



Multnomah Education Service District



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DEPARTMENT OF
EDUCATION
Oregon achieves . . . together!



Educating Youth: Laws, Policies, and Case Studies

Sam Ko, Hailly Korman, and Christine Otto

TIPD State Coordinator Annual Meeting,
May 2025

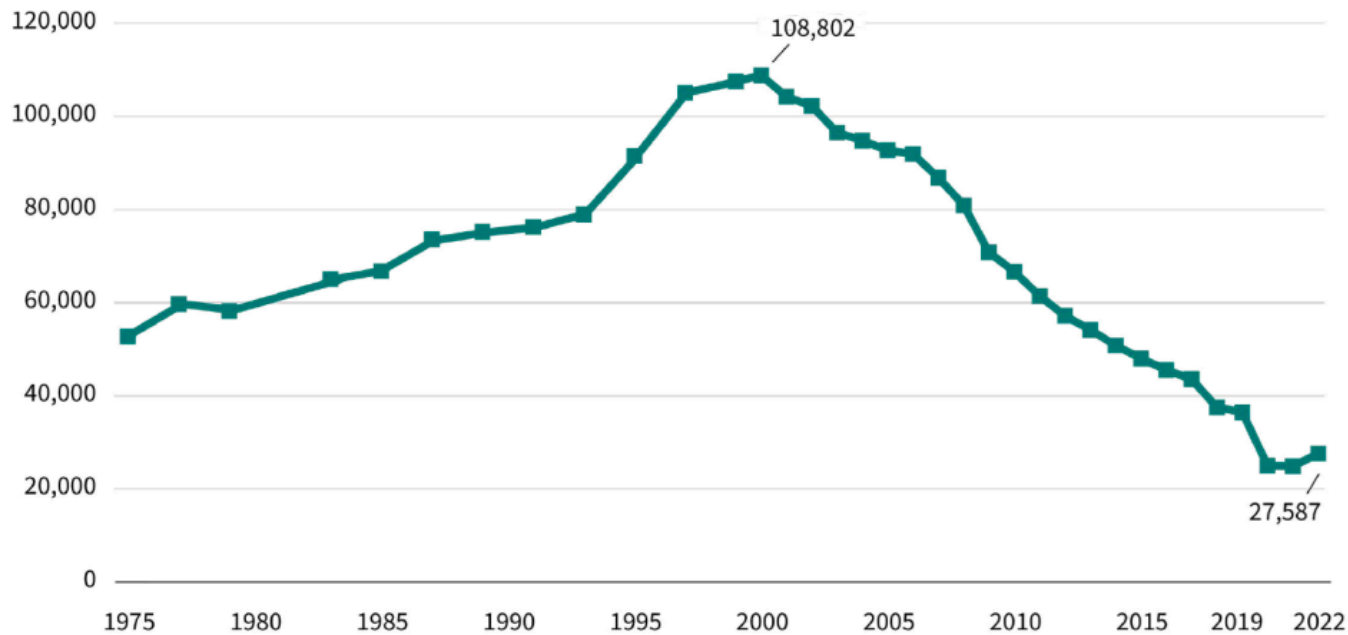


Agenda



- National Overview
- Legal Frameworks for Rights
 - Vehicles for Change: IDEA
 - Vehicles of Change: Abuse
- Oregon Overview
 - Types of Settings
 - Juvenile Detention vs. Youth Corrections
 - Regulations and Rules
- From a Practitioner
 - Programs
 - Considerations
 - Promising Practices

Approximately 30,000 young people are educated in a secure facility on any given day



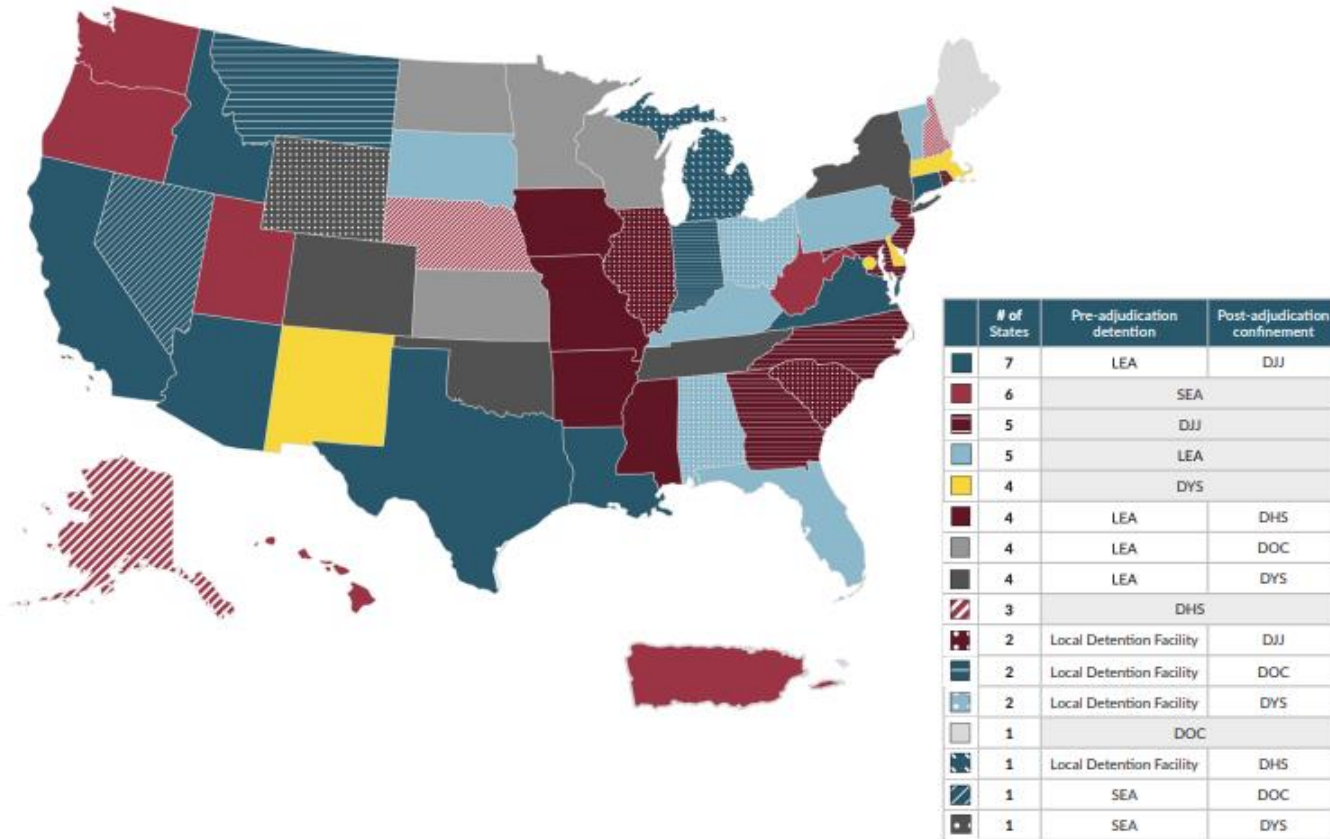
Sources: Hockenberry, S. (2024). [Highlights from the 2022 Juvenile Residential Facility Census](#).

National Center for Juvenile Justice. National Center for Juvenile Justice (2021). [Juvenile residential facility census databook](#). Office of Juvenile Justice and Delinquency Prevention; Sickmund, M.

(2023). Residential placement trends 1975-2019. [Unpublished data, available upon request.]

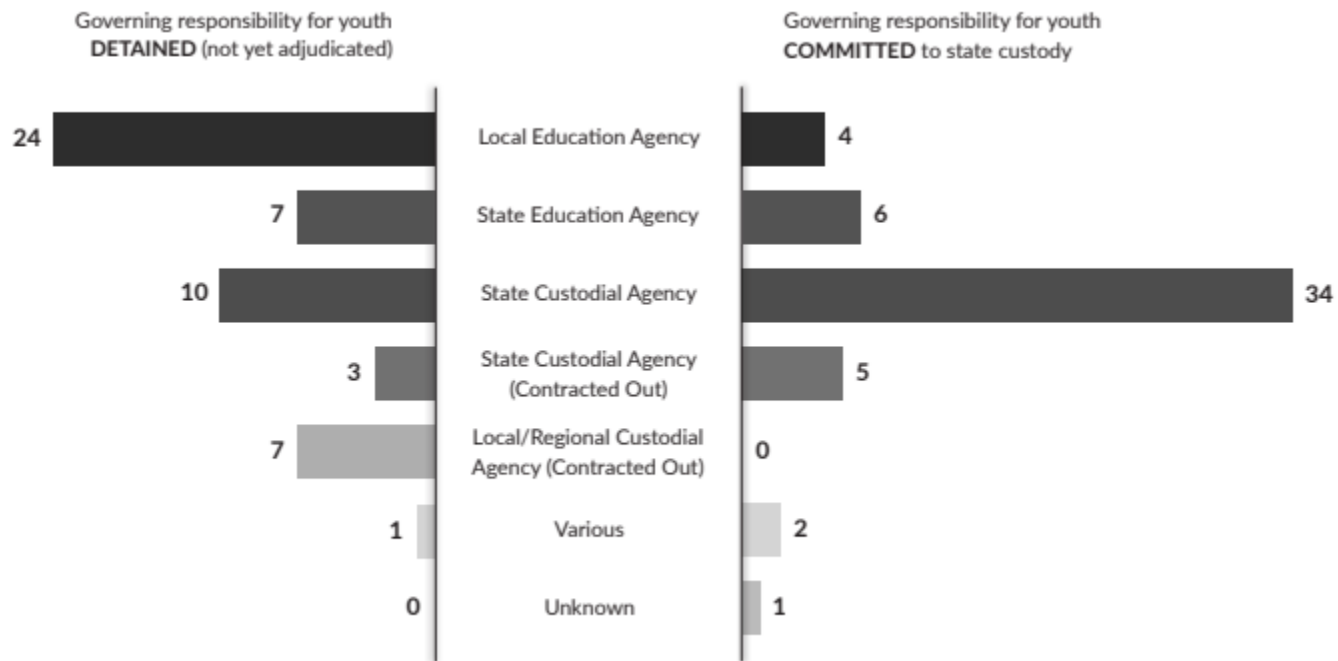
National Center for Juvenile Justice; Puzzanchera, C., Sladky, T.J., & Kang, W. (2023). [Easy access to the census of juveniles in residential placement](#).

Those education programs are delivered by a wide range of providers with varying funding and accountability rules



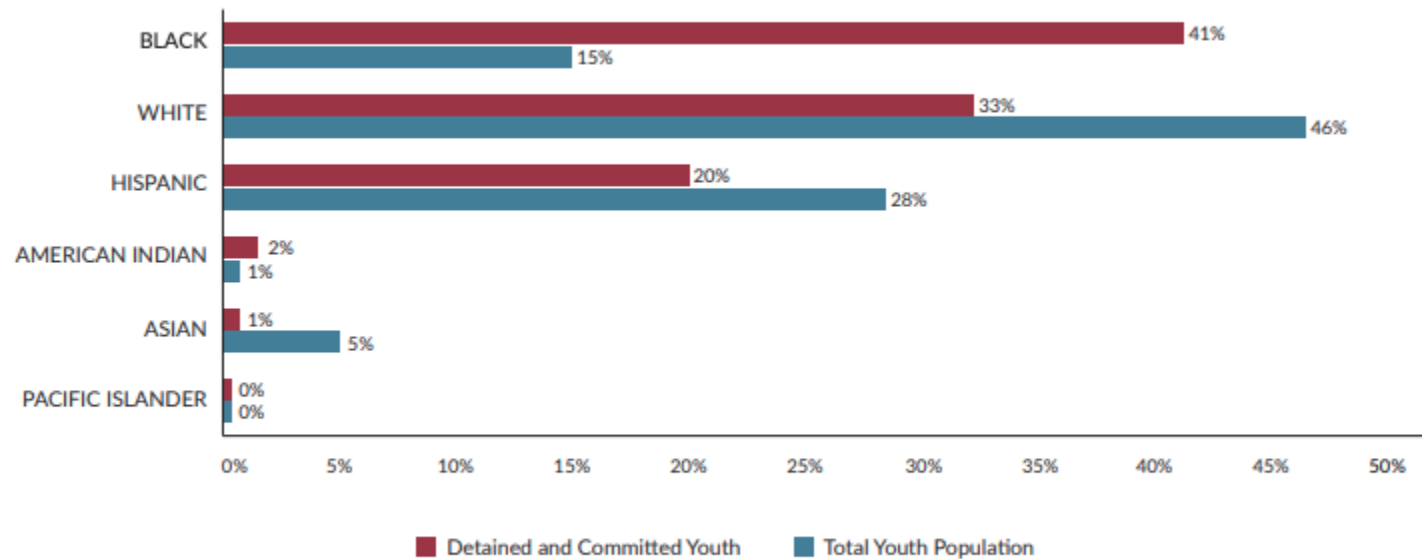
Note: When there is just one agency listed, that agency is responsible in both settings within the state. The state agencies are represented by their acronyms: DOC = Department of Corrections, DHHS = Department of Health and Human Services, DOJ = Department of Justice, DJJ = Department of Juvenile Justice, DHS = Department of Youth Services.

There are often differences within a state as a young person moves from detention to commitment



The demographics of detained and committed youth are different than those of the total youth population

FIGURE 1. 2019 ONE-DAY COUNT: DETAINED AND COMMITTED YOUTH BY RACE/ETHNICITY



Sources: Sickmund et al., "Easy Access;" National Center for Education Statistics, "Enrollment in Public Elementary and Secondary Schools, by Level, Grade, and Race/Ethnicity: Selected Years, Fall 1999 through Fall 2020," September 2021. Available [here](#).

Legal Framework

Students retain all of their federal (but not always all of their state) education rights

	Every Student Succeeds Act (ESSA) ⁶⁰	Juvenile Justice Delinquency Prevention Act (JJDP) ⁶¹	Individuals with Disabilities Education Act (IDEA) ⁶²
Funding Source	United States Department of Education	United States Department of Justice	United States Department of Education
Award Amount	\$48 million in FY 21	\$44.4 million in FY 20	\$2.5 billion in FY 21
Funding Recipients	State education agencies that administer subgrants to other state agencies and LEAs that serve neglected or delinquent youth	State agencies designated by governors that administer subgrants to entities operating education programs in juvenile facilities	State education agencies, institutions of higher education, and nonprofit organizations (states are required to pass most funds on to LEAs)
Funding Mechanism	Office of Elementary and Secondary Education, Office of School Support and Accountability, Title I, Part D	Office of Juvenile Justice and Delinquency Prevention, Title II, Part B Formula Grants Program	Office of Special Education Programs formula-grant programs and discretionary grants, section 611(d)
Purpose	Improve education services, facilitate successful transitions, and prevent at-risk youth from dropping out	Support state and local delinquency prevention and intervention efforts	Anti-discrimination law that guarantees that students with disabilities are provided with a free and appropriate education

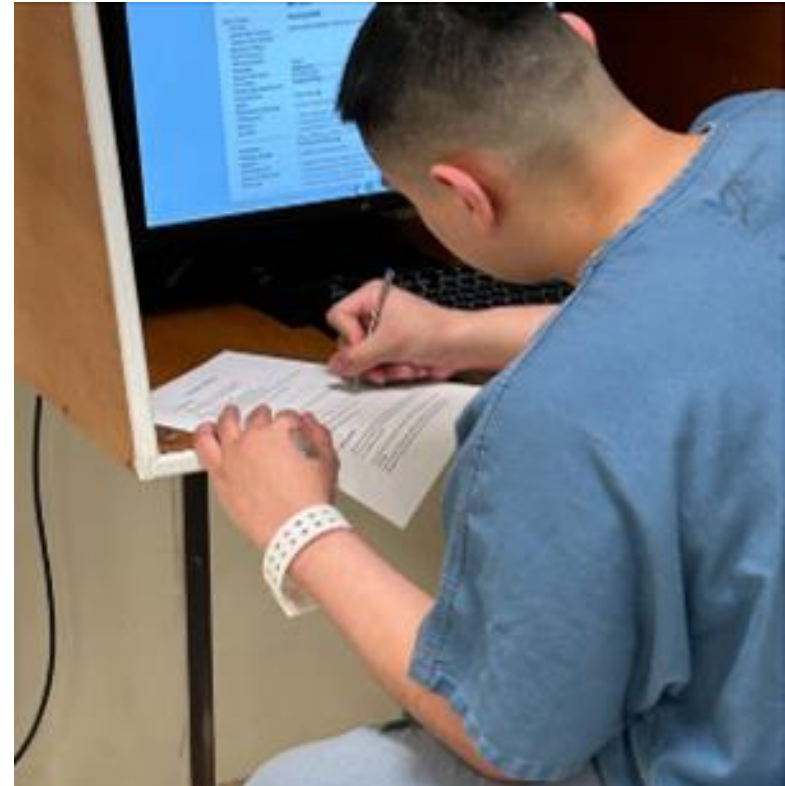
Students retain all of their federal (but not always all of their state) education rights

	Every Student Succeeds Act (ESSA) ⁶⁰	Juvenile Justice Delinquency Prevention Act (JJDP) ⁶¹	Individuals with Disabilities Education Act (IDEA) ⁶²
Requirements	<p>State plans must describe how they will:</p> <ul style="list-style-type: none">• re-enroll students in school in a timely manner• allow students to accrue and transfer credits while incarcerated• promptly transfer educational records between schools and correctional facilities• hold juvenile justice educational programs accountable	<p>To receive funding, state agencies must commit to:</p> <ul style="list-style-type: none">• ensuring youth who commit status offenses⁶³ are not held in secure settings• separating youth from adult inmates• removing youth from adult facilities• addressing racial and ethnic disparities	<p>To receive funding, states must provide students with disabilities a FAPE that includes services that:</p> <ul style="list-style-type: none">• have been provided at the public expense• meet the standards of the state education agency• are provided at the preschool through secondary levels• are guided by an individualized education program

Vehicle of Change: IDEA



- Between **33% and 85%** of incarcerated youth qualify for special education services under IDEA.
- As many as **two-thirds** of youth in justice settings who qualify for special education services have a history of an emotional or behavioral disorder or have a specific learning disability.



Alexis P. Kincaid & Amanda L. Sullivan, *Double Jeopardy? Disproportionality in First Juvenile Court Involvement by Disability Status*, 85 *Exceptional Child*. 453 (2019).

Vehicle of Change: IDEA



Nearly **one third** have experienced traumatic brain injury at some point in their lives.



Dear Colleague (2014)



[T]he fact that a student has been charged with or convicted of a crime does not diminish his or her substantive rights or the procedural safeguards and remedies provided under the IDEA to students with disabilities and their parents.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Dec 05, 2014

Dear Colleague:

We are writing to focus your attention on the educational needs of students with disabilities who are in correctional facilities¹ and the requirements of Part B of the Individuals with Disabilities Education Act (IDEA or IDEA, Part B) as they apply to States, State educational agencies (SEAs), and public agencies (including local educational agencies (LEAs), and responsible noneducational public agencies²) in educating these students. Absent a specific exception, all IDEA protections apply to students with disabilities in correctional facilities and their parents.³ Supporting effective and accountable education for incarcerated and at-risk youth can result in cost savings to the public and enable troubled youth to obtain an education and enhance their future employment options and life choices. As the U.S. Departments of Education (Department) and Justice recently stated, the fact that a student has been charged with or convicted of a crime does not diminish his or her substantive rights or the procedural safeguards and remedies provided under the IDEA to students with disabilities and their parents.⁴ This letter also provides information regarding technical assistance and other relevant resources to enhance students' reintegration into the school setting or participation in programs.

Students with disabilities represent a large portion of students in correctional facilities, and it appears that not all students with disabilities are receiving the special education and related services to which they are entitled. National reports document that approximately one third of students in juvenile correctional facilities were receiving special education services, ranging

¹ The definition of a correctional facility varies from State to State. For the purposes of this letter, "correctional institution" or "correctional facility" refers to juvenile justice facilities, detention facilities, jails, and prisons where students with disabilities are, or may be, confined. In addition, this letter uses the term "students with disabilities" to refer to children with disabilities, as that term is defined in 34 CFR §300.8.

² The requirements in 34 CFR §300.2(b)(1)(iv) and (2) and 34 CFR §300.154 govern the responsibilities of noneducational public agencies for the education of students with disabilities in correctional facilities.

³ The rights of students with disabilities in correctional facilities are also protected by two other Federal laws: Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits disability discrimination in programs or activities of entities, such as public schools and correctional agencies, that receive Federal financial assistance (29 U.S.C. §794, 34 CFR part 104); and Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits disability discrimination by public entities, including public schools and correctional agencies, regardless of whether they receive Federal financial assistance (42 U.S.C. §§12131-12134, 28 CFR part 35). For more information about these civil rights laws, see the OCR Dear Colleague Letter (dated June 9, 2014), available at <http://www.ed.gov/blog/wp-content/uploads/2014/06/dcl-dod-itr.pdf>.

⁴ Statement of Interest for the United States, *G.F. v. Contra Costa County*, No. 3:13-cv-03667-MEJ (N.D. Cal.) (filed Feb. 13, 2014), available at http://www.justice.gov/crt/about/spl/documents/contracosta_soi_2-13-14.pdf.

U.S. Department of Education, Office of Special Education and Rehabilitative Services, *Dear Colleague letter on the Individuals with Disabilities Education Act for Students with Disabilities in Correctional Facilities*, (December 5, 2014), <https://sites.ed.gov/idea/idea-files/osep-dear-colleague-letter-on-the-individuals-with-disabilities-education-act-for-students-with-disabilities-in-correctional-facilities/>

And More Letters!



- 2019 Letter on whether a State... fails to provide a free appropriate public education (FAPE) under Part B of IDEA to students with disabilities when the state offers such students only a **General Education Development (GED)** credential rather than the opportunity to earn a regular high school diploma.
 - [OSEP LETTER: Jan. 29, 2019 to Duncan - Individuals with Disabilities Education Act](#)
- 2003 Letter on Free Appropriate Public Education for Eligible Youth with Disabilities Incarcerated in **Adult Prisons**
 - [POLICY LETTER: August 19, 2003 to Vermont Department of Education Legal Counsel Geoffrey A. Yudien - Individuals with Disabilities Education Act](#)

Vehicle of Change: IDEA

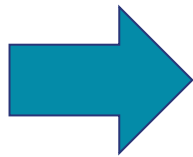


- **Earl P v. Hornbeck** (1985), Maryland
 - Failed to exchange records & to provide IEP services including related services
 - Staff - student ratio too low
 - Consent decree w/monitoring
 - Later led to DOJ investigation about conditions in facilities and findings of violations of constitutional and statutory rights including those for an education (U.S. v. Maryland, 2005).
- **Milonas v. Williams** (1982), Utah
 - Tenth Circuit ordered a private facility for behaviorally challenged youth to comply with the least restrictive environment provisions of IDEA and Section 504.

Vehicle of Change: IDEA



- **Brian B v. Pennsylvania Dept. of Educ.** (1999)
 - PA General Assembly amended state law: convicted school-aged offenders incarcerated in adult county jails be treated as if they had been expelled from school.
 - Settlement allowed SpEd services but not general education.



Not all states take this stance. See **Tunstall v Bergeson (2000)**, a Washington case that found that school-age youth (regardless of IDEA status) did not forfeit their state right to an education by committing a crime.

- **U.S. v. Oklahoma** (2008/2011)
 - Consent decree requiring a juvenile facility to protect students from harm, provide mental health care, and provide special education services

Vehicle of Change: IDEA



- **G. F. v. Contra Costa Cnty.** (2015), California
 - Denied special education and related services by county facility, which led to youth misbehavior and punishment. Solitary confinement 22+ hours/day.
 - U.S. Statement of Interest because of the Civil Rights of Institutionalized Persons Act (42 U.S.C. § 1997 et. seq.).
 - Changes in county discipline procedures and more review/changes to education practices, particularly for those who qualify under IDEA.
- **Adam X. v. N.J. Dep't of Corrs.** (2022), New Jersey
 - Youth in adult facilities denied FAPE
 - Agreement led to major changes.



Vehicle of Change: Abusive Conditions



- **Johnson v. Upchurch** (1986)
 - Catalina Foothills (Tucson, AZ) facility: Youth experienced extreme abuse and unsafe conditions (e.g., handcuffed kids to a fence).
 - Consent decree led the way to state reforms of juvenile education
 - 109 reforms including ensuring education
 - Later: **U.S. v. Arizona** (2004)
 - Multiple suicides in short timeline led to renewed investigation
 - Settlement led to increased oversight of education



Vehicle of Change: Abuse of Power



- **Turner v. Safley** (1987), Missouri
 - Started as a case about marriage and abuse of power.
 - Facilities may not carte blanche restrict access to basic rights (including education) for safety/security reasons.
 - Created the **“Turner Test”** to determine when a facility may restrict access:
 1. Is there rational connection to government interest?
 2. Is there an alternative means to exercise the right?
 3. Is there a significant impact on others?
 4. Is there a less restrictive alternative available?
 - Reaffirmed in *Overton v. Bazzetta* (2003), a Michigan case involving concerns with drugs being brought into the prison by visitors.
- Other states variations of abuse claims have included Arkansas, Maryland, Montana, Oklahoma, South Dakota



On the Horizon



The rights of young people in the justice system continue to be of interest at the state and federal level.



In 2024:

100+ bills in 33 states

21 have been enacted

95%



of people who are incarcerated* will be released.



FUTURE

Jennifer Thomsen & Shytance Wren, *3 Ways States Expanded Prison Education Opportunities in 2024*, Education Commission of the States (J. 8, 2025), <https://www.ecs.org/3-ways-states-expanded-prison-education-opportunities-in-2024/>



On the Ground in Oregon

Differentiation Based on Facilities



In Oregon K-12 educational services are state funded for students ages 3 – 21*. Educational providers *may* provide educational services at their own expense to youth beyond age 21 who need services to complete graduation requirements.

Juvenile Detention

Education funded by ODE.
Facility operated by county.

Youth up to 18 years of age.

Jail (Adult)

Education funded by LEA..
Facility operated by county.

Adults 18- 21 year of age.

Secure Adolescent Intensive Program**

Education funded by ODE. Facility operated by OHA contract.

Youth up to 18 years of age, who came through juvenile.

Youth Correction

Education funded by ODE.
Facility operated by OYA.

Youth up to 25 years of age, who came through juvenile system.

Corrections (Adult)

Education funded by LEA.
Facility operated by DOC.

Adults 18- 21 year of age.

Oregon State Hospital (Adult)

Education funded by ODE.
Facility operated by Oregon Health Authority.

Adults 18-21 years of age.

Oregon Department of Education

Juvenile Detention

- County Juvenile Detention Facilities
- Short-term students
- Mostly single classroom
- Only a handful of students earn high school diplomas/GEDs
- Statutorily 1.5 ADMw State School Funding

Youth Correction

- Oregon Youth Authority secure close custody facilities
- Long-term students
- Multi-classroom sites
- Students earn and awarded high diplomas and GED certificates
- Statutorily 2.0 ADMw State School Funding

Protections embedded into Oregon Statutes and Administrative Rules

Funding

- Funding model: 8 students = 1 classroom
- JDEP: \$257,093/classroom
- YCEP: \$228,057/classroom
 - ORS 326.695, ORS 327.026, SB 1552 (2024), and OAR 581-015-2940
 - Funding statute allows for an appeals process

Staffing

- Min. of 1 certified teacher/ classroom
- Police/Fire for the Public Employee Retirement System (PERS) for Licensed/Certificated Teachers and Administrators
 - ORS 236.005

Cont. Protections embedded into Oregon Statutes and Administrative Rules

Academics

- Authority to award high school diplomas
- Newly arrived youth are immediately enrolled in education program, even if they were previously expelled
 - ORS 336.585 and ORS 336.590
- Community K-12 schools must accept academic credits earned within JDEP/YCEP
 - ORS 329.451
- Year-round: 220 days of instruction
 - OAR 581-015-2590

Cont. Protections embedded into Oregon Statutes and Administrative Rules

Discipline

- JDEP/YCEP students may not be suspended or expelled
 - OAR 581-015-2585

Re-entry Transition

- Exited students are provided re-entry transition services to the next educational institution or workforce preparation program for minimum of 90 days
 - ORS 336.585 and ORS 336.590

Juvenile Detention Education (JDEP)

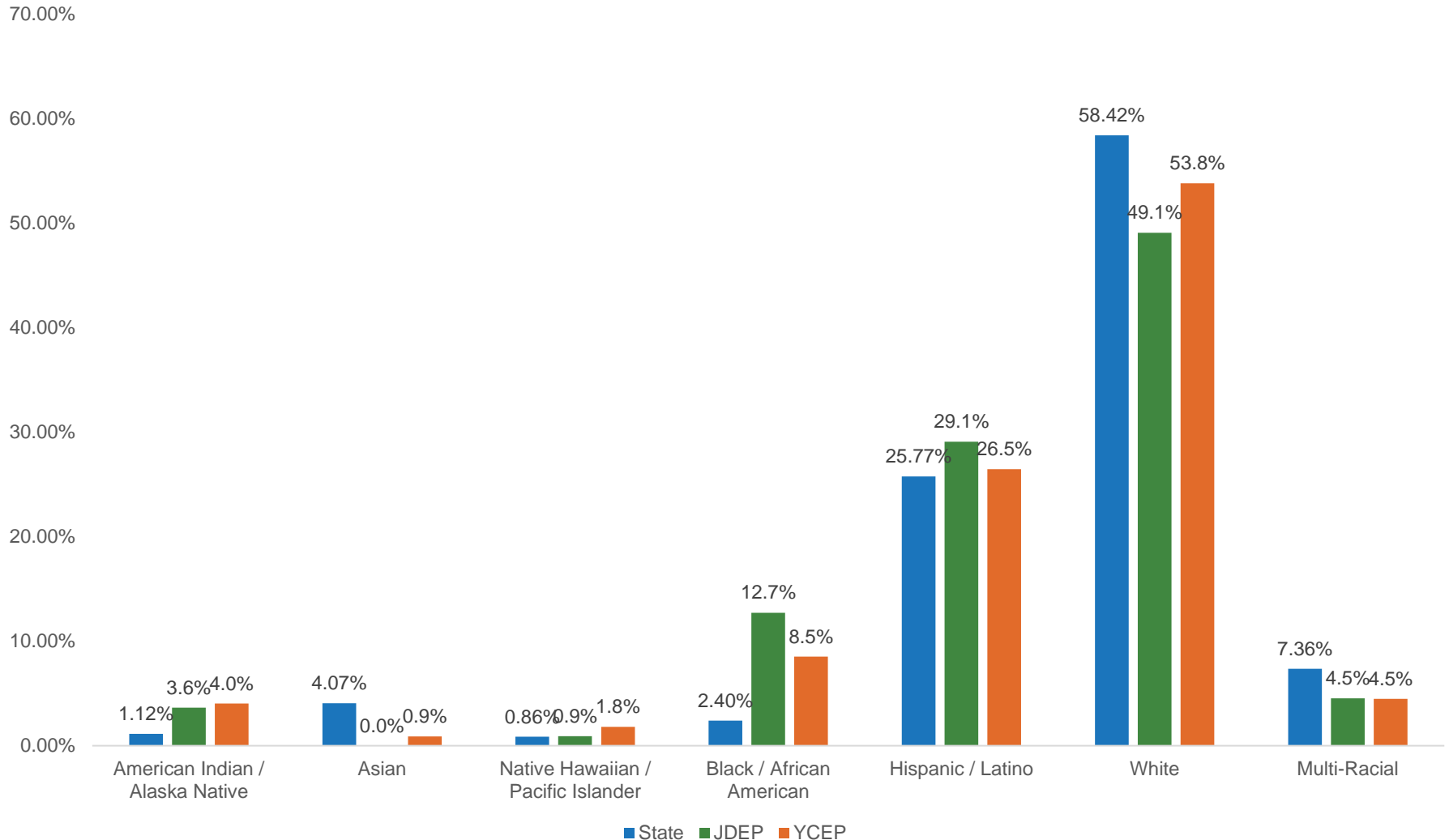
- 11 JDEP sites & 9 SD/ESD educational providers
- 112.56 Average Daily Membership (ADM)
 - Average length of stay: 16.16 calendar days
 - Most only 3 to 5 days
- 1,503 unduplicated students; roughly 13.35 times the ADM
 - Male: 1,111
 - Female: 362
 - No Sex Reported: 30
 - Eligible under IDEA: 441 students (29.34%)
 - Limited English: 125 students (8.32%)
- Students are placed by courts, juvenile department, OYA, and local law enforcement

Youth Corrections Education (YCEP)

- 8 YCEP sites & 6 SD/ESD educational providers
- 222.77 Average Daily Membership (ADM)
 - Average length of stay: 119.7 calendar days
- 485 unduplicated students; roughly 2 times the ADM
 - Male: 388
 - Female: 94
 - No Sex Reported: 3
 - Eligible under IDEA: 186 students (38.35%)
 - Limited English: 51 students (10.51%)
- Serves post adjudicated youth who have been placed by courts, juvenile department, OYA, and local law enforcement

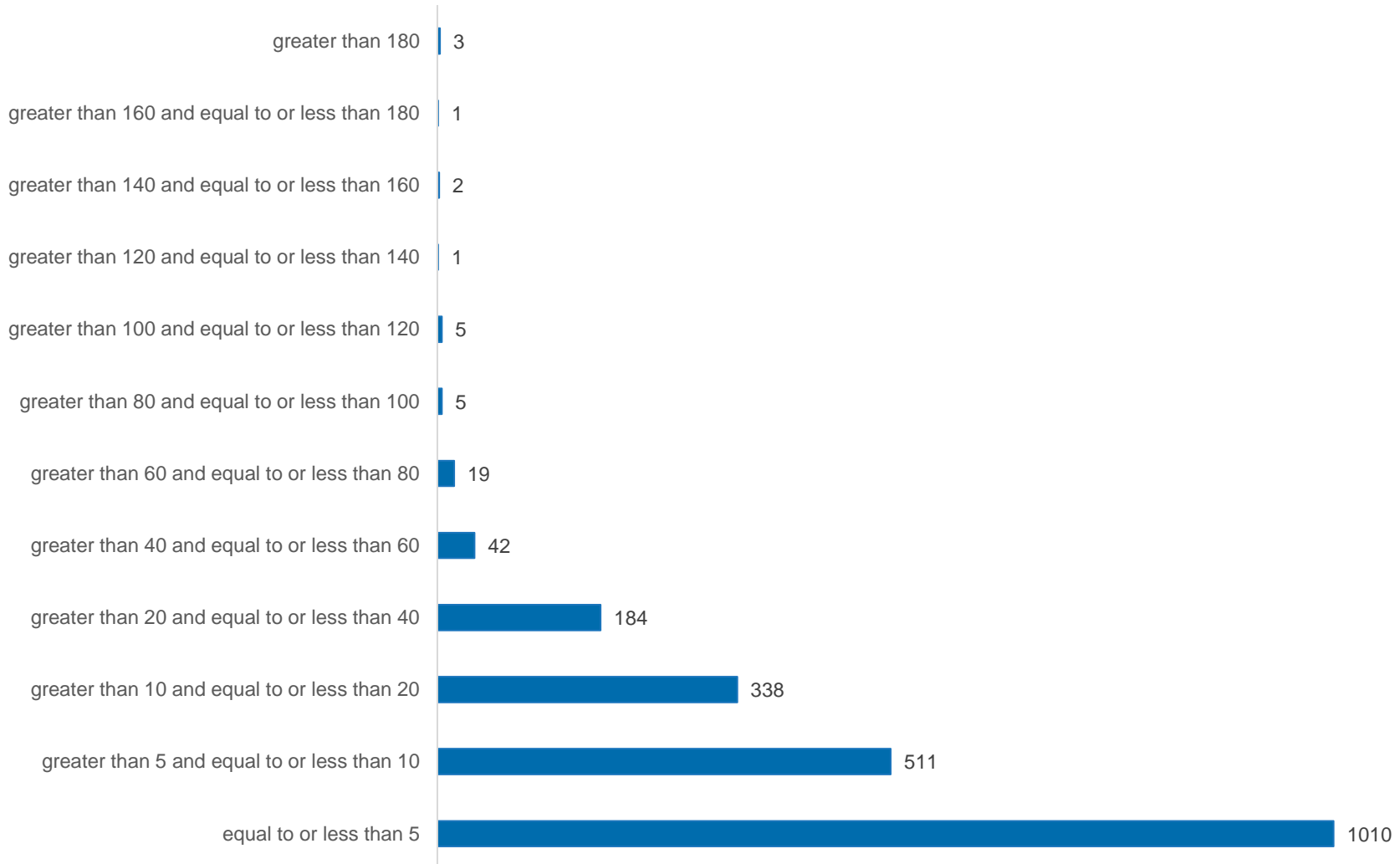
Oregon 23-24 Race/Ethnicity

Oregon 23-24 Race/Ethnicity Percentage



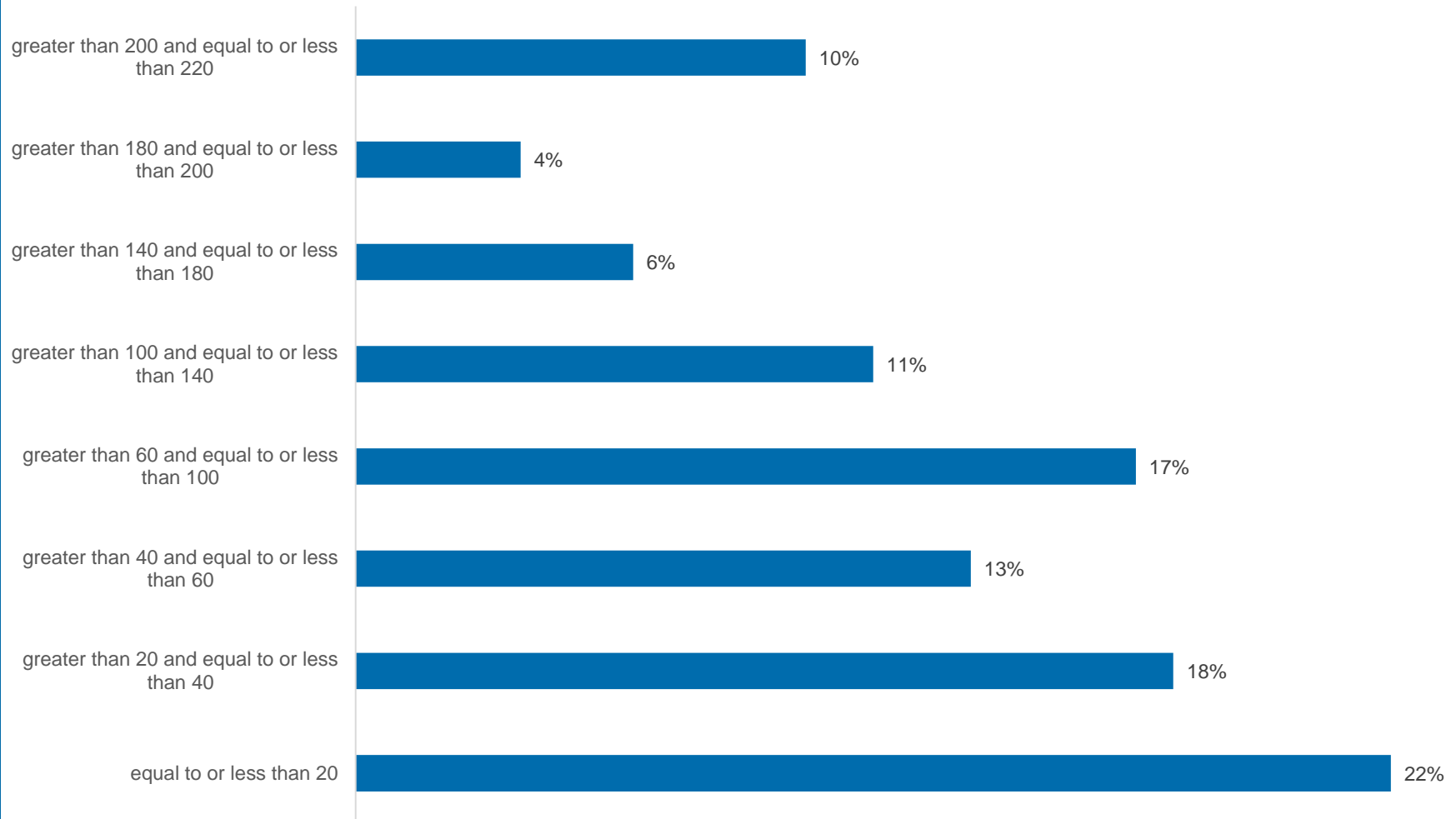
JDEP Schools Days of Continuous Enrollment

of JDEP Students Enrollment of School Days



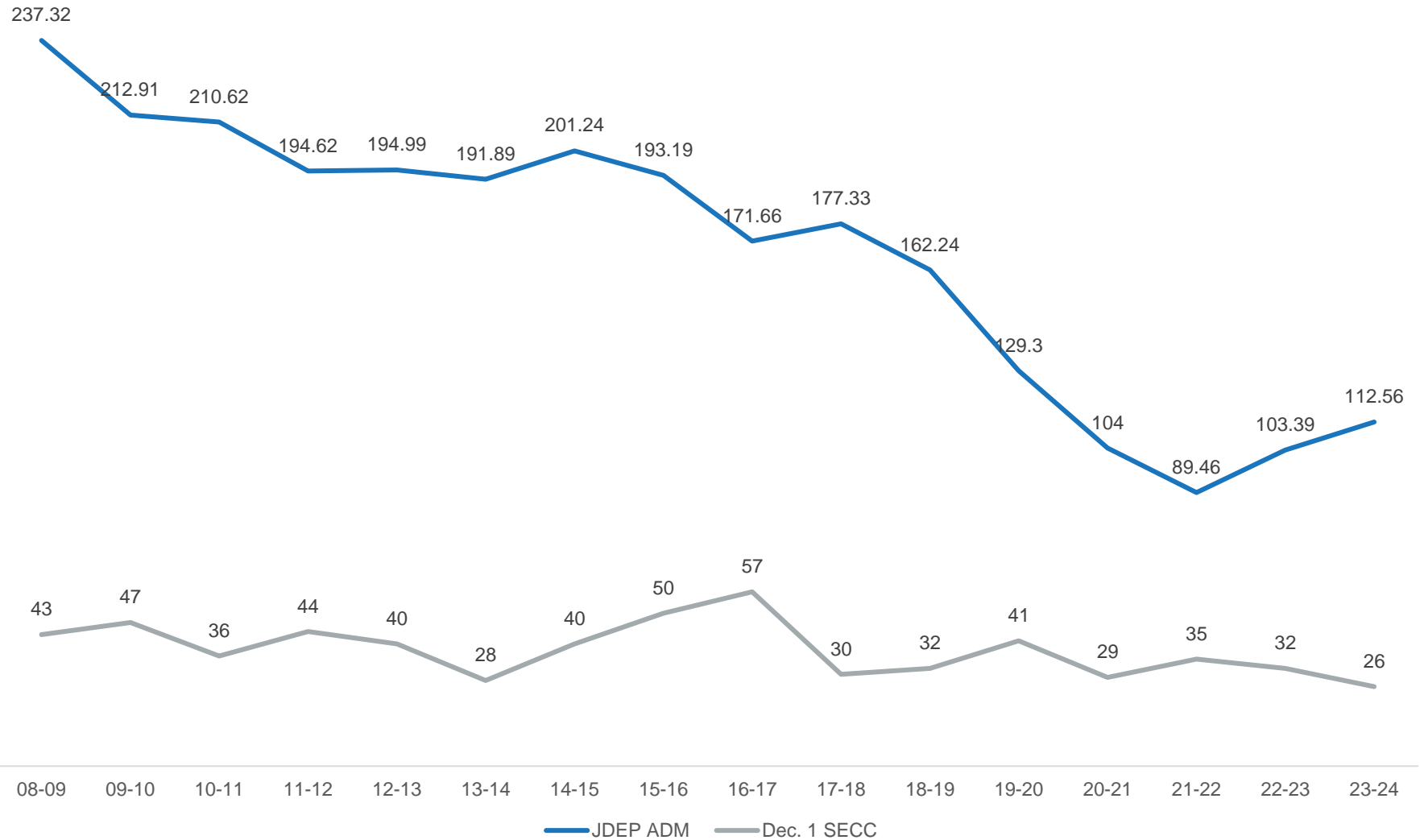
YCEP School Days of Continuous Enrollment

22-23 Percentage of YCEP Students Enrolled by School Days



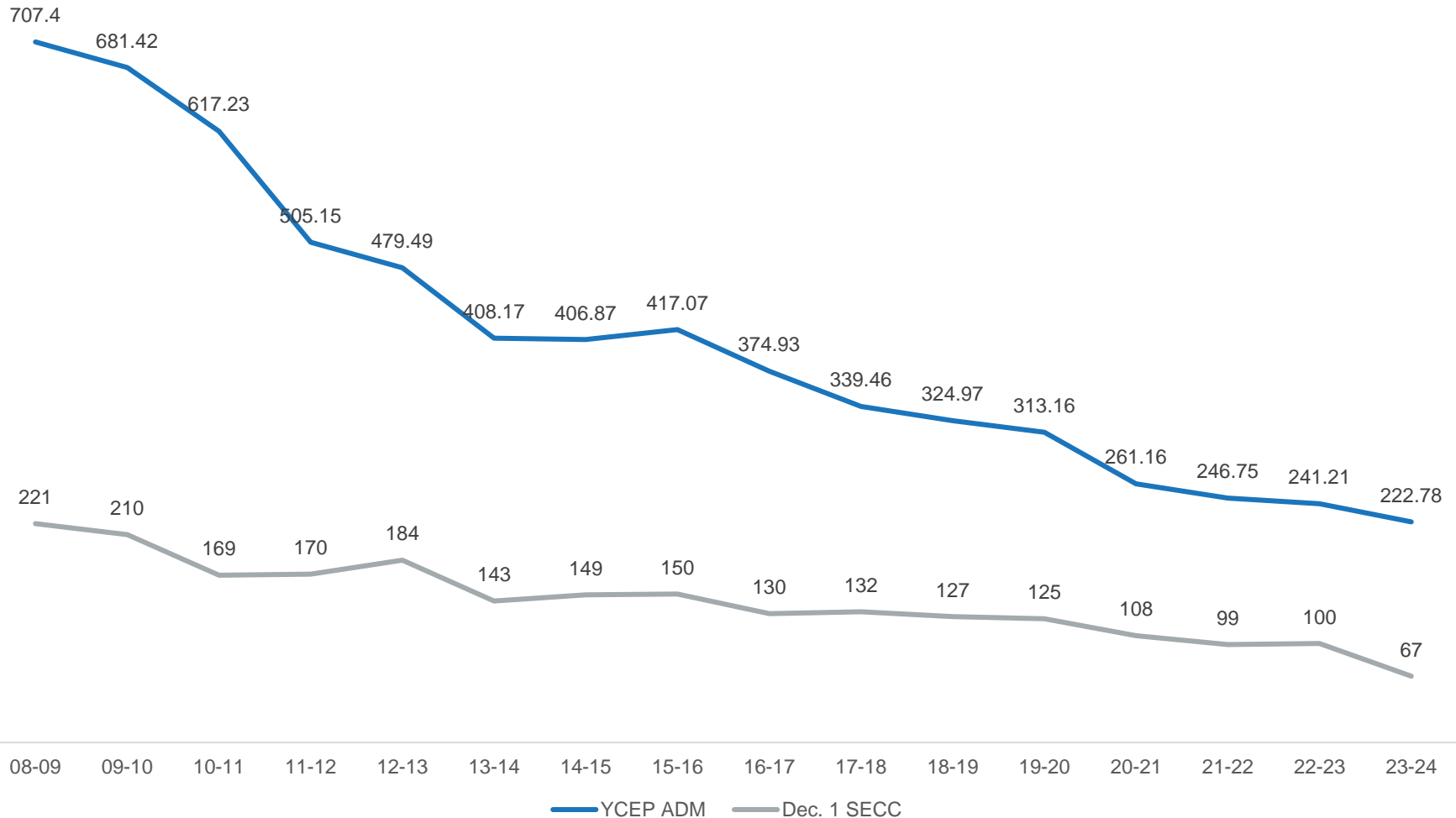
JDEP Annual ADM & Dec. 1 SECC Counts

JDEP ADM & Dec. 1 SECC Count



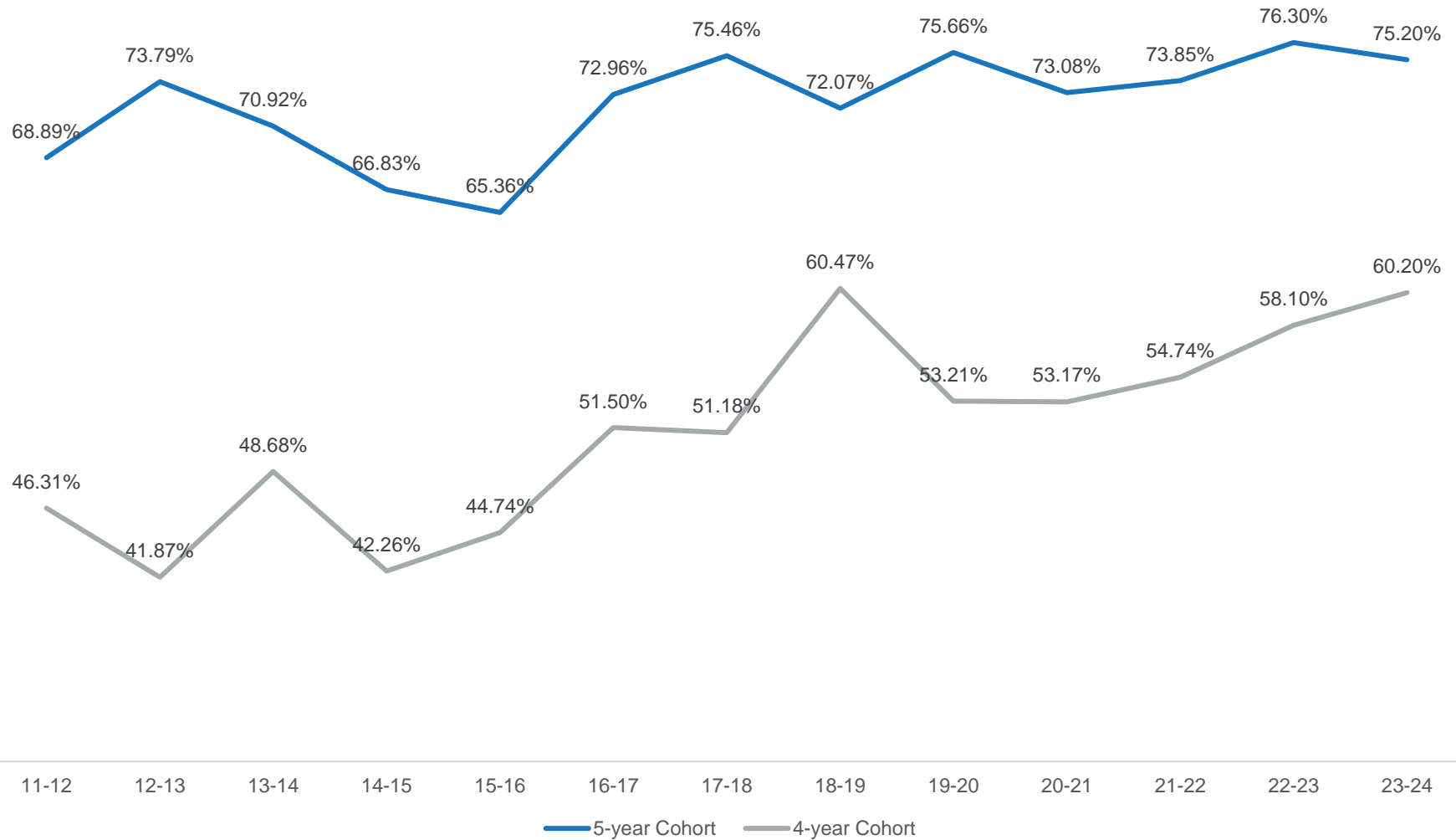
YCEP Annual ADM & Dec. 1 SECC Counts

YCEP ADM & Dec. 1 SECC Count

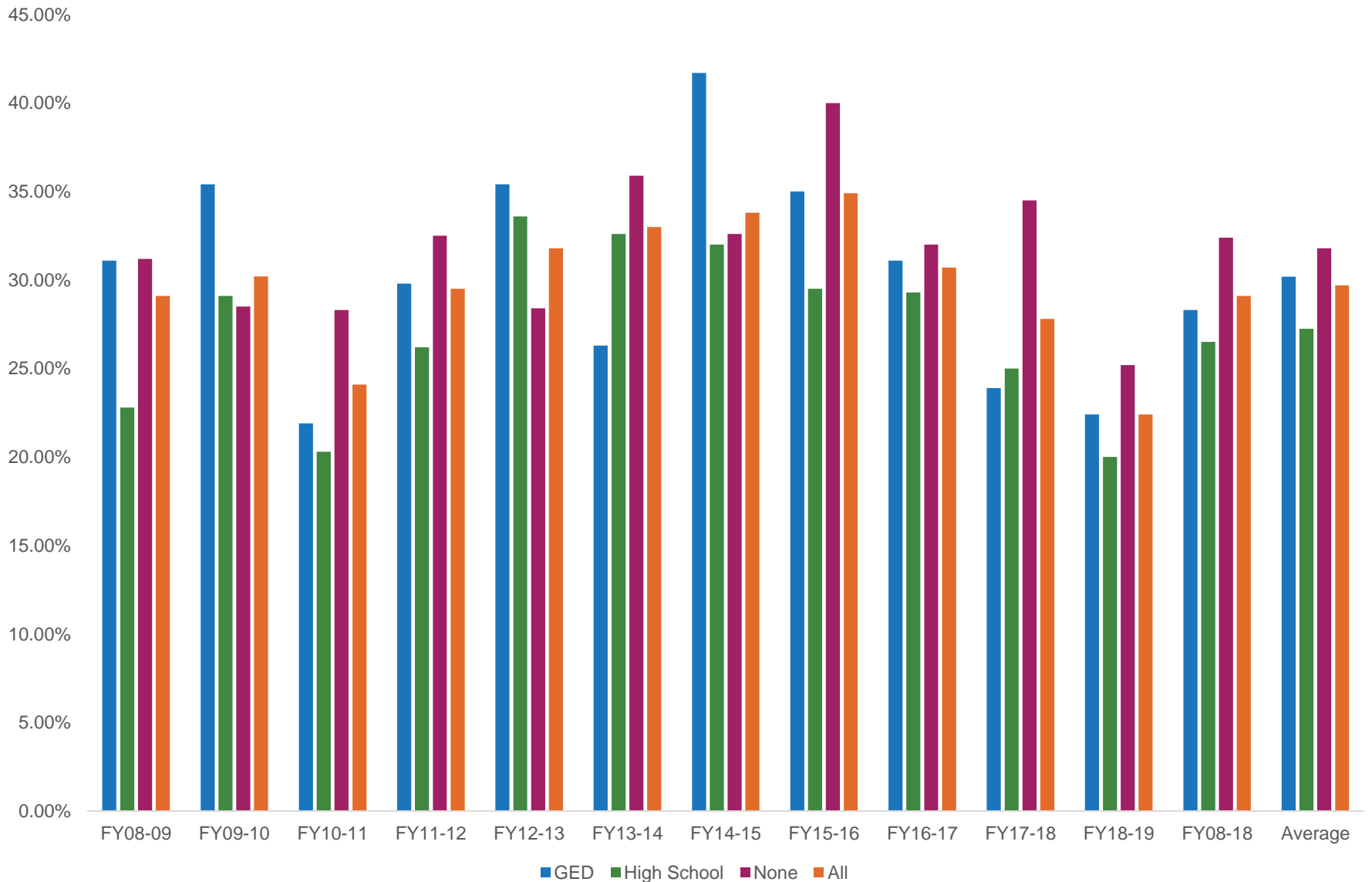


YCEP Cohort Completer Rates

YCEP Completer



Juvenile 36-Month Recidivism Rates for Youth Released from OYA Close Custody by Graduation Status & Fiscal Year





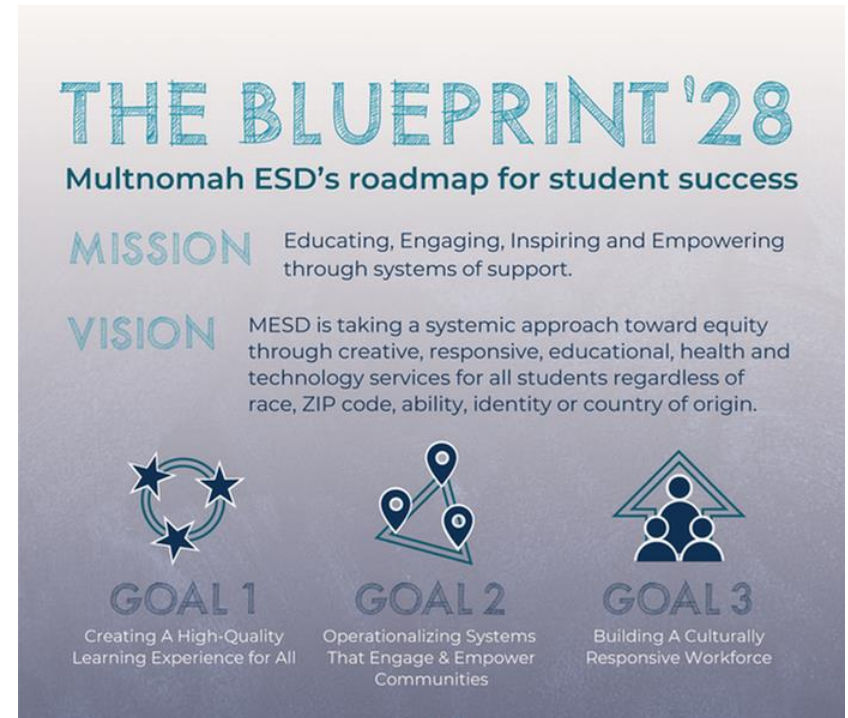
A Practitioner's View

Multnomah Education Service District

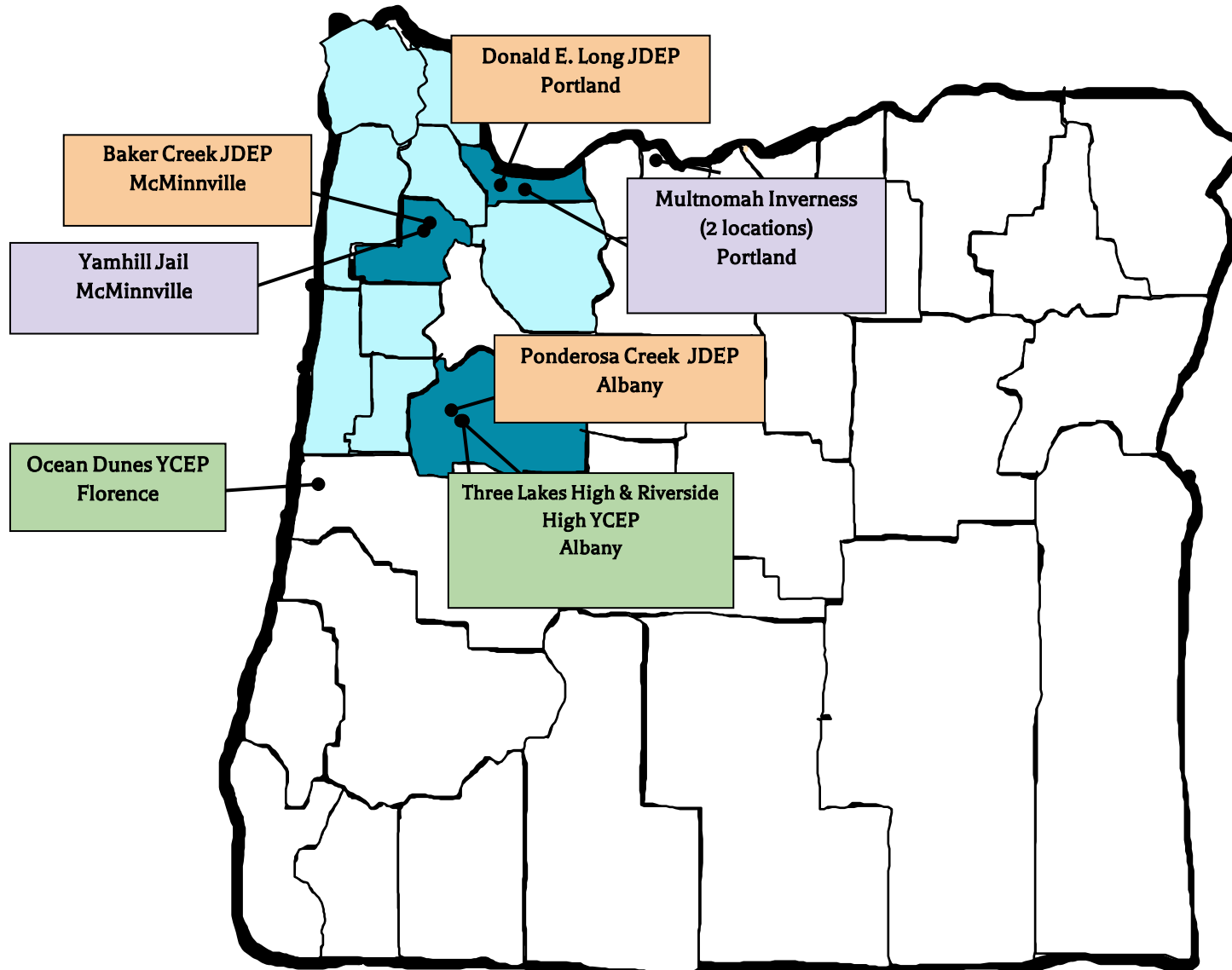


Serves as a cooperative that offers a wide variety of programs and services on a regional basis to school districts and other partners in Multnomah County and across Oregon.

Provides **accredited** alternative education, special education and unique setting programs leading to a diploma. Many of these programs are in short term settings.



MESD JDEP, YCEP, & Jail Locations



MESD Educational Program



1. Enrollment

- ☐ JJIS agreement
- ☐ New student questionnaire
 - Credits
 - Child Find
 - English Language

2. Records

- ☐ AAs request records – entry and exit
- ☐ ODE District secure look-up
- ☐ Compile records / one transcript

3. Learning Plan

- ☐ Transcript/credit assessment
- ☐ Academic instruction

4. Transition Specialists

- ☐ Bridges Agreement / ROI
- ☐ Connections w/ Juvenile Court Counselor, etc.
- ☐ Plan next steps with youth





The Tide
Ocean
Dunes
FORCE FOR GOOD

Considerations



Safety and Security

- ☐ Educators are “guests” in space.
- ☐ Facilities may prioritize safety and security but can not deny access to education carte blanche.
 - ☐ The Turner Test (*Turner v Safley*, 1987 and *Overton v Bazzetta*, 2023)
- ☐ Need to create agreements to maximize support and minimize friction.

Out-of-Date IEP/Eligibility

- ☐ Prior Written Notices

Surrogacy

- ☐ 34 CFR § 300.519

Transfer of Records

- ☐ Oregon 10 Day Rule

Beyond the Law for Re-entry Transition Services

Education Matters

“Incarcerated individuals who participated in correctional education were 43 percent less likely to return to prison within three years than prisoners who didn't participate in any correctional education programs.” - RAND

“[F]or every \$1 investment in prison education programs there is a \$4-5 dollar reduction in incarceration costs during the first three years post-release of a prisoner.” -RAND

Transition Services Matter

- Decreases the number of dropouts
- increase the number of high school completers
- Reduces recidivism (Oregon data)

Bridges Transition Services



Did you know?

1



Transition Specialists support students in 44 different schools across Multnomah, Washington, and Clackamas counties

2



Bridges Students with a Transition Specialist were 80% less likely to return to detention

3



Bridges Students were 93% less likely to be 10 day dropped from school when engaged in the program

Grade Levels Served

Grades 6-8	11%	Grade 11	32%
Grade 9	10%	Grade 12	16%
Grade 10	28%	GED	3%



Service Acceptance Rate

Average rate of acceptance for youth who are offered B2B services



Accept

93%



Decline

7%



Questions?

Student Potential



First Place

Klamath Tribe

by Standingbear C.

Walking through Chiloquin taking in the culture.
Watching the Pow Wow
Smelling the Fry Bread and
Seeing everybody dance to the sound of drums.
Everybody speaks in my native language:
 Ekiwa Subkatca
Wearing the gold cross I bought with my mom.
My hair braided like my ancestors.
My mother gave me my face.
My father gave me my anger.



Multnomah Education Service District



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Oregon achieves . . . together!



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