



THINGS
JUVENILE COURTS
SHOULD KNOW
ABOUT
LEARNING
DISABILITIES



NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES
WWW.NCJFCJ.ORG

This document is based, in part, on the 1986 Juvenile Justice Textbook Series “Learning Disabilities and the Juvenile Justice System” and serves as an update to that publication. The staff of NCJFCJ would like to acknowledge the editor and Learning Disabilities Program Advisory Committee who crafted the original publication.

Special thanks to the 2010 - 2011 Juvenile and Family Law Department Advisory Committee for their efforts in the creation of this publication.

Suggested citation: Mallett C. (2011). Seven things juvenile courts should know about learning disabilities. Reno, NV: National Council of Juvenile and Family Court Judges.

© 2010, National Council of Juvenile and Family Court Judges. All rights reserved.

National Council of Juvenile and Family Court Judges
P.O. Box 8970
Reno, NV 89507
www.ncjfcj.org

Reproduction of this publication for non-commercial education and information purposes is encouraged. Reproduction of any part of this publication must include the copyright notice and attribution to: Seven Things Every Juvenile Court Should Know About Learning Disabilities, published by the National Council of Juvenile and Family Court Judges, Reno, Nevada, 2010.

NCJFCJ is registered in the U.S. Patent and Trademark Office as a trademark of the National Council of Juvenile and Family Court Judges.

This project was supported by Grant No. 2009-JL-FX-K129 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document or program are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or the National Council of Juvenile and Family Court Judges.

Introduction

Youth who become involved with the juvenile courts have many common background risks.¹ These risks are related to the individual (e.g., early aggression, mental health problems, substance use, trauma, education deficits, special education disabilities), family (e.g., inconsistent parenting, family disruptions), and neighborhood (e.g., high levels of unemployment, residential instability).²

Recent research has begun to explore how to ameliorate these risk factors, and because of this, today's juvenile courts are increasingly focused on delinquency prevention and diversion. These efforts are important to continue because federal, state, and local budget difficulties are reducing support for the courts, making costly and more punitive dispositions more difficult to justify. In addition, most youth involved with the juvenile courts, outside a small number of serious offenders, can be rehabilitated within the community, in particular through treatment and coordination with other youth-caring systems.³

Learning disabilities have a clear link to youth delinquency, and are one of the most prevalent disabilities within juvenile court populations.⁴ The purpose of this Brief is to highlight the challenges that youth with learning disabilities present to the juvenile court, to summarize key components of special education disability law, and to provide effective strategies to the courts working with these youth and families.

A learning disability is...



A learning disability is defined by federal statute as “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.”⁵ It may include related conditions such as brain injury, dyslexia, perceptual disabilities, minimum brain dysfunction, and developmental aphasia; however, it excludes learning problems stemming from environmental, economic, or cultural disadvantage.⁶

Youth with learning disabilities are more likely to be involved in the juvenile justice system.



Special Education Disabilities – General Youth Population

Youth with special education disabilities are not common in the general population. A little over nine percent of school-aged children and youth (ages 6 to 21) have been identified with a special education disability. There are 12 disability categories, the most common of which is the learning disability category, affecting four percent of school-aged children and youth (ages 6 to 21). Such learning disabilities account for 14 percent of all special education disabilities for youth ages 6 to 11 and 26 percent of all special education disabilities for youth ages 12 to 17.⁷ Certain minority youth are at higher risk for learning disabilities: Hispanics are 17 percent more likely; African Americans are 43 percent more likely; and American Indians are 80 percent more likely.⁸ Risk factors that increase the likelihood of having a learning disability, and may help explain the disproportionate impact on minority youth, include living in poverty, male gender, poor family functioning, being adopted, and lower household education attainment.⁹

Juvenile Courts

Youth with special education disabilities are much more common in juvenile court populations, particularly in detention and incarceration facilities. The precise number of youth with special education disabilities is not known because research is limited, and the research that is available does not use uniform definitions. However, it is estimated that between 28 percent and 43 percent of detained and incarcerated youthful offenders have an identified special education disability, a majority of these being learning disabilities.¹⁰ Despite reform efforts, the number of youth with these disabilities in the juvenile courts does not seem to have varied significantly over the past two decades. In the 1980s a survey of state juvenile correctional facility directors reported a 28 percent rate¹¹ while the most recent survey of state directors reported a 33 percent rate.¹²

Disability Defined

The Individuals with Disabilities Education Act (IDEA) is often referred to as the “special education law” because these individual disabilities are categorized as special education needs. Under the IDEA, 12 distinct disabilities are covered; in other words, not all youth disabilities qualify. These 12 disabilities include learning disabilities; hearing impairments (including deafness); visual impairments (including blindness); deaf-blindness; mental retardation; speech or language impairments; autism; serious emotional disturbance; orthopedic impairments; traumatic brain injury; multiple disabilities; and other health impairments. To qualify, a youth must have at least one of these listed disabilities and need special education and related services “by reason of such impairment.” (34 C.F.R. § 300.8(a)(1)) (2004)

No one knows for sure why youth with learning disabilities are overrepresented in the justice system (though researchers are working on it).



Why are youth with learning disabilities at significantly higher risk for juvenile court involvement? The answer is both complicated and not fully understood. There are three primary hypotheses, or explanations – school failure, susceptibility, and differential treatment.

School Failure Hypothesis

The school failure hypothesis suggests that school failure for youth with learning disabilities is a precipitating step that leads to eventual juvenile court involvement or delinquency adjudication. School failure is often accompanied by other challenges including rejection, lower self-worth, and school dropout outcomes that may lead to engagement with negative peers and delinquent activities.¹³ What is not clear, though, is whether the learning disabilities themselves are the reason for academic failure or if there are other factors influencing the failure.¹⁴

Susceptibility Hypothesis

The susceptibility hypothesis proposes that youth with learning disabilities have cognitive, neurological, and intellectual difficulties that contribute to anti-social and delinquent behaviors and place them at greater risk for juvenile court involvement. Thus, in addition to their learning disabilities, youth may also be afflicted with low social skills, impulsivity, hyperactivity, suggestibility, and lower ability to predict the consequences of their behaviors.¹⁵

Differential Treatment Hypothesis

The differential treatment hypothesis suggests that while youth with learning disabilities are no more involved with delinquent activities than their non-disabled peers, they are more likely to be arrested and supervised by the juvenile courts. This explanation places the responsibility for this disparity on school, police, and juvenile court personnel's actions and reactions to working with youth with learning disabilities. For example, school personnel may be more likely to be aware of these youth because of their learning disabilities, and if the youth act out via delinquent activities, they are more likely to take punitive action and refer them to the police and juvenile courts whose personnel in turn may repeat this pattern.¹⁶

There are laws to protect the rights of youth with learning disabilities.



Individuals with Disabilities Education Act and other Disability Rights Laws

Prior to the 1970s there were no significant laws that protected the rights of people with disabilities.¹⁷ The shift from services for this population to political and civil rights occurred primarily because of four Federal laws: the Rehabilitation Act of 1973 – Section 504; the Americans with Disabilities Act (ADA, 1990); the Civil Rights of Institutionalized Persons Act (CRIPA, 1980); and the Individuals with Disabilities Education Act (IDEA, 1975).

Disability Rights Laws

Section 504 of the Rehabilitation Act was the first law, and predecessor to the ADA, to state that the exclusion of a person with a disability was discrimination, allowing class status for this group, mandating affirmative conduct, and requiring accommodations. The law applied to all recipients of federal funds and to almost all public schools. This entitles children and youth with disabilities to an education comparable to that provided to children and youth who do not have disabilities. Disabilities are broadly defined and

can be demonstrated by both a record of this physical or mental impairment and the fact that this impairment substantially limits one or more major life activities such as walking, seeing, hearing, learning, speaking, working, caring for oneself, and performing manual tasks.¹⁸

The ADA is a broad disability rights law that pertains to public accommodations, employment, transportation, telecommunication, and state and local government discrimination. Additionally, Title II of the ADA expanded the rights for those with disabilities (physical and mental) to include all activities of state and local governments, including services, programs, and public education, whereby Section 504 only applies to federally funded entities.¹⁹ The ADA does not list specific disabilities or impairments covered, and the courts have been defining these disabilities over the past decade.²⁰

The Civil Rights of Institutionalized Persons Act does not confer additional rights upon those with disabilities (adults and youth) but does authorize the U.S. Attorney General (Civil Rights Division) to investigate conditions of confinement in institutions, including juvenile detention and correctional facilities.²¹ This investigatory tool has been infrequently utilized.²²

Individuals with Disabilities Education Act

The most important of these laws for youth is the Individuals with Disabilities Education Act (IDEA), because it protects their educational rights. The original law, the Education for All Handicapped Children Act (1975), established these rights, while subsequent amendments have made important changes and improvements. In 1990, the Act was renamed the Individuals with Disabilities Education Act; in 1997, substantial requirements were appended to focus on behavioral assessments, transitional planning, and school discipline within Individualized

Education Programming (IEP), and in 2004, increased focus was placed on employment and independent living. Rights under the previous discrimination laws (Section 504 and ADA) can be incorporated and included within the rights and services under IDEA.²³ The core educational right provided by the IDEA is that all students with certain defined disabilities – the 12 categories – should receive a free, appropriate, public education (FAPE) in the least restrictive environment (LRE).²⁴

Youth with identified learning disabilities are entitled to receive special consideration in schools and court.



Identification/Referral/Evaluation

All children and youth residing in the United States, including those in public and private schools, and those who are homeless and wards of the state, must be identified. Schools must locate and evaluate all children and youth with these disabilities and determine which are receiving special education services (the “child find obligation”).²⁵ Often, states have additional policies and regulations in place to designate who may refer children and youth for special education evaluation.²⁶

To determine eligibility for special education services, states must first notify parents or guardians, obtain their consent to evaluate, use a number of validated assessment measures administered by knowledgeable personnel, and provide for reevaluation.²⁷ State policies and regulations normally set notice, consent, evaluation, and reevaluation time limits. A reevaluation must occur at least every three years until age 21, but may be requested by the child or youth’s parents or teachers at any time.²⁸

Individualized Education Plan

If the evaluation determines that the child or youth is in need of special education services, school districts are required to have an Individualized Education Plan (IEP) in effect at the beginning of each academic year for each child and youth with an identified disability. No more than 30 calendar days may pass between the determination that a child or youth needs disability services and an IEP-development meeting.²⁹ The IEP team meeting must include the child’s parents or guardians; at least one regular education teacher of the child; at least one special education teacher or service provider, if appropriate, of the child; an individual who can interpret the evaluation results (e.g., school psychologist, speech/language pathologist, remedial reading teacher); a qualified public school district representative; the child, if appropriate; and others, with parental consent, who have knowledge/expertise regarding the child or youth (may include service providers, probation officers, institutional staff, or others with specialized knowledge).³⁰ Parents must be notified in advance and agree to a convenient time and place for the IEP team meeting. In addition, parents must be notified their consenting rights regarding others present.³¹

The team, when developing the IEP, considers the youth’s present level of educational performance, special education needs, services to be delivered, objectives to be met, timelines for completion, and progress assessment.³² All IEPs must include certain provisions (see Table 1):

TABLE 1.

Mandatory IEP Provisions

- A statement of present educational performance identifying how the youth’s disability affects involvement and/or progress in the general school curriculum.
- A statement of the special education and related services to be provided to the youth.
- A statement of what program modifications or supports are to be provided for the youth so that they can be involved in the general curriculum (including extracurricular activities), can be educated with other youth with and without disabilities, and may advance toward annual goal attainment.
- A statement of the degree, if any, that the youth will not participate with youth who do not have disabilities in the regular classroom and extracurricular/nonacademic activities.
- A statement of modifications to state or district-wide achievement or standardized testing or a statement as to why this testing is not appropriate and alternatives to measuring progress.
- A projected service initiation date (and projected modifications) and the anticipated location, frequency, and duration of services (and modifications).
- A statement of annual measurable goals that includes short-term objectives regarding the youth’s engagement and progress toward general curriculum involvement, as well as progress toward meeting the youth’s other disability-related educational needs. This includes a statement of how the youth’s annual goals will be measured and how the youth will meet these goals by the end of the academic year.

Mandatory IEP Provisions Important for Older Youth

- Special education services include instruction in the classroom, home, hospitals, and institutions – including youth correctional facilities.³³
- A statement of needed transition services for the youth’s (age 14 and older) course of studies; for example, vocational services.
- For youth age 16 and older this statement should also include, if appropriate, the inter-agency responsibility for linkages to these other supportive programs.
- These services, with a focus on specific results, include vocational training (and supported employment), post-secondary education, specific adult services, independent living, adult continuing education, and community participation.³⁴

The implementation of the IEP must occur “as soon as possible” after the initial IEP team meeting. It must be reviewed by the team at least once per year and revised as needed per progress made (or not), reevaluation results, and youth needs.³⁵

Due Process Protections

Youth with special education disabilities may be suspended for up to 10 days for actions for which a youth without a disability would be suspended for up to 10 days. Further, a youth with a disability may be removed to an interim, 45-day alternative educational setting for carrying or possessing a weapon to school or school function, selling or soliciting the sale of controlled substances, or knowingly possessing or using illegal drugs. This alternative placement may also be for other actions or behaviors that are substantially likely to result in injury to the youth or others. Disciplinary removal for more than 10 days, counted cumulatively for repeat suspensions, requires the school district to review the youth’s functional behavioral assessment and behavioral implementation plan, or, if there is not one in place, to mandate an IEP review to devise a plan. These procedural safeguards also apply to youth who have been identified by the school, in writing, as potentially having a disability, whether or not a formal referral and evaluation have been initiated.³⁶

It is important to know that parents may review all records, participate in all meetings, and initiate due process proceedings, as well as dispute mediation concerning the identification, evaluation, and educational placement of their children.³⁷ If the youth is a ward of the state, a surrogate parent is assigned to protect the youth’s educational rights.³⁸ Due process hearings conducted by the state are available through parent initiation, whereby the officer (not employed by the state) conducts the hearing, and the parents, who have the right to legal counsel and to other individuals with specialized knowledge of their youth’s disability, present evidence, confront, cross-examine, and compel witness attendance.³⁹ In addition to due process (and civil) remedies, states have in place a compliance procedure for IDEA violations.⁴⁰ During any due process proceedings the youth will maintain his or her current educational placement, commonly referred to as the “stay put” rule.⁴¹

The juvenile justice system can and should coordinate with the school system throughout a youth's adjudication process.



The challenges posed by youth with learning disabilities differ according to a youth's penetration into the juvenile court system.

Intake

A pivotal time for the youth with disabilities in the juvenile court system is at intake. Early identification of youth with learning disabilities and coordination with the school district are crucial for positive outcomes. Court personnel should be effectively trained in interviewing youth and families, gathering educational records, becoming familiar with local educational services at placement facilities (if potential exists), and coordinating the juvenile court activities with the youth's IEP team. In particular, personnel should utilize standardized screening tools to help identify these disabilities, which are often not readily apparent.⁴² This information may indicate the need for an initial evaluation, reevaluation, or modification of existing IEP services. Courts would have to obtain parental consent to gain access to school records, followed by written requests to the school districts, as mandated by the Family Educational Rights and Privacy Act (FERPA). If the parent does not consent, access is denied.⁴³ If a school reports a crime by a youth with a learning disability (or other special education categories),

then disability-related and discipline records should be made available as allowed under FERPA.⁴⁴

Formal Proceedings

Once formal proceedings within the juvenile court have been initiated, continued coordination with the school district is necessary. If at intake there are indications of learning disability problems, then working with the school district to pursue an evaluation is most important. Youth who are not properly identified by the school districts, and whose disabilities are therefore not being addressed, are at a higher risk for delinquent activities and juvenile court referral.⁴⁵ However, convincing school districts to evaluate secondary school-aged youth for learning disabilities, or other special education concerns, is much more difficult than younger children for a variety of reasons including cost, norms, and resources. Juvenile court judges work largely with secondary school-aged youth and should be prepared to take aggressive steps (dispositions) to confront these barriers to accessing evaluations and services. However, if the youth is already identified with a learning or other special education disability, the school's responsibility will not change if the youth is formally charged, adjudicated, detained, or incarcerated by the juvenile court.⁴⁶

Detention

The use of detention to assure the safety of the youth or the community is an important decision by the juvenile court judge. Youth with learning disabilities are disproportionately detained. The reasons for this are still not clear, however it may be that these youth have poorer presentation abilities; maladaptive behaviors as a result of the "disabilities."⁴⁷ Whatever the reasons, extended detention will most likely not be helpful for these youth and may at some point be harmful because the detention experience itself is correlated to later reoffending and recidivism.⁴⁸

There are strategies that the juvenile justice system can use with youth with learning disabilities.



Having a learning disability neither excuses nor negates a youth's delinquent behaviors and actions. However, learning disabilities may have a significant impact on a youth's cognitive abilities, development, and judgment. Finding an appropriate way to work with youth with learning disabilities is challenging but vital in decreasing their delinquent activity. There are a number of steps the juvenile court can take, including strategies for intake personnel, probation officers, and juvenile court judges (see Tables 2 & 3).

TABLE 2.

Strategies for Intake/Probation Personnel

A. **Identify** as early as possible if a youth has existing learning disabilities and is attending school under an IEP. This will allow the court to know quickly which public schools need to be contacted and undertake appropriate coordination of services/decision-making.

Train personnel to obtain the necessary school IEP information and to recognize the indicator signs for learning disabilities.

B. If a youth does not have an existing IEP, but a **learning disability problem is suspected**, then use of a standardized screening tool is needed.

The *Children's Nonverbal Disabilities Screening Tool*⁴⁹ may be helpful as an initial learning disability screening tool.

C. Because many youth involved with the juvenile courts have **multiple problems and disabilities** (mental health, substance use, trauma), it is important to also use broader assessment instruments to identify these co-morbid concerns.

The *Massachusetts Youth Screening Instrument (MAYSI-2)* screens for possible mental health and related problems.⁵⁰

The *Youth Level of Service/Case Management Inventory (Y-LSI)*⁵¹ measures the youth's offense history, family circumstances/parenting, education (enrollment, suspensions, expulsions, grade level, grades in past year, special education/learning disabilities), peer relations, substance abuse, leisure/recreation, personality/behavior, and attitudes/orientation.

D. **Probation department reports** should capture the needs of youth identified with learning disabilities, coordinating dispositional planning with the public school districts personnel.

E. **Strengthen the role of parents** and ensure that families of these youth have meaningful opportunities to participate in education at school and home.⁵² This could be accomplished with probation officers who are actively supervising and working with the families.

Continue to page 14

Continued from page 13

Strategies for Juvenile Court Judges

A. Develop a list of **school district contacts**, and primarily special education directors, and develop relationships with these key stakeholders.

Find and develop relationships with other important local stakeholders – attorneys specializing in special education cases, local disability advocacy groups, and other interested parties.

B. There are a number of **important questions** to ask when working with a youth already identified with a learning disability.⁵³

- Is the IEP being implemented as written?
- Has the youth received appropriate services under a current IEP?
- Are the needs addressed in the IEP considered and integrated into the consequences determined by the juvenile court?
- Is there a possibility that because of the learning disability the youth does not understand the charges or proceedings?

C. It may be appropriate to refer a **first-time offender or low-risk youth** suspected of learning disabilities to diversion or informal supervision and encourage the school district to pursue evaluation and IEP status.

D. It may be appropriate to **defer formal involvement** pending any evaluative, due process, or disciplinary steps the school district may be pursuing.

E. **Dispositions** should show the court's review of the special education evaluation, goals (i.e., progress made), and services provided.

F. At the **formal proceedings stage**, determine if the school district should provide service, rather than the court. Schools often have interventions and programming not available to the courts, including in-class behavioral plans, specialized school staff, learning specialists, and after-school programming.

If the court has established relationships with school districts' special education directors, then this process of information sharing and coordination may work relatively well. However, with resistant, new, or non-responsive school districts, more direct court action may be in order.

For example, a judge may need to appoint a local defense counselor who is experienced in special education representation and known to the local school districts as an attorney who will get things done to get the special education director to cooperate. Sometimes appointing a defense counselor advocate in this manner one time will bring resistant public school districts on board with the youth's team.

G. If **placement** of the youth is necessary, the disposition should reflect the need to meet IEP goals and services within the facility.

H. Oversee **the transition of youth from correctional facilities**, including longer-term detention stays, back to their public school districts. This oversight includes coordinating and enforcing the IEP service needs.

For example, a juvenile court judge may face a situation where the IEP requires assistance upon release in the youth's application to a local community college or related vocational training program, or the youth may need services to and from training programs and independent living. The local school district is required to provide these transition services for youth through age 21, if all other assessment and team requirements are met.

Recommended Practices

There are a variety of “recommended practices” for juvenile court judges working with and ensuring school districts adhere to the IDEA. While becoming involved with and overseeing school districts, with or without dispositional mandates, is not always a cooperative process, achieving collaboration can be very beneficial in meeting youth’s special education needs and utilizing the school district’s more expansive interventions and programming.

In particular, many youth with learning disabilities involved with juvenile courts also have other behavioral problems, mostly related to mental health. Juvenile court judges can be particularly effective in making sure these youths’ functional behavioral assessments are completed, as required under the IDEA.⁵⁴ Today, many youth who could benefit from school district efforts do not because the behavioral plans have design flaws or are inadequate, requiring an IEP reassessment. It is important to ensure these behavioral assessments and interventions are achieving the desired results.

Outside of the court there are, unfortunately, limited programs and interventions developed specifically to address juvenile justice-involved youth with learning disabilities. Although there are recommendations for juvenile correctional facility school programs to meet these youth’s special education needs and a wider array of effective programs for youth who have behavioral disorders,⁵⁵ more progress is needed in identifying specific interventions for this population. However, as discussed, juvenile court judges have opportunities under the IDEA to effectively work with and supervise youth who have these difficulties. One of the key points to reinforce is that coordination across the youth-care systems is effective practice, though it is not without barriers.

One example of coordination across the youth-care system is the TeamChild Model, a separate non-profit agency that effectively works through many coordination barriers. This Model pairs defense attorneys with social workers and others to represent court-involved youth with disabilities. Through advocacy, case management, and coordination efforts during the youth’s court involvement, the Team addresses education (including special education), mental health, living situations, and vocational needs as factors underlying delinquency. The Team works closely with the school districts and educates court personnel on non-justice related issues that are impacting the youth’s decision-making. This Model has been found effective in several communities including Seattle, Washington (returning \$2 dollars in savings for every \$1 spent within 6 months)⁵⁶ and in Cleveland, Ohio (saving \$620,000 in placement costs over 18 months for just 41 high-risk offenders).

Conclusion

Working with juvenile court-involved youth with learning disabilities poses many challenges – the significant number of youth with these problems, the barriers in accurately identifying these disabilities, school districts that do not always adhere to IDEA, and courts that are not always equipped with the knowledge or programming to effectively intervene. While juvenile courts must balance youth rehabilitation and accountability, ongoing evaluation and attention to youth with learning disabilities is important in reducing recidivism and subsequently improving community safety.

Resources

Center for Effective Collaboration and Practice

(<http://cecp.air.org/>)

The Center's mission is to support and promote a reoriented national preparedness to foster the development and the adjustment of children with or at risk of developing serious emotional disturbance. To achieve that goal, the Center is dedicated to a policy of collaboration at Federal, state, and local levels that contributes to and facilitates the production, exchange, and use of knowledge about effective practices.

Children's Nonverbal Learning Disabilities Scale (C-NLD)

(<http://www.nldontheweb.org/nldentrylevelreading/nldratingscale.html>)

Learning Disabilities Association of America (<http://www.ldanatl.org/>) – LDA is the largest non-profit volunteer organization advocating for individuals with learning disabilities and has over 200 state and local affiliates in 42 states and Puerto Rico. The membership is composed of individuals with learning disabilities, family members, and concerned professionals, and advocates for the almost three million students of school age with learning disabilities and for adults affected with learning disabilities.

National Center on Education, Disability and Juvenile Justice

(<http://www.edjj.org/>)

EDJJ focuses on assisting practitioners, policymakers, researchers, and advocates in identifying and implementing effective school-based delinquency prevention programs, education and special education services in juvenile correctional facilities, and transition supports for youth re-entering their schools and communities from secure care settings.

National Clearinghouse on Families & Youth: Assessment and Screening tools for Measuring Mental Health, Substance Abuse, and Independent Living Skills in Adolescents

(<http://www2.ncfy.com/publications/satools/sa-table1.htm>)

National Dissemination Center for Children with Disabilities

(<http://www.nichcy.org/>)

The National Information Center for Children and Youth with Disabilities (NICHCY) is a national information and referral center. NICHCY provides information on disabilities and disability-related issues for families, educators, and other professionals. At the NICHCY Web site you can access a list of state agencies, national agencies, toll-free numbers, or read definitions and explanations on various disabilities.

Office of Special Education Programs (OSEP), Office of Special Education and Rehabilitative Services (OSERS), U.S. Department of Education

(<http://www2.ed.gov/about/offices/list/osers/osep/index.html?src=mr>)

The Federal agency responsible for oversight and direction of IDEA.

Parent Advocacy Center for Educational Rights (PACER)

(<http://www.pacer.org/>)

The mission of PACER is to expand opportunities and enhance the quality of life of children and young adults with disabilities and their families, based on the concept of parents helping parents.

TeamChild: Advocacy for Youth

(<http://www.teamchild.org>)

TeamChild makes a difference for youth in trouble by helping them receive the services they need to change their lives by addressing the underlying causes of juvenile delinquency through advocacy for education (including special education), mental and medical health services, safe living situations, and other supports.

End Notes

- ¹Hawkins, J.D., Herrenkohl, T.L., Farrington, D.P., Brewer, D., Catalano, R.F., & Harachi, T.W. (1998). A review of predictors of youth violence. In R. Loeber & D.P. Farrington (Eds.), *Serious and violent juvenile offenders: Risk factors and successful interventions* (pp. 106-146). Thousand Oaks, CA: Sage Publications.
- ²Buffington, K., Dierkhising, C.B., & Marsh, S. (2010). *Ten things every juvenile court judge should know about trauma and delinquency*. Reno, NV: National Council of Juvenile and Family Court Judges; Bursik, R. & Grasmick, G.H. (1995). Neighborhood-based networks and the control of crime and delinquency. In H. Barlow (Ed.), *Crime and public policy* (pp. 107-130). Boulder, CO: Westview; Hay, C., Fortson, E., Hollist, D., Altheimer, I., & Schaible, L. (2006). The impact of community disadvantage on the relationship between the family and juvenile crime. *Journal of Research in Crime and Delinquency*, 43(4), 326-356; Keith, J.M. & McCray, A.D. (2002). Juvenile offenders with special needs: Critical issues and bleak outcomes. *Qualitative Studies in Education*, 15(6), 691-710; Tremblay, R.E., Nagin, D.S., Sequin, J.R., Zoccolillo, M., Zelazo, P.D., Boivin, M., Perusse, D., & Japel, C. (2004). Physical aggression during early childhood: Trajectories and predictors. *Pediatrics*, 114, e43-e50; Zhang, D., Barrett, D.E., Katsiyannia, A., & Yoon, M. (2011). Juvenile offenders with and without disabilities: Risks and patterns of recidivism. *Learning and Individual Differences*, 21, 12-18.
- ³Garrido, V. & Morales, L.A. (2007). Serious (violent and chronic) juvenile offenders: A systematic review of treatment effectiveness in secure corrections. *The Campbell Collaboration Reviews of Intervention and Policy Evaluations* (C2-RIPE), Campbell Collaboration, Philadelphia, PA; Lipsey, M., Wilson, D.B., & Cocher, L. (2000). *Effective intervention for serious juvenile offenders*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice; Mulvey, E.P. (2011). *Highlights from pathways to desistance: A longitudinal study of serious adolescent offenders* (Juvenile Justice Fact Sheet). Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.
- ⁴Mallett, C. (2008). The disconnect between delinquent youths with mental health and special education disabilities and juvenile court outcomes. *Corrections Compendium*, 33(5), 1-23; Mears, D. & Aron, L. (2003). *Addressing the needs of youth with disabilities in the juvenile justice system: The current state of knowledge*. Washington, DC: The Urban Institute; Quinn, M.M., Rutherford, R.B., Leone, P.E., Osher, D.M., & Poirier, J.M. (2005). Youth with disabilities in juvenile corrections: A national survey. *Exceptional Children*, 71(3), 339-345.
- ⁵34 C.F.R. § 300.8(c)(10)(1). (2004)
- ⁶34 C.F.R. § 300.8(c)(10)(i-ii).
- ⁷U.S. Department of Education. (2009). *29th annual report to Congress on the implementation of the Individuals with Disabilities in Education Act, 2007*. Washington DC: Author; U.S. Department of Education. (2010). *Digest of education statistics, 2009* (NCES 2010-013). Washington, DC: National Center for Education Statistics.
- ⁸*Supra* note 7, U.S. Department of Education (2009).
- ⁹Altarc, M. & Saroha, E. (2007). Lifetime prevalence of learning disability among U.S. children. *Pediatrics*, 119, 577-584.
- ¹⁰Kvarfordt, C.L., Purcell, P., & Shannon, P. (2005). Youth with learning disabilities in the juvenile justice system: A training needs assessment of detention and court services personnel. *Child & Youth Care Forum*, 34(1), 27-42; Morris, K.A. & Morris, R.J. (2006). Disability and juvenile delinquency: Issues and trends. *Disability & Society*, 21(6), 613-627; National Center on Education, Disability, and Juvenile Justice. (2001). *Juvenile correctional education programs*. College Park, MD: Author; Rozalski, M., Deignan, M., & Engel, S. (2008). The world of juvenile justice according to the numbers. *Reading and Writing Quarterly: Overcoming Learning Difficulties*, 24, 143-147; Wang, X., Blomberg, T.G., & Li, S.D. (2005). Comparison of the educational deficiencies of delinquent and nondelinquent students. *Evaluation Review, A Journal of Applied Social Research*, 29(4), 291-312; White, N.A. & Loeber, R. (2008). Bullying and special education as predictors of serious delinquency. *Journal of Research in Crime and Delinquency*, 45(4), 380-397.
- ¹¹Rutherford, R.B., Nelson, C.M., & Wolford, B.I. (1985). Special education in the most restrictive environment: Correctional/special education. *Journal of Special Education*, 19, 59-71.
- ¹²Quinn et al., *supra* note 4.
- ¹³Malmgren, K., Abbott, R.D., & Hawkins, J.D. (1999). LD and delinquency: Rethinking the "link." *Journal of Learning Disabilities*, 32, 194-200; Morris, K.A. & Morris, R.J. (2006). Disability and juvenile delinquency: Issues and trends. *Disability & Society*, 21(6), 613-627; Waldie, K. & Spreen, O. (1993). The relationship between learning disabilities and persisting delinquency. *Journal of Learning Disabilities*, 26, 417-423.
- ¹⁴Cruise, K.R., Evans, L.J., & Pickens, I.B. (2010). Integrating mental health and special education needs into comprehensive service planning for juvenile offenders in long-term custody settings. *Learning and Individual Differences*, 21, 30-40.
- ¹⁵Brier, N. (1989). The relationship between learning disability and delinquency: A review and reappraisal. *Journal of Learning Disabilities*, 22, 546-553; Larson, K.A. (1988). A research review and alternative hypothesis explaining the link between learning disability and delinquency. *Journal of Learning Disabilities*, 21, 357-363, 369; Murray, C. (1976). The link between learning disabilities and juvenile delinquency: Current theory and knowledge. Washington, DC: U.S. Government Printing Office; National Center on Education, Disability, and Juvenile Justice (2001). *Juvenile correctional education programs*. College Park, MD: Author.
- ¹⁶Keilitz, I., Zaremba, B.A., & Broder, P.K. (1979). The link between learning disabilities and juvenile delinquency: Some issues and answers. *Learning Disabilities Quarterly*, 2, 2-11; U.S. Department of Education. (2001). *Twenty-first annual report to Congress on the implementation of the Individuals with Disabilities Education Act*. Washington, DC: Author.
- ¹⁷Longmire, P.K. & Umansky, L. (2000). *The new disability history: American perspectives*. New York: New York University.
- ¹⁸Pub. L. No. 93-112, 29 U.S.C § 701.
- ¹⁹Pub. L. No. 101-336, 42 U.S.C. § 12101 *et seq.*
- ²⁰Petrila, J. & Levin, B. (2004). Mental disability law, policy, and service delivery. In B. Levin, J. Petrila, & K. Hennessy (Eds.), *Mental health services: A public health perspective* (pp. 42-71). New York: Oxford University Press.

- ²¹Pub. L. No. 96-247, 42 U.S.C. § 1997 *et seq.*
- ²²Mears, D. & Aron, L. (2003). Addressing the needs of youth with disabilities in the juvenile justice system: The current state of knowledge. The Urban Institute, Washington D.C.
- ²³Burrell, S. & Warboys, L. (2000). Special education and the juvenile justice system. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.
- ²⁴Pub. L. No. 101-476, 20 U.S.C. § 1400 *et seq.*; 34 C.F.R. § 300.101; 114.
- ²⁵34 C.F.R. § 300.111.
- ²⁶*Supra* note 23.
- ²⁷34 C.F.R. § 300.304.
- ²⁸34 C.F.R. § 300.303. A reevaluation may not occur more than once a year unless the parent(s) and the public agency agree otherwise.
- ²⁹34 C.F.R. § 300.323(c)(1).
- ³⁰34 C.F.R. § 300.321.
- ³¹34 C.F.R. § 300.322.
- ³²34 C.F.R. § 300.324.
- ³³34 C.F.R. § 300.43.
- ³⁴34 C.F.R. § 300.43.
- ³⁵34 C.F.R. § 300.323.
- ³⁶34 C.F.R. § 300.530.
- ³⁷34 C.F.R. § 300.501-504.
- ³⁸34 C.F.R. § 300.519.
- ³⁹34 C.F.R. § 300.507-516.
- ⁴⁰34 C.F.R. § 300.537.
- ⁴¹34 C.F.R. § 300.514.
- ⁴²Mulvey, E.P. & Iselin, A.R. (2008). Improving professional judgments of risk and amenability in juvenile justice. *The Future of Children*, 18(2), 35-57; L.G. Arthur. (Ed.). (1991). *Learning disabilities and the juvenile justice system* (pp. 51-56), Reno, NV: National Council of Juvenile and Family Court Judges; Steen, S., Bond, C., Bridges, G., & Kubrin, C. (2005). Explaining assessments of future risk: Race and attributes of juvenile offenders in presentencing reports. In D.F. Hawkins & K. Kempf-Leonard (Eds.), *Our children, their children: Confronting racial and ethnic differences in American juvenile justice* (pp. 245-269). Chicago: University of Chicago Press.
- ⁴³34 C.F.R. § 99.30-39.
- ⁴⁴*Supra* note 23.
- ⁴⁵National Council on Disability. (2002). *National disability policy: A progress report, December 2000*. Washington, DC: Author.
- ⁴⁶*State of Connecticut v. David F.*, 29 IDELR 376 (Conn. Super. Ct. 1998); *Cabot School District (No. H-99-02)*, 29 IDELR 30 (Ark. 1998); *Andre H. v. Sobol*, 84 Cir. 3114, U.S. Dist. Ct. of S. Dist. of NY (case settled, 1990).
- ⁴⁷Larson, K.A. (1988). A research review and alternative hypothesis explaining the link between learning disability and delinquency. *Journal of Learning Disabilities*, 21, 357-363, 369.
- ⁴⁸Holman, B. & Ziedenberg, J. (2006). The dangers of detention: The impact of incarcerating youth in detention and other secure congregate facilities. Baltimore, MD: Annie E. Casey Foundation; Mallett, C. & Julian, L. (2008). Alternatives for youth's advocacy program: Effectively reducing minority youth's detention and incarceration placements in Cleveland, Ohio. *Juvenile and Family Court Journal*, 59(3), 1-17; Mulvey, *supra* note 3.
- ⁴⁹The Children's Nonverbal Learning Disabilities Scale© was excerpted from the Developmental Screening and Referral Inventory (DSRI) by David B. Goldstein, PhD, 1999.
- ⁵⁰Grisso, T., Barnum, R., Fletcher, K., Cauffman, E., & Peuschold, D. (2001). Massachusetts youth screening instrument for mental health needs of juvenile justice youths. *Journal of the American Academy of Child and Adolescent Psychiatry*, 40, 541-548.
- ⁵¹Schmidt, F., Hoge, R., & Gomes, L. (2005). Reliability and validity analysis of the Youth Level of Service/Case Management Inventory. *Criminal Justice and Behavior*, 32(3), 329.
- ⁵²Howell, K.W. & Wolford, B.I. (2002). *Corrections and juvenile justice: Current education practice for youth with learning and other disabilities*. Monograph Series on Education, Disability and Juvenile Justice. College Park, MD: National Center on Education, Disability and Juvenile Justice.
- ⁵³Mears & Aron, *supra* note 4; Osher, D., Rouse, J., Quinn, M., Kandizoria, K., & Woodruff, D. (2002). Addressing invisible barriers: Improving outcomes for youth with disabilities in the juvenile justice system. College Park, MD: Center for Effective Collaboration and Practice, American Institute for Research.
- ⁵⁴*Supra* note 14; Kvarfordt et al., *supra* note 10.
- ⁵⁵Office of Juvenile Justice and Delinquency Prevention. (2011). *OJJDP Model Programs Guide*. Washington, DC: Office of Justice Programs, U.S. Department of Justice.
- ⁵⁶Washington State Institute for Public Policy. (1998). *Watching the bottom line: Cost-effective interventions for reducing crime in Washington*. Olympia, WA: Evergreen State College.

