

Educational Issues in Juvenile Defense

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- Team Child - Education Advocacy Manual:
 - <http://www.teamchild.org/index.php/resources/manual/>
 - Sample letters that you can write to schools when seeking outcomes
 - Legal citations
 - Ch 3 – Special education
- WA state constitution has guaranteed specialized instruction and services for youth with suspected and qualifying disabilities (only 25 states have)
 - Between the ages of 3-21
 - With a free and appropriate public education (FAPE)
 - In the least restrictive environment (LRE)
 - Includes juvenile youth facilities
- What is special education?
 - Specially designed instruction at no cost to the parents to meet the unique needs of the disabled child
 - Instruction in home, hospital and institutions (sensory issues, mental health)
 - Physical education
 - Speech pathology and other related services
 - Vocational training
- Resource: Washington Office of Superintendent (OSPI) : <http://www.k12.wa.us/>
or <http://www.opd.wa.gov>
- Eligibility:
 - How can you tell
 - Client does not want to go to school
 - Parents/teachers making comments about inability to sit still
 - Cannot get out of bed in the morning
- Legal Protections under IDEA
 - Rehabilitation/Re-entry - in the Juvenile Justice Act (in the intent section RCW 13.40.010)
 - Under *Roper* - capacity to rehabilitate
 - Can cover transportation, mental health/counseling services
 - FAPE
 - Modifications and accommodations
 - Related services
 - Transition services
 - LRE
 - Education w children who are not disabled to the maximum extent appropriate through the use of supplemental aids and services OR
 - If so significant that cannot be in public school setting, they can take a tour of a private special education classroom (Pacific Center etc.)
 - IEP
 - Disciplinary protections
- Seattle Public Schools
 - Was suspending kids who threatened suicide, but law was passed to require all staff to receive suicide prevention training

- Washington PAVE - parent advocacy group, help parents get 504 plans and IEP plans enforced and advocates for them at IEP meetings
- Identification:
 - Child find: principal that schools and mandatory reporters should seek out eligible children to identify, locate, evaluate them within and without their boundary
 - Community advocates can identify and provide more info
 - Parental Rights under IDEA
 - Parents hold all educational rights for children under 18
 - They can bring knowledgeable individuals to meetings
- Evaluation:
 - the evaluation can take 30 days and the results another 30 days, so at least 60 days
- IEP:
 - After the evaluation an individual education plan must be created with short-term objectives and measurable annual goals
 - Can be revised, and once a year it must be revisited and must re-eval every three years
- *Length of Stay, Therapeutic Change, and Recidivism for Incarcerated Juvenile Offenders*, Sarah Walker: <http://www.tandfonline.com/doi/full/10.1080/10509674.2016.1194946>
- FBA - Functional Behavioral Assessment/BIP - Behavioral Intervention Plan
- It can be difficult to get full records out of a child's last school or the school district, so you may need to call previous schools
- Solitary Confinement:
 - Ask the child if they receive SPED services
 - The amount of time a child is in a quiet room is supposed to be reduced
 - Columbia Legal Services is working on this, so reach out to the Institutions Project
- *Brian Science and the Theory of Juvenile Mens Rea*, Jenny Carroll https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2603647