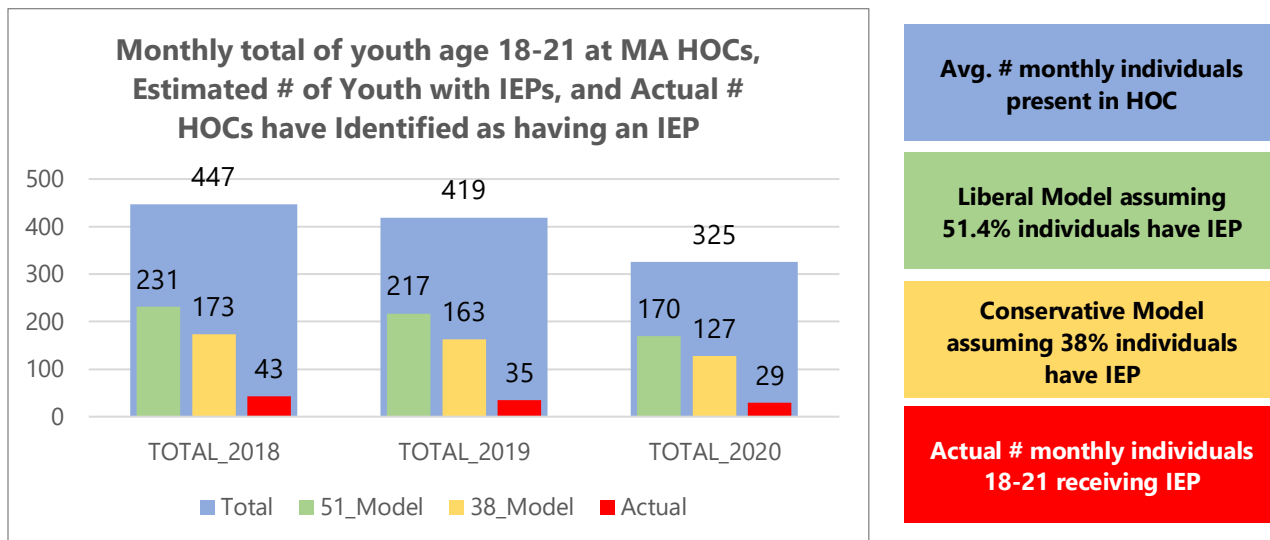


Unequal Playing Field:

Education of Incarcerated Youth Through Age 21 in Massachusetts

Preview of forthcoming CfJJ Report

State and federal law guarantees that all students, including youth with an identified disability, receive a free and appropriate public education until a young person's 22nd birthday. However, Massachusetts youth age 18-21 incarcerated in the adult criminal system (at county Houses of Correction and the Department of Correction) face significant barriers to actually receiving an education. Barriers include (1) deficient "child find" policies and procedures to identify students with specialized education plans in both HOCs and DOC, (2) inadequate oversight by DESE, and (3) inadequate interagency coordination/data sharing between the DESE and correctional facilities. As a result, only a small fraction of those eligible for special education receive any support when incarcerated at HOCs or DOC.



Selected Findings

- **Finding 1:** The Buck Stops Nowhere: The Administrative Structure That Should Enable Incarcerated Young Adults to Receive Special Education Leaves No Single Agency with Enough Responsibility to Feel Accountable for Actually Delivering Education.
- **Finding 2:** HOCs massively fail to identify young people with existing IEPs, which is likely a violation of Federal law. (See chart above.)
- **Finding 3:** DOC also significantly under-identifies young people with existing IEPs, which is likely a violation of Federal law, and exhibits other problems.
- **Finding 4:** DESE's oversight of educational provision at HOCs and DOC is inadequate.
- **Finding 5:** DYS meets more of its legal obligations to provide educational services for the children and young adults in its care, though we some concerns remain.
- **Finding 6:** School Districts fail to provide support to students who are incarcerated. Even when incarcerated, students are part of the district.

Youth who experience the juvenile court and DYS have better educational opportunities, and therefore better public safety and life outcomes than youth who experience the adult court and HOCs/DOC.

- **Recommendation 1.** The Massachusetts Legislature should raise the age of juvenile jurisdiction to include 18- to 20-year-olds in Juvenile Court, because youth in DYS custody are more likely to access their educational rights and receive developmentally appropriate treatment.
- **Recommendation 2.** DESE, HOCs, and DOC should improve interagency data sharing to improve identification of incarcerated youth with IEPs in place.
- **Recommendation 3.** DESE should (1) strengthen oversight at both the HOCs and DOC, (2) be held to account for the non-identification of youth with IEPs, and (3) ensure that high school credit is granted to youth who attend classes at HOCs and DOC.
- **Recommendation 4.** HOCs and DOC (with guidance from the Legislature) should reapportion funding from correctional officers toward educational programming so that all 18- to 21-year-olds are in school every week day.



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