Pipeline. Second, there were issues with socializing practices in juvenile incarceration. They affected the way in which girls saw themselves. Plus, socializing practices in the juvenile system took precedence over the girls'

academic needs.

In the foregoing section, I explored the issues surrounding the research on the lack of compliance in special education law in juvenile justice facilities. Racially and ethnically minoritized youth take the brunt of the institutions' failures and the system needs to improve to bolster special education identification, education, and transition services.

The Importance of Transition Services

In this section, I examine the research on transition services available to post-release juveniles once they leave detention or correction facilities. As will become clear below, transition services have a huge impact on students' rates of graduation, post-secondary education, and recidivism.

A case study by Cavendish (2014) examined the academic attainment of students both with and without disabilities during commitment and post-release. The study concerned itself with the fact that poor academic performance has been linked to a greater probability of dropping out of school and higher rates of delinquency and arrest. Research questions pertained to academic attainment outcomes in disabled versus non-disabled youth and how academic attainment during commitment related to overall educational outcomes for disabled and non-disabled youth. Participants comprising 4,066 students released from Florida's juvenile justice commitment programs in 2000-2001 were drawn from an integrated longitudinal database for youth arrested and committed to residential facilities.

In Cavendish's study, youth were all 14 years of age or older and all qualified as either learning disabled or emotionally behaviorally disordered or non-disabled. Males comprised 86% of the sample, and Black youth comprised 45%, Latinx youth comprised 7%, and white youth comprised 47%. Predictor variables were selected from the data sets, including youth characteristics, educational characteristics, offense-related characteristics, and academic

attainment during commitment. Transition outcome variables included return to school, school attendance, and diploma. Using ANCOVA and binomial logistic regression analysis, predictor variables and transition outcome variables were analyzed. White youth and youth without disabilities were the majority of diploma recipients in juvenile correction facilities. Interestingly, youth with learning disabilities and emotional behavioral disorders returned to school in the greatest numbers post-release. However, older youth were less likely to return to school post-release. In all, 44% of youth return to school post-release. This article highlights the fact that age and special education status impact return to school post-release, thereby impacting high school diploma attainment. Interestingly, younger students and those with learning disabilities and emotional behavioral disorders are the most likely to return to school post-release.

Taking a different approach than Cavendish, but examining similar subject-matter, Sinclair et al. (2017) began by noting that students with special needs receive 7-7.5 hours of services in juvenile correctional facilities versus students with special needs in regular schools who receive 19-19.5 hours of services. This article sets out to analyze the perceptions of high school personnel about students returning from the juvenile justice system. Three research questions guided the inquiry. First, what are school personnel's perceptions of youth with disabilities returning to school after release? Second, what is the level of transition services offered to youth with disabilities post-release? Third, is the school environment supportive of school personnel supportive of post-release students?

Sinclair et al. sampled 283 high school education and community professionals. The authors utilized the National Secondary Transition Technical Assistance Center and the IDEA Partnership's Community of Practice on Transition to gain their sample. Among members of the sample, 25.8% were transition specialists, 23.3% were special education teachers, 22.3% were school staff, 15.2% were school administrators, 12.4% were community professionals, and 1.1%

were general education teachers. The authors used multiple scales to assess the sample's perceptions, including the perceptions of students' scale, perceptions of adult success scale, teacher efficacy scale, predictors of post-school success scale, and creating a great place to learn scale. A 124-item specific survey was also created to question personnel about their perceptions of post-release juveniles.

In Sinclair's et al. study, in the juvenile offender's skills, self-management, empathy, social skills, and self-advocacy skills were found to be low (Cavendish et al.; Clark et al.; Hagner et al.). On the juvenile offenders' future achievement, school personnel stated only 3.6% of youth were likely to graduate from college; only 6.1% of youth were likely to stay out of legal trouble; and only 6.4% of youth were likely to become financially secure. On the juvenile offender's external influences scale, housing issues affected 97.9% of youth, poverty affected 90.1% of youth, and home environment issues impacted 98.3% of youth. On the juvenile offender behavior scale, tardiness, attendance, dropping out, cutting class, physical conflicts, verbal aggression, robbery or theft, alcohol use, drug use, disrespect for teachers, confrontation with administrators, and motivation were adjudged to be issues 90% of the time. On the juvenile offender academic performance scale, performance below grade level, low reading levels, lack of assignment completion, employment readiness skills, lack of leaning strategies, and credit deficits were all found to be issues approximately 90% of the time. Finally, the juvenile offender teacher efficacy scale demonstrated that approximately 95% of teachers agreed that they were well-prepared to work with post-release students, and that they were able to make a significant difference in their lives.

As Cavendish and Sinclair before, Clark et al. (2011) examined the effect of basic versus enhanced transition services on recidivism of youth with disabilities in juvenile detention. Studies demonstrate that youth with disabilities were 64% less likely to recidivate if they

received enhanced transition services. The rate of juveniles with disabilities in detention is 4 times higher than the national average in the regular school populations. While IDEA requires juvenile detention centers to provide for special education needs, transition services for youth leaving detention is almost nonexistent (2011). This is because it is extremely complex and difficult to navigate. The transition specialist should a) conduct pre-release planning, b) locate community services that address special needs, c) target permanent housing, d) locate services in the community of the youth's release, e) ensure access to mental health and substance abuse treatment, f) recognize the diverse needs of youth, g) provide workforce preparation, employment, and school attendance, and h) ensure better use of youth's leisure time.

Clark et al. conducted the study at two county-level juvenile detention centers in a Southwestern state. There were 4,809 youth studied, between the ages of 8 to 17. Detained youth received 240 minutes of classroom instruction per day, for a minimum of 225 days per year. Each detention center had one special education teacher. There were also two transition specialists who worked at the two detention centers. When entering the detention center, each youth with disabilities was randomly placed into the enhanced transition group or in the basic transition group. There were 144 students total who participated. All were 14 years or older. In all, the treatment group consisted of 68 students after some students were weeded out. There were 62 males and 6 females. There were 37 students identified with LD and 31 identified with EBD, the 68 youth in the enhanced treatment group met regularly with their transition specialist and were provided with enhanced services. After 30 days, students in the enhanced transition group were at a 64% lower chance of recidivism than their basic transition counterparts. At 45 days, the chances appeared to even out considerably. Interestingly, however, the likelihood to recidivate reduced the older the students were.

Finally, Hagner et al. (2008) estimated that youth with disabilities range from 40% to

70%. About 86% of detained youth are males. An estimated 43% of youth exiting youth detention centers without a high school diploma never re-enter school (Cavendish et al.; Sinclair et al.; Clark et al.). Project Rehabilitation, Empowerment, Natural supports, Education and Work (RENEW) is a program for youth with mental health and behavioral disabilities. It reported high school completion rates of 94%, employment rates of 83%, and postsecondary involvement of 78%. RENEW involves a) person-centered planning, b) support for high school completion, c) career preparation, d) interagency coordination, and e) mentoring and social support. Participants in this study ranged in age from 14-17, were special education eligible, and had been removed from their school and residence for at least two weeks due to delinquency. While the project began with 40 youth, seven dropped out before person-centered planning could occur. Of the initial 40, at the end of the program, 21 re-entered the community and did not re-offend. To collect data on the program, interviews were conducted by an external evaluator and a doctoral student. Interviews were semi-structured and lasted 20-30 minutes. Person-centered planning allowed successful participants to formulate positive goals and structure their time in the community. Of the 21 participants who successfully re-entered the community, 42.9% returned to their neighborhood high schools, 38.1% studied for the GED, and 19% obtained employment without pursuing a degree.

The importance of transition services cannot be overstated. Good transition services help students stay in school, seek post-secondary education, and find jobs. Perhaps most importantly, they help to prevent recidivism rates among youth touched by the juvenile justice system.

The Problem of Recidivism

In this section, I examine the research around the problem of recidivism. Many juvenile offenders recidivate, particularly those who have contact with juvenile justice at a younger age, and those who do not transition back into school. The best way to prevent juvenile recidivism

appears to be enhanced treatment for juvenile inmates: mental health counseling, intense education, and job counseling.

A study by Ho et al. (2020) examined the recidivism rates among justice-involved youth with special education needs. The focus of the authors was on post-release educational and transition supports in order to support special needs youth in not committing further criminal behavior. Specifically, the authors posited that special attention needs to be paid to youth's social, cognitive, and life skills post-release. The study's authors used a sample of 2,071 youth with special education needs adjudicated to Indiana's juvenile correctional facilities between 2009-2015. Males comprised 87% of the population, and the average age of youth was 15-17 years old. White youth comprised 53.2%, Black youth comprised 36.3%, and Latinx youth comprised 4.2%. Data were collected from the Indiana Department of Corrections (IDOC). IDOC provided admission, release, and recidivism data for the present study. The data were subjected to univariate analysis in order to explore recidivism rates, and the data were subjected to bivariate analysis to address the time between release and recidivism. Logistical multiple regression analysis was used to test the authors' hypothesis that higher levels of education relate to lower odds of recidivism. The study found that 37.6% of youth with special education needs experienced recidivism post-release. Further, males, Black youth, and younger juveniles, all in special education, were most likely to experience recidivism. Additionally, Ho et al. found that the educational level of youth did not have a significance impact on post-release recidivism. This article addresses the fact that youth with special education needs experience recidivism 37.6% of the time. Males, Black youth, and younger youth had higher recidivism rates. Additionally, education level was not found to have a significant impact on recidivism rates.

Getting similar findings to Ho et al., but using structural equation modeling, Mallett et al. (2022) analyzed the measured variables and latent constructs of the National Longitudinal Study

of Adolescent to Adult Health (Add Health), comparing youth with and without disabilities. One finding was that Latinx males were most likely to encounter juvenile delinquency. Another finding was that Black youth incarcerated as juveniles were more likely to be incarcerated as adults. This may be, in part, because youth of color are at greater risk of being diagnosed with special learning needs and being placed in restricted classrooms. According to the authors, Black and Latinx students are 20-40% more likely to be diagnosed with and involved in special education than their white peers. Additionally, students with learning disabilities are twice as likely to be suspended from school. The disparity is worse for youth of color. The authors relied upon the Add Health longitudinal study which looked at over 20,000 7th-12th graders during the 1994-1995 school year. Five waves of data were collected on these students, up through 2016. Because of the time of the publication of this article, only the first four waves of the study were examined. The authors looked at the data to determine demographic variables, learning disabilities, school discipline and exclusion, delinquent behaviors, juvenile incarceration, adult criminal activity, and adult incarceration. A multivariate statistical analysis technique was utilized, this included a combination of factor analysis and multiple regression analysis. The study was comprised of 16.4% learning disabled youth, and the authors found that gender and poverty were significantly related to learning disabilities. Additionally, the authors of the study found that youth with disabilities were 4.303 less likely to get any college education than their non-disabled peers.

Ultimately, Mallet's et al. study found that youth with learning disabilities are significantly more likely to experience juvenile and adult incarceration than their non-disabled peers (Ho et al.; Zhang et al.; Unruh et al.). Additionally, there are racial differences in the learning disability-to-prison pipeline. Black youth are significantly more likely to be suspended or expelled during their school years, particularly Black youth with learning disabilities. The

authors postulate that “structural racism” contributes to the disproportionality of Black youth at each stage of the juvenile justice system. In fact, among Black youth, race is more important a predictor of adult incarceration than is learning disability status. This article demonstrates that learning disabled students do, in fact, have more contact with the juvenile justice system than their non-disabled peers. Further, Black youth with disabilities are at an even greater disadvantage. Perhaps more so from the color of their skin than their disability status

Even more disturbing, Zhang et al. (2011), youth within juvenile justice facilities often do not receive the special education services to which they are entitled, particularly when it comes to transition services. Are students with or without disabilities more likely to re-offend? Data was collected from South Carolina’s Department of Juvenile Justice Management Information System. The sample group consisted of 100,995 youth. There were 5,016 youth with disabilities. Of the 5,016 youth with disabilities, 59.11% were Black and 40.89% were white, 89.68% were male and 18.32% were female. It took 2.75 years for youth with disabilities to re-offend, versus 7 years for youth without disabilities to re-offend.

In another study by Zhang et al. (2011), it was found that a particularly vulnerable group in juvenile delinquency is youth with disabilities. Because few federal, state, or local agencies keep track of disabled youth in the juvenile justice system, only estimates are available, and they range in number between less than 10% to over 90%. Previous research has shown that academic achievement is an important factor in combatting delinquency and recidivism. Recidivism has also been linked to age at first arrest, ethnicity, drug use, and adverse family experiences. Data was drawn from the South Carolina Department of Juvenile Justice Management Information System. Students were picked based upon their disability status, bringing the number from 100,955 to 5,015 (8.85%), slightly lower than state or national averages. Besides looking at age of first referral, severity of first referral, family delinquency history, and drug use history, the

study also looked at gender, ethnicity, and family income. Structured equation modeling (SEM) was used to analyze the data. This allowed for observed variables and latent variables to be estimated simultaneously. Black males with disabilities who were from families with delinquency histories were more likely to have more referrals, adjudications, determinate commitments, and probations. Schools need to have preventive strategies that target students with disabilities who fall in the higher risk groups at an age earlier than 14. Schools might also consider starting transition services at an age younger than 14 to help students develop a meaningful vision for their future adult lives.

According to research by Unruh et al. (2009), in treatment planning, youth with disabilities in the juvenile justice system are overlooked when it comes to implementation of and adherence to special education transition policies. Thus, dismal results often occur for released disabled youth as compared to their non-disabled peers. Transition services for detained youth must link the correctional facility, school, employment, family, and independent living in the community – which is rarely done. This study measures the effectiveness of Oregon’s state-wide re-entry intervention targeting youth with disabilities. Project SUPPORT (Service Utilization to Promote the Positive Rehabilitation and Community Transition of Incarcerated Youth with Disabilities) is the name of this program. The questions the article seeks to answer are a) what are the recidivism rates of project participants after 36 months, b) what participant characteristics, intervention features, or combination of factors, predict a youth remaining in the community and not recidivating.

Unruh’s et al. study incorporated 320 project participants and the average age of entry was 17.4 years. The study included 260 males and 60 females; 94 youth were racially minoritized and 220 were white. Two-thirds of study participants were adjudicated at age 14 or younger. Study predictor variables were divided into three domains: a) demographic

characteristics, b) measures of social adjustment, and c) positive community adjustment indicators. The outcome variable for the study was recidivism. Students with disabilities recidivated less after going through the SUPPORTS Program, only 15% to be exact. However, males and individuals with a history of running away from home or placement were at a higher rate of recidivism. Interestingly, those youth who received mental health therapy prior to entering juvenile detention facilities were at a smaller chance of recidivating.

On a different, but similar note, Hong et al. (2013) approached this study hypothesizing that the criminal propensity theory (which focuses on factors that may place youth at risk for recidivism) or the social control theory (which focus on mechanisms of social control that contribute to criminal resistance) may be the answers for youth recidivism levels. The authors also focused on the dynamic and static risk factors for youth recidivism. Dynamic factors would include characteristics that can be changed, such as substance use and mental health issues. Static issues would include characteristics such as age, gender, race, and special education status. This article studied 756 youth detained in juvenile detention centers in Illinois between 2004-2009. The Detention Intake Screening Instrument was employed to gather scores on presenting offense, prior contacts, prior convictions, and aggravating and mitigating factors. Males represented 73.7% of youth, Black youth represented 71.7% and white youth represented 25.1%. Youth receiving special education services were 2.11 times more likely to be re-arrested than their non-special education counterparts. Interestingly, Black youth were found to be less likely to recidivate than their white counterparts. However, Black youth were still overrepresented in the juvenile justice system. The study also found that many juvenile correctional facilities do not comply with the Individuals with Disabilities Education Act (IDEA). This study demonstrates that students with special education needs are more than twice as likely than their non-disabled peers to recidivate in the criminal justice system. Further, males and Black youth are

overrepresented in the population. This study tends to support other studies that demonstrate similar findings.

Similarly, Kim et al. (2021) examined the theoretical pathways for the special education-to-prison pipeline. Theory one, the school failure theory, postulated that when youth struggle academically, they are more likely to leave school and become involved in delinquency. The second theory, susceptibility theory, postulated that characteristics of disabling conditions, such as low impulse control, irritability, and poor problem-solving skills, contribute to delinquency. Theory three, the differential treatment theory, suggests that students with special education needs experience more punitive treatment across the school and juvenile justice systems. As a basis for this theory, the authors point out that youth with special education needs are 7 times more likely to be expelled or suspended from school. Data for this study was taken from the Washington State Juvenile Court Assessment for one urban county. The sample included 4,317 assessed between 2003-2012 using Back on Track. Re-offense data was tracked through 2013. Males made up 76.5% of youth, the average youth was aged 15.5 years, and white youth made up 60.5%, Black youth made up 23.5%, Pacific Islander youth made up 7.4%, Latinx youth made up 5.7%, and Native American/Alaskan Native youth made up 3.2%. The study's authors looked at demographics, special education status, mental health problems, self-regulation skills, school exclusions, and recidivism. T-tests and chi-square tests were used to examine the extent to which probation youth with and without disabilities differed on the above characteristics. Hierarchical stepwise regression was also used to examine the unique and cumulative contribution of the above characteristics. The study showed that 39.6% of youth examined had at least one special education-qualifying diagnosis; of that number, 42% had two or more qualifying disabilities.

Additionally, among Kim's et al. sample, 93% of youth with special education needs

received school disciplinary action. Additionally, youth with special education needs had significantly higher numbers of re-offenses, particularly Black youth and male youth. Ultimately, 40% of probation youth had special education needs, compared to 14% of the special education population in schools. This article examined why students with special needs struggle so much in the juvenile justice system, with a focus on successful transition back into school and reduced recidivism rates. The authors concluded that the school failure theory, wherein poor academic performance leads to school dropout and subsequent delinquency, is the ultimate theory on which they settle to explain the special education-to-prison pipeline (Hong et al.).

Conclusion

In this literature review, I examined the research on special education legal compliance, post-release transition programs, and rates of recidivism. What it seems to come down to is that justice-involved youth must receive the special education services for which they qualify (whether they are in custody or in school), and those youth suspected of having disabilities must be identified pursuant to Child Find. Additionally, students who leave detainment must be successfully transitioned back into their schools. In order to do this, they must begin transition services while still detained and then also when they return to school. Finally, in order to lessen recidivism rates among offending youth, education and transition services are the key to helping halt this trend. If youth feel good about themselves and they feel as though they have a change at a successful future, their need to recidivate will diminish.

Action Plan

As we have seen in the literature review, several broad issues exist in the juvenile justice system that serve to greatly impede the educational progress of students with special education needs, particularly those with learning disabilities (LD) and emotional behavioral disorders (EBD). There exist three main themes of concern in today's juvenile justice system relating to

the educational needs of youth. These include 1) Alignment with Special Education Legal Authority; 2) Reduction in Disproportionate Minority Contact; and 3) Reduction in Academic and Mental Health Incidents Among Detained Youth.

In Washington State, the statewide breakdown of juvenile offenders by race and gender is as follows. The numbers below are provided to demonstrate the disproportionality of Black and Latinx males in Washington's juvenile justice system.

Figure 7

Race and Gender Numbers for Washington State Juveniles

	White	Latinx	Black	AI/AN	Asian/PI	Other
Boys	34.1%	20.0%	10.3%	3.9%	2.7%	0.9%
Girls	15.0%	7.2%	3.3%	1.6%	0.5%	0.5%

(Washington State 2020 Juvenile Detention Annual Report)

In King County, the largest urban county in the state which serves the Seattle area, the breakdown of juvenile offenders by race and gender is even more disproportionate than the whole of Washington State.

Figure 8

Race and Gender Numbers for King County Juveniles

	White	Latinx	Black	AI/AN	Asian/PI	Other
Boys	17.7%	15.8%	30.1%	Unknown	6.7%	Unknown
Girls	8.0%	5.3%	12.0%	Unknown	0.0%	Unknown

(Washington State 2020 Juvenile Detention Annual Report)

In Pierce County, another large urban county which serves the Tacoma area, the breakdown of juvenile offenders by race and gender is, again, even more disproportionate than the whole of Washington State.

Figure 9

Race and Gender Numbers for Pierce County Juveniles

	White	Latinx	Black	AI/AN	Asian/PI	Other
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Boys	31.7%	10.6%	27.3%	Unknown	4.1%	Unknown
Girls	9.4%	5.7%	8.9%	Unknown	0.0%	Unknown

(Washington State 2020 Juvenile Detention Annual Report)

In the following subsections, I break down each of the three themes listed above into three tables. In each of these tables, you will find what research recommends, the current state of what Washington State is doing to implement these recommendations, and, finally, what I recommend be done to better comport with the research recommendations.

Alignment with Special Education Legal Authority

Juvenile justice facilities must comply with special education legal authority pursuant to the Individuals with Disabilities Education Act (IDEA), particularly considering the fact that roughly 66% of juveniles in the system have some type of special education need. In order to accomplish helping these students, juvenile justice facilities must require teachers to be endorsed in special education and to utilize evidence-based practices that work with special education students. Juvenile justice facilities must also use facility-wide positive behavior interventions and supports (PBIS), such as routines, breaks, silent signals, proximity, quiet corrections, special tasks, positive phrasing, behavior statements, and tangible reinforcements, to improve and reinforce detainees' behavioral growth and development. Finally, juvenile justice facilities must use interagency or wrap-around services for transitioning youth and they must offer aftercare to support youth against recidivism.

Table 1

Alignment with Special Education Legal Authority

What research says:	What Washington State is doing:	What I recommend:
Research says that teachers in juvenile detention/correction facilities must be well-trained in evidence-based academic and behavioral interventions.	Washington State does not require its teachers in juvenile justice facilities to be endorsed in special education. Further, teachers, regardless	I recommend that the state seek out special education-endorsed teachers for placement in juvenile justice facilities whenever possible.

<p>In addition, they must be well-versed in the special education referral and evaluation process called Child Find, as referenced in IDEA § 1412 (Mallet & Stoddard-Dare et al., 2011; Ochoa et al., 2021; Hovey et al., 2017).</p>	<p>of endorsement, are not necessarily required to follow evidence-based academic and behavioral practices.</p>	<p>Regardless of certification, all teachers should be expected to incorporate evidence-based teaching strategies into their daily lessons. Professional development in the special education referral and evaluation process and Child Find should also be required of all juvenile justice teachers.</p>
<p>Research says that juvenile detention/correction facilities should use facility-wide positive behavior interventions and supports (PBIS), such as routines, breaks, silent signals, proximity, quiet corrections, special tasks, positive phrasing, behavior statements, and tangible reinforcements to encourage detainees’ behavioral growth and development (Ochoa et al. 2021; Hovey et al., 2017).</p>	<p>Washington State uses PBIS in some of its facilities to an unknown degree. Care should be taken to incorporate all nine aspects of PBIS in all state facilities. Such use should be monitored and tracked by the state to ensure compliance.</p>	<p>I recommend that the federal government and state government set aside money to be used for professional development in the use of PBIS as an evidence-based strategy for improving behavior in juvenile justice facilities. All or most members of a staff should receive training in order for PBIS to be successfully carried out facility wide. Additionally, more research to support the use of PBIS in juvenile justice facilities is needed if PBIS is to gain wide-scale use in juvenile justice facilities statewide.</p>
<p>Research says that juvenile detention/correction facilities should use systems of support (interagency or wrap-around services) for transitioning youth and use aftercare to support transitioned youth against recidivism (Hagner et al., 2008; Geib et al., 2011; Ochoa et al., 2021; Hovey et al., 2017).</p>	<p>Washington State uses interagency or wraparound support in some of its facilities to an unknown degree. The state should push all facilities to use such services, including aftercare, to help students transition out of detention to keep them from recidivating. Such use should be monitored and tracked by the state to ensure compliance.</p>	<p>I recommend that the federal government and the state government set aside money to help various support agencies come together to support youth transitioning out of detention and to support their aftercare needs in order to prevent recidivism.</p>

Reduction in Disproportionate Minority Contact

Pursuant to the Juvenile Justice Reform Act of 2018, states must be more cognizant than ever about disproportionate minority contact (DMC) among the police and juvenile justice facilities. Recommended changes include use of direct services, such as differential involvement in crime (a tiered system of consequences), and differential opportunities for prevention and intervention (non-detention diversion routes) among non-Caucasian offenders. Several evidence-based programs are recommended because they have demonstrated substantial success among this demographic. For example, the Strong African American Families program places an emphasis on parental training and family therapy, social bonding, and control theories. Project BUILD (broader urban involvement and leadership development) is an anti-violence curriculum for youth with problems in their communities. Finally, Family Unidas is meant for Latinx families with youth ages 12-17 and focuses on building bonds between parent and child.

Table 2

Reduction in Disproportionate Minority Contact

What the research says:	What Washington State is doing:	What I recommend:
Research says that use of direct services, such as differential involvement in crime (a tiered system of consequences) and differential opportunities for prevention and intervention (non-detention diversion routes) are beneficial (OJJDP, 2014; Spinney et al., 2018).	Washington State has a part-time DMC (disproportionate minority contact) coordinator.	I recommend that Washington State employ a full-time DMC coordinator.
Research says that Strong African American Families program, is a parental training and family therapy program grounded in social bonding and control theories. This program works to strengthen bonds between parent and	Washington State has funded/received funding/or received technical assistance to implement nationally recognized models to reduce DMC.	I recommend that Washington State employ the Strong African American Families program to strengthen bonds between parent and child and to reduce involvement in the juvenile justice system.

child and reduce involvement in the juvenile justice system (OJJDP, 2014; Spinney et al., 2018).		
Research says that Project BUILD (broader urban involvement and leadership development) is an anti-violence curriculum for youth in detention to overcome problems they may have in their communities (OJJDP, 2014; Spinney et al., 2018).	Washington State has funded/received funding/or received technical assistance to implement nationally recognized models to reduce DMC.	I recommend that Washington State employ the BUILD program to teach an anti-violence curriculum so that detained youth can overcome the problems they have in their communities.
Research says that Family Unidas is used with Latinx families with adolescents ages 12-17. The program focuses on strengthening bonds between parent and child to prevent juvenile justice contact (OJJDP, 2014; Spinney et al., 2018).	Washington State has funded/received funding/or received technical assistance to implement nationally recognized models to reduce DMC.	I recommend that Washington State employ the Family Unidas program for Latinx families to focus on strengthening the bonds between parent and child to prevent juvenile justice contact.

Reduction in Academic and Mental Health Incidents Among Detained Youth

States must make efforts to reduce academic and mental health oversights in the juvenile justice system. Most of these oversights occur in the screening/assessment phases of the detainee intake process. Well-trained intake specialists, along with academic and mental health screeners, must take account of testimony from the youth detainee, the parents, and the teachers in order to get a well-rounded report of what a detainee's academic and mental health issues are. Such safeguards that help ensure strong intake and screening protocols involve having probation officers with school-based caseloads and police-school social worker collaborations.

Additionally, restorative justice is an evidenced-based alternative that allows all parties to an offense to collaboratively devise a solution to the offense and its implications. Finally, the use of multisystemic therapy (MST) is designed to keep seriously troubled youth in their homes and in school; the use of family functional therapy (FFT) is designed for short-term, in-home use to

help support youth and their families; and multidimensional foster care (MTFC) is a program that keeps youth out of detention/correction facilities, and it provides intensive therapy to youth and their families.

Table 3

Reduction in Academic and Mental Health Oversights Among Detained Youth

What the research says:	What Washington State is doing:	What I recommend:
Research says that probation officers with school-based caseloads and police-school social worker collaborations are the best people to place in juvenile justice facilities (Mallett & Stoddard-Dare et al., 2011; Lambie et al., 2013; Mallett, et al., 2016).	Washington State uses probation officers with school-based caseloads and police-school social worker collaborations to an unknown degree.	I recommend that Washington State utilize probation officers who work on school-based caseloads and police-school social worker collaborations to better serve detainees and transitioned youth.
Research says that use of restorative justice to allow parties to an offense to collectively deal with the offense and its implications for the future should be utilized (Artello et al., 2015; Hagner et al., 2008; Mallett et al., 2016; Lambie et al., 2013).	Washington State uses restorative justice in many of its schools, but it is unknown to what degree it is used in juvenile justice facilities.	I recommend that Washington State utilize restorative justice to deal with the stakeholders in an offense occurrence rather than employing punitive discipline, which has been proven ineffective.
Research says that use of multisystemic therapy (MST), designed to keep seriously troubled youth in home, school, and out of trouble; functional family therapy (FFT), designed for short-term, in-home use for youth with mental health disorders; or multidimensional treatment foster care (MTFC), an alternative program designed to keep youth out of detention/correction centers should be utilized. Families	Washington State used MST, FFT, and MTFC to an unknown degree in its juvenile detention/correction facilities.	I recommend that Washington State utilize MST, FFT, and MTFC in order to build strong families, keep youth out of detention/correction facilities, and prevent recidivism.

and youth receive intense treatment.		
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Conclusion

All the above-mentioned recommendations are derived from research and evidence-based practices. By utilizing these methods, we can strengthen the parent-child bond and we can provide academic and mental health assistance to those juvenile detainees who require it. If our focus is keeping youth out of juvenile detention/correction facilities, we have lots of excellent strategies at our disposal. In addition, we must follow special education legal authority for those youth in detention/correction facilities and ensure that they have comprehensive screenings for special education needs and/or mental health needs.

Discussion

The purpose of this project is to look at peer reviewed research about the intersection of special education and juvenile justice with the goal of improving special education delivery for students in the juvenile justice system. The research suggests three themes that can be used to evaluate the juvenile justice system. These themes include special education legal compliance in the juvenile justice system, transition services, and recidivism. These themes were explored in the literature review. In the action plan that followed, expert recommendations for these themes were compared to what is happening in Washington State currently, and I recommend what I would do differently to better comport with research findings.

In the following section, I will discuss the research findings at greater length. In addition, I will discuss the implications of these findings for teachers and students and the implications for future research. Finally, I will discuss the limitations of this project and then conclude this paper.

Discussion of Findings

My research was focused on three questions: 1) What does research demonstrate about

the level of compliance with special education legal authority in juvenile justice facilities; 2) What does research demonstrate about the types of transition services back into school that are available to youth after being detained in juvenile detention facilities; and 3) What does research demonstrate about the recidivism rates for disabled youth. This section seeks to answer these questions and discuss ways in which the answers could be implemented, in addition to speculating about the future trends in special education in the juvenile justice system.

Legal Compliance in Juvenile Justice Facilities

Research demonstrates that teachers in juvenile justice facilities should be highly trained in evidenced-based academic and behavioral interventions. They should also be well-trained in special education referral and evaluation processes such as Child Find pursuant to IDEA § 1412 (Mallett & Stoddard-Dare et al., 2011; Ochoa et al., 2021; Hovey et al., 2017). However, Washington State does not require its teachers in juvenile justice facilities to be endorsed in special education, despite the fact that up to 80% of students in the system have special needs. To make matters worse, teachers, even without special education endorsements, are not required by the state to use evidenced based practices in their teaching and behavioral management. Some reasons for that the state may not follow preferred practices is because of financial constraints. Another reason is that it is too difficult to get special education-endorsed teachers to work in juvenile facilities. Finally, such jobs as those in juvenile facilities might have high turnover rates, thereby making it difficult to establish an evidenced-based curriculum.

Research also demonstrates that juvenile detention and correction facilities should use facility-wide positive behavior interventions and supports (PBIS) such as routines, breaks, silent signals, proximity, quiet corrections, special tasks, positive phrasing, behavior statements, and tangible reinforcements to encourage detainees' behavioral growth and development (Ochoa et al., 2021; Hovey et al., 2017). Washington State uses PBIS in some, but not all, of its facilities.

Each detention center should be taking care to incorporate all nine aspects of PBIS. Such use should be monitored and tracked by the state to ensure compliance. PBIS takes training and ongoing modeling and coaching to work effectively. The state may lack money to make this happen in all juvenile facilities. Further, staff turnover can be high in such facilities and ongoing PBIS training might present an insurmountable challenge.

Transition Services in Schools

Research demonstrates that juvenile justice facilities should use systems of support such as interagency or wrap-around services for transitioning youth as they prepare to leave detention and correction facilities. Aftercare is also a very important addition proven to help released youth from recidivating (Hagner et al., 2008; Geib et al., 2011; Ochoa et al., 2021; Hovey et al., 2017). Washington State uses interagency or wraparound support in some of its facilities, but to an unknown degree. The state should push such facilities to use these services to help students transition out of detention and to keep them from recidivating. Such use should be monitored and tracked by the state to ensure compliance. However, interagency partnerships can be difficult to form and keep afloat. With staff turnover and budget cuts, even the most dedicated staff members can have their hands tied. Additionally, agencies have to agree on the services to be rendered to students, and this might present difficulties at times. Not all agencies have the same mission and there may be clashes over which agency is to do what.

Research also says that use of direct services such as differential involvement in crime (a tiered system of consequences) and differential opportunities for prevention and intervention, non-detention diversion routes, are beneficial in preventing recidivism (OJJDP, 2014; Spinney et al., 2018). Washington State does have a part-time DMC (disproportionate minority contact) coordinator. Well, in this case, the glass could be seen as half-full or half-empty. At least there is a part-time coordinator. Budget restrictions may limit that role to part-time, or perhaps no one

with the interest or qualifications to do such a job can be found.

Research demonstrates that the Strong African American Families Program is a parental training and family therapy program grounded in social bonding and control theories. This program works to strengthen bonds between parent and child and to reduce involvement in the juvenile justice system (OJJDP, 2014; Spinney et al., 2018). Washington State has funded or received funding or received technical assistance in implementing nationally recognized models to reduce recidivism. This program may be difficult to establish for lack of trained personnel or there may simply be no funds for it.

Research also demonstrates that Project BUILD (broader urban involvement and leadership development) is an anti-violence curriculum for youth in detention to help them overcome problems they may have in their communities (OJJDP, 2014; Spinney et al., 2018). Washington State has funded or received funding or received technical assistance to implement nationally recognized models to reduce recidivism. This program may be difficult to implement for a lack of trained personnel or there may be a lack of funds.

Finally, research demonstrates that Family Unidas is used effectively with Latinx families with adolescents between the ages of 12-17. The program focuses on strengthening bonds between parent and child to prevent further juvenile justice contact (OJJDP, 2014; Spinney et al., 2018). Washington State has funded, received funding, or received technical assistance to implement this nationally recognized model to reduce recidivism. This program may be difficult to implement for a lack of trained personnel or there may be a lack of funds to pay for it.

Recidivism Rates for Disabled Youth

Research demonstrates that probation officers with school-based caseloads and police-school social worker collaborations are the best people to help reduce recidivism rates both in and out of juvenile justice facilities (Mallet & Stoddard-Dare et al. 2011; Lambie et al., 2013;

Mallett et al., 2016). Washington State uses probation officers with school-based caseloads and police-school social worker collaborations to an unknown degree. The idea of a probation officer handling a school-based caseload sounds like a great idea; however, in reality, it might be difficult to find a person who can take on this role as it involves training in both juvenile justice and school counseling. Social worker and police collaborations may be more workable, assuming that the state, county, or city is willing to pay for collaboration time.

Research also demonstrates that the use of restorative justice to allow parties to an offense to collectively deal with the offense and its implications for the future should be utilized (Artello et al., 2015; Hagner et al., 2008; Mallett et al., 2016; Lambie et al., 2013). Washington State uses restorative justice in many of its schools, but it is unknown to what degree it is used in juvenile justice facilities. Restorative justice is practiced in many Washington State schools. As noted above, it is unknown how much its use is practiced in juvenile justice facilities. Perhaps personnel from juvenile justice facilities could visit school sites to get an idea of how they could adapt restorative justice to work in the context of juvenile justice facilities.

Finally, research demonstrates that use of multisystemic (MST), designed for troubled youth in home, school, and out of trouble; functional family therapy (FFT), designed for short-term, in-home use for youth with mental health disorders; or multidimensional treatment foster care (MTFC), an alternative program to keep youth out of detention or correction centers should be utilized. They are beneficial because youth and families receive intense treatment. Washington State uses MST, FFT, and MTFC to an unknown degree in its juvenile justice facilities. The programs mentioned above all cost money. While they have been proven to have a positive effect on juvenile outcomes, there might be little state funding for them. Additionally, finding competent employees to run such programs could be challenging. Finally, there would have to be wide-spread interest in such programs in juvenile justice facilities in order to make

their use tenable.

Speculation about Future Special Education Trends

Some interesting changes have taken place in juvenile justice in the past 10-15 years. Far fewer adolescents are being held in facilities and those who are receive shorter sentences. This has significantly reduced the numbers of juveniles in justice facilities. However, outside infrastructure for handling the issues that these juveniles may have are less that satisfactory in many cases. And, while numbers have gone down substantially, there still exists great racial disproportionately in who ends up in these facilities. If real change in numbers is going to have a lasting impact, outside community and school resources must be more substantially provided. In addition, the state and the nation need to examine the reality of disproportionate minority content and find out the reasons behind this devastating trend. Ultimately, the answers will come by infusions of money, high-quality teachers, fair voting districts, and rehabilitation centers as opposed to jails and prisons.

Implications for Teachers and Students

Special Education Legal Compliance

Research demonstrates that teachers in juvenile justice facilities should be highly trained in evidenced-based academic and behavioral interventions. They should also be well-trained in special education referral and evaluation processes such as Child Find pursuant to IDEA § 1412 (Mallett & Stoddard-Dare et al., 2011; Ochoa et al., 2021; Hovey et al., 2017). However, Washington State does not require its teachers in juvenile justice facilities to be endorsed in special education, despite the fact that up to 80% of students in the system have special needs. To make matters worse, teachers, even without special education endorsements, are not required by the state to use evidenced based practices in their teaching and behavioral management. To counteract these concerns, I recommend that the state seek out special education-endorsed

teachers for placement in juvenile justice facilities. Regardless of endorsement, however, all teachers should be expected to use evidenced based strategies in their daily lessons. Further, the onus is on the state to provide professional development that trains teachers in the special education referral and evaluation process.

Research also demonstrates that juvenile detention and correction facilities should use facility-wide positive behavior interventions and supports (PBIS) such as routines, breaks, silent signals, proximity, quiet corrections, special tasks, positive phrasing, behavior statements, and tangible reinforcements to encourage detainees' behavioral growth and development (Ochoa et al., 2021; Hovey et al., 2017). Washington State uses PBIS in some, but not all, of its facilities. Each detention center should be taking care to incorporate all nine aspects of PBIS. Such use should be monitored and tracked by the state to ensure compliance. I recommend that the state and federal governments set aside money to be used for professional development in the use of PBIS. Most if not all staff should receive training in the use of PBIS so that there is a holistic approach to behavior used facility wide.

Transition Services in Schools

Research demonstrates that juvenile justice facilities should use systems of support such as interagency or wrap-around services for transitioning youth as they prepare to leave detention and correction facilities. Aftercare is also a very important addition proven to help released youth from recidivating (Hagner et al., 2008; Geib et al., 2011; Ochoa et al., 2021; Hovey et al., 2017). Washington State uses interagency or wraparound support in some of its facilities, but to an unknown degree. The state should push such facilities to use these services to help students transition out of detention and to keep them from recidivating. Such use should be monitored and tracked by the state to ensure compliance. I recommend that the state and federal governments set aside money to help various support agencies come together to support youth transitioning

out of detention or correction and to support their aftercare needs in order to fight recidivism.

Research also says that use of direct services such as differential involvement in crime (a tiered system of consequences) and differential opportunities for prevention and intervention, non-detention diversion routes, are beneficial in preventing recidivism (OJJDP, 2014; Spinney et al., 2018). Washington State does have a part-time DMC (disproportionate minority contact) coordinator. I recommend that Washington State employ a full-time DMC Coordinator.

Research demonstrates that the Strong African American Families Program is a parental training and family therapy program grounded in social bonding and control theories. This program works to strengthen bonds between parent and child and to reduce involvement in the juvenile justice system (OJJDP, 2014; Spinney et al., 2018). Washington State has funded or received funding or received technical assistance in implementing nationally recognized models to reduce recidivism. I recommend that Washington State employ the Strong African American Families program to strengthen bonds between parent and child and to reduce involvement in the juvenile justice system.

Research also demonstrates that Project BUILD (broader urban involvement and leadership development) is an anti-violence curriculum for youth in detention to help them overcome problems they may have in their communities (OJJDP, 2014; Spinney et al., 2018). Washington State has funded or received funding or received technical assistance to implement nationally recognized models to reduce recidivism. I recommend that Washington State employ the Project BUILD program to teach an anti-violence curriculum so that detained youth can overcome the problems that they may have in their communities.

Finally, research demonstrates that Family Unidas is used effectively with Latinx families with adolescents between the ages of 12-17. The program focuses on strengthening bonds between parent and child to prevent further juvenile justice contact (OJJDP, 2014; Spinney et al.,

2018). Washington State has funded, received funding, or received technical assistance to implement this nationally recognized model to reduce recidivism. I recommend that Washington State employ the Family Unidas program for Latinx families to focus on strengthening the bonds between parent and child to prevent further juvenile justice contact.

Recidivism Rates for Disabled Youth

Research demonstrates that probation officers with school-based caseloads and police-school social worker collaborations are the best people to help reduce recidivism rates both in and out of juvenile justice facilities (Mallet & Stoddard-Dare et al. 2011; Lambie et al., 2013; Mallett et al., 2016). Washington State uses probation officers with school-based caseloads and police-school social worker collaborations to an unknown degree. I recommend that Washington State utilize probation officers who work on school-based caseloads and police-social worker collaborations to better serve detainees and transitioned youth.

Research also demonstrates that the use of restorative justice to allow parties to an offense to collectively deal with the offense to and its implications for the future should be utilized (Artello et al., 2015; Hagner et al., 2088; Mallet et al., 2016; Lambie et al., 2013). Washington State uses restorative justice in many of its school, but it is unknown to what degree it is used in juvenile justice facilities. I recommend that Washington State utilize restorative justice to deal with the stakeholders in and offense occurrence rather than employing punitive discipline, which has been proven ineffective.

Finally, research demonstrates that use of multisystemic (MST), designed for troubled youth in home, school, and out of trouble; functional family therapy (FFT), designed for short-term, in-home use for youth with mental health disorders; or multidimensional treatment foster care (MTFC), an alternative program to keep youth out of detention or correction centers should be utilized. They are beneficial because youth and families receive intense treatment.

Washington State uses MST, FFT, and MTFC to an unknown degree in its juvenile justice facilities. I recommend that Washington State utilize MST, FFT, and MTFC in order to build strong families, keep youth out of juvenile justice facilities, and prevent recidivism.

Implications for Future Research

After completing this project, I have four main thoughts: students brought into the juvenile justice system who indicate ANY proclivity for special needs MUST be evaluated for special education. There are so many incarcerated adults with special needs. If this state and nation could get to these children while they are still under the state's care, they might be able to turn their lives around and not follow into the school-to-prison pipeline.

Second, disproportionate minority contact in the juvenile justice system is still rampant. If we are ever to have an equal nation, we must learn to acculturate to the reality of White supremacy, and we must overcome it. Black and Brown boys, in particular, are unfairly targeted for crimes and they are treated to harsher sentences for the same crimes that Whites commit. This must end.

Third, this nation must pour more money in the juvenile justice system with the goal of getting juveniles back into school and with the goal of preventing recidivism. The school-to-prison pipeline that we currently endure in this state and nation is a crime in itself and everything must be done to shut it off.

Fourth and finally, what about special populations? I have addressed in this paper students with special academic needs. However, what about students who have needs beyond those? What about students with profound mental health needs? What about students who identify as LGBTQIA+? The states, the nation, needs to address these needs and find funding opportunities to help these even more rarefied groups of juveniles. Doing this now can end the school-to-prison pipeline. And it should.

Limitations of this Project

All peer reviewed research collected for this paper fell between the years of 2011-2023. This was intentionally done to keep the paper current with the leading research in education. Search terms included in this paper included: juvenile justice, juvenile justice system, special education, detention, correction, and disproportionate minority contact. Certain papers that fell within this realm but that dealt with mental health issues in juvenile justice were passed over, not due to their lack of importance; but, simply due to the limited space in this paper. The term “DisCrit” used in this paper was first coined by Annamma, Connor, and Ferri in 2013 (Annamma et al., 2013).

Conclusions

The juvenile justice system is broken, and it needs help. In this paper, I chose to focus on 1) The legal compliance in juvenile justice facilities; 2) Transition services for juveniles re-entering school; and 3) Recidivism rates among juveniles. If our focus is keeping youth out of juvenile detention/correction facilities, we have lots of excellent strategies at our disposal, as this paper discussed. In addition, we must follow special education legal authority for those youth in detention/correction facilities and ensure that they have comprehensive screenings for special education needs and/or mental health needs.

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