

# Youth, Rights & Justice

ATTORNEYS AT LAW

September 22, 2020

Rep. Alonso Leon, Chair  
Rep. Helt, Vice-Chair  
Rep. Neron, Vice-Chair  
House Interim Committee on Education

Re: Importance of Education in Juvenile Detention Centers, particularly in light of the pandemic

Members of the House Interim Committee on Education,

YRJ was founded in 1975 as a program of Multnomah County Legal Aid Services and is now an independent non-profit law firm. Since our founding, YRJ has represented over 25,000 children and parents involved in the juvenile court system, helping children find their forever homes, ensuring students succeeded in school, providing youth with a fair trial and a second chance, and allowing families to safely reunite.

In 2002, YRJ established our acclaimed and innovative SchoolWorks program that helps at-risk children and youth succeed in school. SchoolWorks attorneys have handled over 3,200 cases, all aimed at ensuring students get the support they need to enroll in school, stay in school, succeed, and graduate.

In-person education is the *only way* for youth in detention to receive the meaningful education services to which they are entitled to by law. In-person instruction is particularly critical for the 37% of students in Multnomah County's juvenile detention center who have an Individualized Education Plan (IEP).<sup>1</sup> Youth in detention have no access to technology and therefore cannot participate in a synchronous remote learning environment. The Governor authorized in-person instruction in detention and youth correctional facilities on April 28, 2020.<sup>2</sup> Despite this authorization, youth in Multnomah County's detention center are not receiving in-person instruction.

Every day, some juvenile-justice-involved youth struggle with unmet special education needs while others are in danger of being excluded from the schooling that can change their trajectory. While only 7% of all public school students in the United States have been identified as disabled, the estimated median of children with disabilities in the delinquency system is 33%.<sup>3</sup> Equally troubling, youth of color are disproportionately represented in Oregon's juvenile justice system at all points of contact, from referral by law enforcement to placement in youth correctional

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<sup>1</sup> MESD JDEP Funding for Donald E. Long, 2018-2019 school year, document created 2/14/2019.

<sup>2</sup> Executive Order 20-20, effective April 28, 2020, [https://www.oregon.gov/gov/admin/Pages/eo\\_20-20.aspx](https://www.oregon.gov/gov/admin/Pages/eo_20-20.aspx).

<sup>3</sup>Office of Juvenile Justice and Delinquency Prevention, *Youths with Intellectual and Developmental Disabilities in the Juvenile Justice System* (May 2017), <https://www.ojjdp.gov/mpg/litreviews/Intellectual-Developmental-Disabilities.pdf>.

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facilities, increasing the likelihood of these youth dropping out of school, becoming homeless, unemployed, or even imprisoned.<sup>4</sup> While some youth spend a few days within juvenile detention, others are there for many months. When compared to the general population, these youth are far more likely to go without services, to be denied entry to school, and be deprived of their legal rights. The resulting harm can last a lifetime.

We encourage the committee to consider solutions that provide the direct and supportive learning environment that is necessary for youth in detention. Key elements of that environment include:

- in-person classroom instruction,
- the ability of students to complete work that allows credits to be earned toward graduation,
- adherence to IEP and 504 plans,
- urgent and ongoing efforts to assess eligibility for special education services, and
- timely facilitation of record transfer between the juvenile detention center school and the youth's home school.

Furthermore, we encourage the committee to identify a resource, within the Oregon Department of Education, to serve as a liaison with Oregon's juvenile detention facility schools. This model has proven effective within the child welfare/foster care context, has contributed to school stability for foster children, and should be replicated to serve this population of at-risk youth.

Thank you for your consideration.

Sincerely,

Amy S. Miller  
Executive Director

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<sup>4</sup> Oregon Youth Development Council, Youth & You Policy Brief, [http://www.oregonyouthdevelopmentcouncil.org/wp-content/uploads/2016/09/Juvenile-Justice\\_Equity-Considerations-Venngage-Policy-Brief.pdf](http://www.oregonyouthdevelopmentcouncil.org/wp-content/uploads/2016/09/Juvenile-Justice_Equity-Considerations-Venngage-Policy-Brief.pdf).