

# State Policies to Support Education for Youth Impacted by the Justice System

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While there has been a steady decline in the number of youth held in residential placement facilities over the past two decades, a one-day count conducted in 2022 found that [more than 27,000](#) youth were held in facilities across the United States. Some are detained while awaiting sentencing or placement, while others are committed for longer periods as part of a court-ordered disposition. The length of their detainment depends on factors such as the offense and the facility, but the [median length of detainment](#) is about 10 weeks.

Minors held in residential placement face education barriers not only during their time in a facility, but also prior to entering and after their release. The most recent available [survey](#) of youth in residential placement, conducted in 2016, found that:

- At least 61% said they had previously been suspended and/or expelled from school.
- At least 24% reported they were not enrolled in a school when they entered custody.
- At least 48% demonstrated academic proficiency below grade level.\*
- At least 25% of youth surveyed said they had repeated a grade.\*
- At least 30% reported that an expert, such as a doctor or counselor, had told them they have a learning disability compared to 5% of youth in the general population between ages 10-20.

\*According to an [analysis](#) of the survey results.



Policymakers play an important role in ensuring youth who are impacted by the justice system get education services and supports they need to thrive in the system and life outside of detainment.

Research shows youth who achieve higher levels of education while in residential placement are more likely to have positive outcomes upon release, yet many of their needs are not identified or addressed.

Lack of coordination between state and local agencies, inadequate access to high-quality educational experiences and disjointed re-entry practices are major structural barriers to student success.

In addition, census and survey data on [race/ethnicity](#) and [gender](#) show disparities in detention facility populations — Black and male youth are disproportionately impacted.

### Definitions

*Adjudication.* The court process that determines if the youth committed the act they are charged with committing.

*Residential Placement Facility.* Any out-of-home youth placement facility, including a juvenile detention center, group home, boot camp, correctional facility, residential treatment center or shelter. Facilities may be publicly or privately owned and operated.

Youth who are impacted by the justice system encounter myriad challenges as they move through and between education and juvenile justice systems. Policymakers play an important role in mitigating these challenges. Challenges include exclusionary discipline practices that increase the likelihood of involvement in the justice system, lack of coordination between the various state and local entities that are responsible for supporting and caring for youth in the system, inadequate access to quality education opportunities in residential placement facilities and disjointed reentry practices that often impeded successful re-enrollment. This

Policy Brief provides an overview of systemic obstacles youth impacted by the justice system face and state examples that illustrate a variety of approaches to support this population of learners.

## Systemic Obstacles to Success

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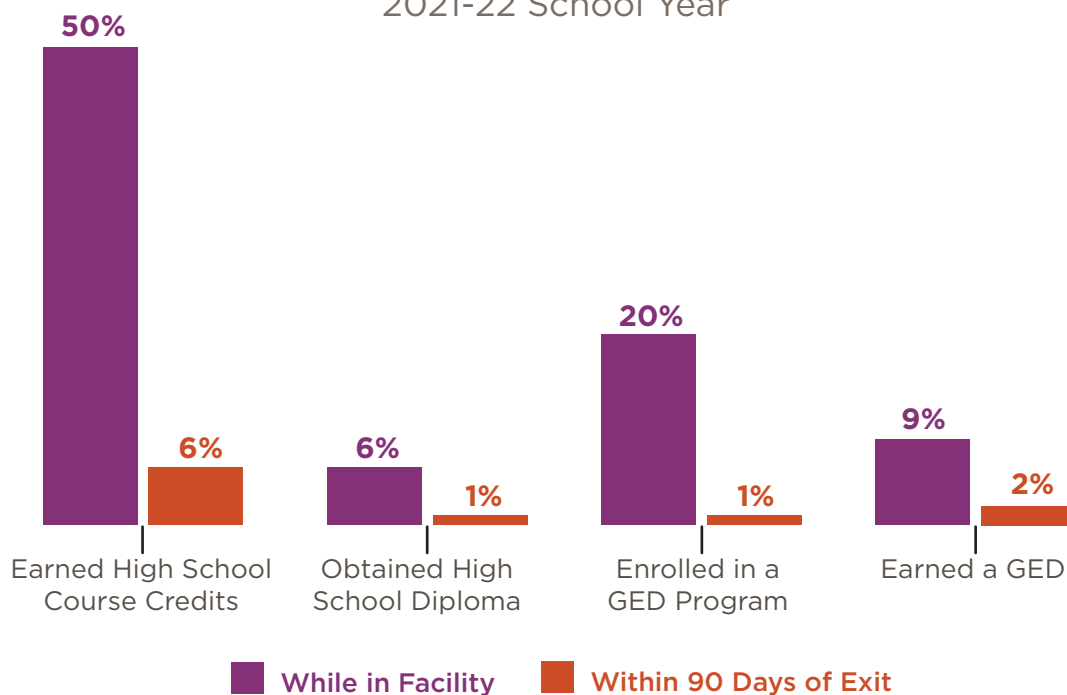
[Research](#) has shown that youth who achieve higher levels of education while in residential placement are more likely to have positive outcomes upon release, yet many of these students' education challenges and additional needs are not identified or addressed. Experts point to several structural and institutional barriers that limit their academic success including, but not limited to:

- A [lack of coordination](#) between the multiple state and local agencies responsible for the care and education of these youth. This includes juvenile courts and justice departments, social service agencies, and state and local education agencies. Achieving positive outcomes requires a system of multi-agency coordination that is not in place in many states.

- [Inadequate access](#) to high-quality educational experiences. Youth are offered fewer opportunities to participate in rigorous coursework and have a lower likelihood of being taught by well-prepared and supported teachers. In addition, these programs are often offered in settings designed with safety — not education — in mind, which can lead to frequent disruptions, fewer or irregular [instructional hours](#), and limited access to needed technology and learning materials.
- [Disjointed re-entry practices](#) that contribute to unsuccessful transitions back to their local school. Youth impacted by the justice system face complicated school re-enrollment processes, failed credit transfers and misaligned course placements — among other obstacles.

## Academic Outcomes for Youth in Residential Placement Facilities

2021-22 School Year



Source: National Technical Assistance Center “[United States Fast Facts Statistics: IV. Academic Outcomes](#)” data on youth enrolled in programs that receive funding under [Title I, Part D](#) of the Elementary and Secondary Education Act — nearly 42,000 students in 699 programs.

## Disparities Among Student Groups

Students of color, including Black, Latine and Indigenous students, are [disproportionately subjected](#) to harsher and more frequent school disciplinary actions than their white peers despite not committing more disciplinable offenses. This disparity is even more pronounced for [disabled](#) students of color as well as [LGBTQ and gender non-conforming students](#) who experience compounded discrimination, which leads to longer, more severe punishments.

Frequent use of exclusionary discipline significantly escalates the likelihood of students encountering the [juvenile justice system](#). This link manifests directly as students are referred for minor infractions and indirectly as exclusionary practices contribute to academic underachievement like lower graduation rates. It is the [combination of systemic issues](#) such as the increased presence of police in schools and the criminalization of minor infractions that collectively push historically marginalized students out of the classroom and toward the criminal justice system.

## Alternative Disciplinary Measures in State Policy

Education Commission of the States compiled current state school discipline related [statutes and regulations](#) across the 50 states and the **District of Columbia** to explore the status of disciplinary measures. Among the findings, at least 37 states and the District of Columbia encourage or require practices such as community service, counseling and peer mediation as alternatives to more punitive measures. Additionally, the education and

## The School-to-Prison Pipeline

Exclusionary school practices such as suspensions and expulsions can set youth on a trajectory that ends in residential placements and fuels the school-to-prison pipeline. The [School-to-Prison Pipeline](#) refers to policies and practices that push students out of the education system and into the criminal justice system through exclusionary punishments often for minor, non-violent infractions. [This issue](#) is prevalent in schools across the country — particularly in districts with zero-tolerance policies and high rates of exclusionary discipline.

[Zero-tolerance policies](#) originated in the 1980s in response to rising concerns about drug use and violence in U.S. schools. They gained significant momentum following the 1994 [Gun-Free Schools Act](#), which required schools to expel any student found carrying a firearm on school grounds. Many schools ultimately adopted similar approaches for a wide range of offenses, which extended the rigid, punitive framework to non-violent behaviors like tardiness or dress code violations.

justice departments' School Climate and Student Discipline Resources and [outline](#) evidence-based approaches to foster equitable and inclusive school environments, including the implementation of restorative justice to reduce punitive measures, social and emotional learning to support students' well-being and culturally responsive practices to address disciplinary disparities.

## Arts Education in Juvenile Justice Systems

The [positive impact](#) of arts education on youth in the juvenile justice system is well documented. Arts Education Partnership has convened leaders, explored research and identified programs and policy supports for arts education in juvenile justice settings. As part of this work, they [identified](#) four key areas where arts education can play an important role:

- 1| Prevention.** Preventative programs that incorporate arts-based activities can reduce [risk factors](#) for involvement in the justice system.
- 2| Intervention.** There are [multiple points](#) throughout the juvenile justice process where arts-based programs can intervene in the lives of youth involved in the system, including during initial contact, correctional placement and reentry to reduce recidivism through creative practices that allow youth to grow and discover future possibilities for themselves.
- 3| Transition.** Arts-based transition programs provide support services for youth who are reentering their communities from out-of-home placements. These types of programs help strengthen social and emotional development, including self-awareness, conflict resolution skills and understanding of [moral decision-making](#), which are skills that play a key role in lasting success in school, work and life.
- 4| Healing.** Youth involved with the juvenile justice system are commonly exposed to trauma in some capacity before, during or after involvement in the system. Arts-based healing programs address these traumas and help youth build resilience, strengthen coping skills and foster positive self-esteem through art therapy.

State leaders can support arts education by adopting [policies](#) that encourage collaboration across stakeholder groups and align policy and funding to support youth involved in the justice system.

## State Policy Supporting Education Success

In recent years, many states have taken steps to ensure youth who are impacted by the justice system are receiving the education services they are entitled to. These state approaches often address issues caused by lack of coordination between the agencies responsible for the care and education of these youth, inadequate education services, and disjointed re-entry practices.

### State Governance Models

States' education programs for youth residing in residential placement facilities are generally governed in one of three ways:

- The statewide **school district model** describes states that operate education services in juvenile detention facilities through a designated statewide school district.
- States with **state school models** oversee and operate schools within juvenile detention facilities under the direct supervision of a state agency.
- The **local school district model** is different in that it does not include direct oversight from a state district or agency. Instead, the relevant state juvenile justice and education agencies partner with local school districts to oversee and operate services.

The following examples include states that have recently enacted legislation, and where applicable an overview of previous legislation, to highlight comprehensive approaches to identifying and implementing policy change to better serve youth impacted by the justice system. Because many of the changes are recent, the impact on student outcomes cannot yet be quantified. However, each of these states have established mechanisms such as working groups and committees to continue to study and refine their approaches.



**Colorado** enacted legislation in 2024, [H.B. 24-1216](#), that addresses supports for students impacted by the justice system in several ways, including:

- A Justice-Engaged Student’s Bill of Rights.
  - The bill of rights for justice-impacted students includes:
    - 1| The right to alternative solutions for general education.
    - 2| Prompt enrollment or re-enrollment with a local education provider.
    - 3| Appropriate credit for coursework completed while justice-impacted and for that coursework to be applied toward graduation or school continuation when re-enrolled with a local education provider.
    - 4| A graduation plan.
    - 5| Privacy for diversion, probation or questioning about a crime.
    - 6| Protection under federal laws related to disability, foster care and homelessness.
    - 7| The right to participate in gifted and college readiness programs.
- Requirements for Local Education Providers.
  - The department of education must develop guidance aligned with the justice-impacted student’s bill of rights that includes guidance on state attendance laws, cases pertaining to education as a protected property interest, reentry best practices, the credit transfer process and federal requirements.
  - Local education providers are required to publish resources available for justice-impacted students on their website and are further required to designate a person who is knowledgeable about alternative education options and wraparound services.
  - The designated point of contact must actively engage with justice-impacted students and their families to explore alternative education options before resorting to denial of access to education.
- Credit Transfer.
  - The state board of education must adopt rules to ensure youth in custody have access to quality education programs and receive credit for work completed when they return to the traditional education environment.

- Hotline and Student Support.
  - The department of education is required to contract with an entity to administer a statewide hotline that offers referrals for legal advice, school options and other necessary wraparound services and supports.
- Rural Student Support.
  - The state department of education must assist students from small frontier and rural school districts who have been denied reentry to the student's local education provider.
- Commitment Sentencing.
  - Courts and detention screening teams are encouraged to consider a youth's education progress and ability to achieve credits toward graduation. The legislation also encourages courts that commit a justice-impacted student to the care of the department of human services for an offense that did not include physical or bodily injury to order that the commitment allows the student to continue to attend school.
- Working Group.
  - The department of education is required to convene an interagency working group to make recommendations on identifying and collecting data on the number of justice-impacted students.



**Connecticut** enacted legislation in 2016, [H.B. 5642](#), that adopted recommendations from the [Juvenile Justice Policy and Oversight Committee](#). The bill made several changes affecting juvenile detention and other juvenile justice matters. The changes related to education include:

- School-Based Diversion Initiatives.
  - The bill required several state agencies to work together to develop a plan for school-based diversion initiatives to reduce juvenile justice involvement among children with mental health needs in schools with high rates of school-based arrests, disproportionate minority contact with the juvenile justice system and a high number of juvenile justice referrals. The [plan](#) was submitted to the oversight committee in 2018.
- School Expulsion.
  - The legislation made several changes concerning school expulsion, including changes to expulsion hearings, alternative education for expelled students and return to school after placement in the juvenile justice system.



- Out-of-School Suspensions in Residential Placement Facilities.
  - The bill prohibits facilities operated by the department of children and families, the department of corrections or the court support services division from imposing an out-of-school suspension on a minor residing in the facility.
- Plan for Educational Needs of Children in the Justice System and Re-entering the Community.
  - The bill requires a plan for assessing and addressing the individualized education needs of children in the justice system and those re-entering the community from public and private juvenile justice and correctional facilities. The plan was submitted to the oversight committee in 2017. It makes findings and recommendations related to:
    - Consolidation and coordination of a system for educating youth in the juvenile justice system.
    - Quality control and accountability for education in facilities and during transitions.
    - Expert teachers and specialized curricula.
    - Community transitions.

Legislation passed in 2023, [H.B. 6888](#), made additional changes to the state's juvenile justice laws. Among the bill's provisions is a requirement that the court support services division executive director along with the department of children and families, state department of education and department of corrections commissioner create a reentry success plan for youth released from the department of corrections and the judicial department's facilities and programs. The bill requires that the plan incorporate restorative and transformative justice principles including:

- Provision of individualized academic support and the role of school districts in ensuring the provision of academic, vocational and transition support services.
- Connection to vocational and workforce opportunities and developmentally appropriate housing.
- Delivery of trauma-informed mental health and substance use treatments.
- Development of restorative justice reentry circles.
- Use of credible messengers as mentors or transition support providers.
- Role of reentry coordinators.

Finally, the bill requires that the plan include a quality assurance framework, information on federal and state funding sources supporting a comprehensive reentry model, implementation priorities and appropriate timelines. The finalized [plan](#) contains 10 recommended strategies and reports the results of a youth survey that included questions about preparedness for reentry, needs and services and potential barriers.



**Washington** has also taken iterative steps toward improving education for youth impacted by the justice system. In 2020, the Improving Institutional Education Programs and Outcomes Task Force was created [to examine issues](#) including:

- Goals and strategies for improving coordination and delivery of education services.
- The transmission of student records for students in residential placement facilities.
- Goals and strategies for increasing the graduation rate of youth in residential placement facilities.
- An assessment of the level and adequacy of basic and special education funding for residential placement facilities.
- A focus on school safety issues that are applicable in residential placement facilities.
- Special skills and services of faculty and staff including associated professional development and nonacademic supports for addressing social and emotional and behavioral health needs.

The task force submitted its [final report](#), which includes recommendations and considerations in 12 topic areas, to the governor and the Legislature in December 2020.

Legislation enacted in 2021, [H.B. 1295](#), established new and modified duties for the office of the superintendent of public instruction, the department of children, youth, and families, and the state board of education related to education for youth in or released from secure facilities. Among its requirements, the bill directed the OSPI and the DCYF to jointly develop recommendations for establishing, implementing and funding a reformed institutional education system that successfully meets youth's education and support needs.

The bill also [established](#) the Institutional Education Structure and Accountability Advisory Group to provide advice, assistance and information to the OSPI and the DCYF in developing the recommendations. The [final report](#), which includes 10 recommendations focused on organizational and accountability structures, funding and regular, ongoing review of system performance was submitted in December 2022.

Finally, a bill enacted in 2023, [H.B. 1701](#), addresses basic education services for youth in residential placement facility education programs. Beginning Sept. 1, 2027, the bill makes the superintendent of public instruction responsible for the delivery and oversight of basic education services to justice-involved students who are under the age of 21 and served through residential placement facility education programs in facilities not under the jurisdiction of the department of social and health services or the department of corrections. The bill [also establishes](#) the Joint Select Committee on Governance and Funding for Institutional Education to examine and evaluate revisions to statutes, funding formulas, funding sources, and operating and capital budget appropriation structures as necessary to assign the superintendent of public instruction with this new responsibility. The select committee was required to report its findings and recommendations by Dec. 1, 2024.

## Federal Policy and Funding Streams

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### Federal Policy

The Individuals with Disabilities Education Act protections apply to students in residential placement facilities. States must offer disabled students a free, appropriate public education in the least restrictive environment. In addition, the Every Student Succeeds Act contains a general [requirement](#) that state and local agencies receiving Title I funds and serving youth in residential placement facilities must provide services designed to meet these youths' education needs. Beyond that general requirement, state education agencies must establish:

- Opportunities for youth in residential placement facilities to participate in credit-bearing coursework while in secondary school, postsecondary education, or career and technical education programming.
- Procedures to ensure timely re-enrollment of students transitioning out of a facility into secondary school or a re-entry program that best meets the needs of the student, including the transfer of credits earned while in the facility.

The law also supports targeted, evidence-based services for youth who come in contact with the juvenile justice system and places additional emphasis on incarcerated youth obtaining a high school diploma. It also requires placement facilities receiving funds under the law to coordinate the education transition of re-entering youth so as to “minimize disruption to the child’s or youth’s achievement.”

## Funding

The U.S. Department of Education provides funding under [Title I, Part D](#) of the Elementary and Secondary Education Act also known as the Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk\*. Under Subpart 1 of Part D, states receive formula funds based on the number of children and youth in state-operated institutions and per-pupil education expenditures. Under Subpart 2, local agency programs, the state awards subgrants to districts with high numbers or percentages of children and youth in locally operated juvenile placement facilities.

In addition, the Office of Juvenile Justice and Delinquency Prevention provides [formula grants](#) to states to support state and local efforts, including funding to encourage students to stay in school, assist transitional services, identify disabilities and learning challenges, provide job training, and coordinate services across local education, justice and social service providers.

Since federal funding does not cover the full cost of these programs, state and local sources are also tapped. State funding mechanisms vary across states and include reimbursements to local education agencies and juvenile justice facilities. This requires counties with education programs at facilities to allocate a base amount and in some states that allocate funding on a per-pupil basis, requires that funding follow a student to a facility.

*\*In line with our commitment to using inclusive and intentional language, we're highlighting that this program name uses deficit-based language to describe youth.*

## Final Thoughts

State policymakers play an important role in ensuring that youth who are impacted by the justice system get the education services and supports they need to thrive in the system and beyond. Youth impacted by the justice system face intertwined education challenges at every stage of their journey. These barriers include exclusionary school discipline practices before custody, limited access to quality education and learning support during placement, and difficulties with reentry and academic continuity after release. Policies that address these critical barriers throughout the entire continuum of youths' education experience are most likely to effectively support them. Policymakers addressing issues like lack of interagency coordination, inadequate access to high-quality educational experiences, and fragmented reentry supports may help put this vulnerable population of students on a path toward academic success, career opportunities and personal growth.

# About the Authors

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In her role as a principal consultant, Jennifer provides nonpartisan research and analysis on a diverse set of state-level education issues spanning early learning through postsecondary and the workforce. Prior to joining Education Commission of the States, Jennifer worked for 13 years at the Colorado General Assembly — first as an editor and then as a committee and research staffer. Jennifer is dedicated to providing state leaders with the information they need to make a real difference in students' lives. Contact Jennifer at [jthomsen@ecs.org](mailto:jthomsen@ecs.org).

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# Acknowledgement

Thank you to our Partner Ascendium for supporting this work.

